

SUDBURY SELECT BOARD
TUESDAY JUNE 15, 2021
6:15 PM EXECUTIVE SESSION
7:00 PM OPEN SESSION
TOWN HALL, 322 CONCORD ROAD

REVISED AGENDA

Please click the link below to join the virtual Select Board Meeting at 7:00 PM:

<https://us02web.zoom.us/j/360217080>

For audio only, call the number below and enter the meeting ID on your telephone keypad.

Call In number: **978-639-3366** or **470 250 9358**

Meeting ID: **360 217 080**

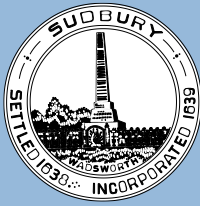
***Meeting disclaimer:** This meeting will be virtual and in-person at lower Town Hall as a hybrid meeting. However, the in-person component will be canceled if the state passes legislation to authorize continued fully-remote meetings prior to the start of the meeting. In the event of a status change within two (2) hours of the start time, that allows a completely virtual meeting, the meeting will begin at 7:20 PM, in order for those that traveled to Town Hall to return to a location where they may join virtually.*

| Item # | Time | Action | Item |
|-------------------|---------|--------|---|
| | 6:15 PM | | CALL TO ORDER |
| EXECUTIVE SESSION | | | |
| 1. | | VOTE | 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. |
| 2. | | VOTE | 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). |
| 3. | 7:00 PM | VOTE | Vote to close Executive Session and resume Open Session |
| | | | Opening remarks by Chair |
| | | | Reports from Town Manager |
| | | | Reports from Select Board |
| | | | Citizen's comments on items not on agenda |

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 |
|-------------------------|----------|--------------------|--|
| MISCELLANEOUS | | | |
| 4. | 7:15 PM | <i>VOTE / SIGN</i> | As the Licensing Authority for the Town of Sudbury, vote to approve a new Common Victualler License (Change of Ownership) for Sudbury Coffee Works LLC, DBA Sudbury Coffee W, 15 Union Ave, as requested in an application dated May 24, 2021, subject to conditions put forth by the Fire Department and Building Department. |
| 5. | 7:30 PM | | Discussion on Financial Policies with Finance Director Dennis Keohane. |
| 6. | 9:00 PM | | Discussion and update on Remote/Hybrid meeting legislation and related Town planning. |
| 7. | 9:15 PM | | Discuss process for Town Manager review and goal-setting. |
| 8. | 9:30 PM | | Discussion on Fall Town Meeting |
| 9. | 10:00 PM | <i>VOTE</i> | Follow-up discussion and expected vote to ratify vote taken in Executive Session on proposed letter to ISO-New England. |
| 10. | 10:15 PM | <i>VOTE</i> | Discussion and vote new Select Board liaison assignments |
| 11. | 10:45 PM | <i>VOTE</i> | Discussion and potential vote to release Town Counsel Opinion related to Park and Recreation User Fees authority. |
| 12. | 11:00 PM | <i>VOTE</i> | Review open session minutes of 5/13/21 and 5/18/21 and possibly vote to approve minutes. |
| 13. | | | Citizen's Comments (cont) |
| 14. | | | Upcoming Agenda Items |
| CONSENT CALENDAR | | | |
| 15. | | <i>VOTE</i> | Vote to appoint Sandy Lasky as a temporary member of MWRTA advisory board until the return of Debra Galloway (Senior Center Director). |
| 16. | | <i>VOTE</i> | Vote to accept the resignations of Thomas Friedlander as a full member of the Conservation Commission, and Erica Silverman from the Diversity, Equity and Inclusion (DEI) Commission, and send both a thank you letter for their service to the Town. |
| 17. | | <i>VOTE</i> | Vote to appoint Thomas Friedlander as an Associate member of the Conservation Commission for a term expiring 5/31/23. |
| 18. | | <i>VOTE</i> | Vote to enter into the Town record and congratulate Colby Chung and Ryan I. Grummer of Scout Troop 63 for having achieved the high honor of Eagle Scout. |

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 SELECT BOARD**

Tuesday, June 15, 2021

EXECUTIVE SESSION**1: Eversource discussion****REQUESTOR SECTION**

Date of request:

Requested by: Patty Golden

Formal Title: 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.

Recommendations/Suggested Motion/Vote: 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.

Background Information:

Financial impact expected:

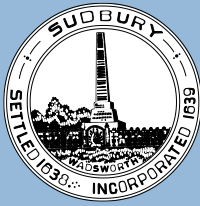
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

| | |
|----------------------|---------|
| Patty Golden | Pending |
| Henry L Hayes | Pending |
| Jonathan Silverstein | Pending |
| Daniel E Carty | Pending |
| Janie Dretler | Pending |
| Select Board | Pending |

06/15/2021 6:15 PM

**SUDBURY SELECT BOARD**

Tuesday, June 15, 2021

EXECUTIVE SESSION**2: Exec Session to review minutes****REQUESTOR SECTION**

Date of request:

Requested by: Patty Golden

Formal Title: 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).

Recommendations/Suggested Motion/Vote: 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).

Background Information:

Attached draft executive minutes of 5/13/21

Financial impact expected:

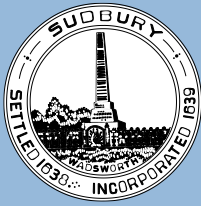
Approximate agenda time requested: 10 minutes

Representative(s) expected to attend meeting:

Review:

| | |
|----------------------|---------|
| Patty Golden | Pending |
| Henry L Hayes | Pending |
| Jonathan Silverstein | Pending |
| Janie Dretler | Pending |
| Select Board | Pending |

06/15/2021 6:15 PM



SUDBURY SELECT BOARD

Tuesday, June 15, 2021

3

EXECUTIVE SESSION

3: Close Exec 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:

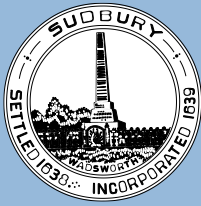
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

| | |
|----------------------|---------|
| Patty Golden | Pending |
| Henry L Hayes | Pending |
| Jonathan Silverstein | Pending |
| Daniel E Carty | Pending |
| Janie Dretler | Pending |
| Select Board | Pending |

06/15/2021 6:15 PM

**SUDBURY SELECT BOARD**

Tuesday, June 15, 2021

TIMED ITEM**4: Sudbury Coffee Works Common Victualler License Application****REQUESTOR SECTION**

Date of request:

Requestor: Sudbury Coffee Works LLC, DBA Sudbury Coffee Works

Formal Title: As the Licensing Authority for the Town of Sudbury, vote to approve a new Common Victualler License (Change of Ownership) for Sudbury Coffee Works LLC, DBA Sudbury Coffee W, 15 Union Ave, as requested in an application dated May 24, 2021, subject to conditions put forth by the Fire Department and Building Department.

Recommendations/Suggested Motion/Vote: As the Licensing Authority for the Town of Sudbury, vote to approve a new Common Victualler License (Change of Ownership) for Sudbury Coffee Works LLC, DBA Sudbury Coffee W, 15 Union Ave, as requested in an application dated May 24, 2021, subject to conditions put forth by the Fire Department and Building Department.

Background Information:

Application and department approvals attached.

Financial impact expected:\$50 Common Victualler License Fee

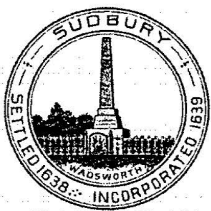
Approximate agenda time requested:

Representative(s) expected to attend meeting: Roksana Sasanfar, Sudbury Coffee Works Owner/Manager

Review:

| | |
|----------------------|---------|
| Patty Golden | Pending |
| Henry L Hayes | Pending |
| Jonathan Silverstein | Pending |
| Daniel E Carty | Pending |
| Janie Dretler | Pending |
| Select Board | Pending |

06/15/2021 6:15 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

APPLICATION FOR COMMON VICTUALLER & ENTERTAINMENT LICENSE

Please complete this application form and return to the Selectmen's Office, along with all required materials listed below. Please review your plans with the Building Inspector, Health Director and Fire Chief prior to submitting your application. After submitting the completed form and materials, the applicant will be reviewed by Town staff and added to the Board of Selectmen's agenda. The applicant will be asked to attend a Board of Selectmen meeting to discuss the application – advanced notice of the date will be provided. The processing time for the license is approximately 30 days.

TO THE LICENSING AUTHORITY
SUDBURY, MASSACHUSETTS

Applicant or Corporate Name: Roksana Sasanfar

Applicant or Corporate Address: 55 Prides Crossing Rd

City: Sudbury State: MA Zip Code: 01776

Applicant Contact Email:

Applicant Contact Phone:

Business/Restaurant Name (DBA): Sudbury Coffee Works

Business/Restaurant Address: 15 Union Ave Sudbury, MA

Business/Restaurant Phone: 978-440-9752

Restaurant Manager Name: Roksana Sasanfar

APPLICATION REQUIREMENTS

- ☐ Completed Tax Attestation (form attached)
- ☐ Evidence of compliance with the Worker's Compensation Act requirement to provide workers' compensation insurance for employees. (A copy of the policy or a certificate of insurance is satisfactory.)



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

- ☐ Background information relative to the corporation. If applicable, articles of incorporation, including, names of principals of corporation, number of restaurants owned, etc.
- ☒ Floor plan: detailing plan of rooms, their use, restroom locations, exits, seating arrangements, as well as showing cooking and service area (seating capacity must be obtained from the Building Inspector).
- ☐ Whether any changes in the premises, structural or expansion, are planned. *No change*
- ☐ A dated letter from the present business owner stating the effective date of new ownership.
- ☐ A copy of the lease agreement between the property owner and the business owner. *property owned*
- ☐ Application Fee:
- **Common Victualler License: \$50**
 - **Entertainment License (if applicable): \$50**
 - **Provide one check payable to Town of Sudbury with application materials.**

In accordance with M.G.L. c.140, I hereby request a Common Victualler license, to be presented within the premises herein described.

04/01/2021
Date

Sa Sanfar
Applicant Signature

Please submit completed application and materials to:
Board of Selectmen, 278 Old Sudbury Rd, Sudbury, MA 01776

CERTIFICATE OF TAXES/TAX ATTESTATION

Pursuant to M.G.L. Chapter 62C, Section 49A, I certify under penalties of perjury that
Sudbury Coffee works has/have complied with all laws
of the Commonwealth of Massachusetts relating to taxes, reporting of employees and
contractors, and withholding and remitting child support.



Social Security Number, or
Federal Identification Number

Signature of Individual, or
Corporation Name

04/01/2021
Date

By: _____
Corporate Officer & Title (if applicable)

AFFIX CORPORATE SEAL

Corporations Division

Business Entity Summary

ID Number: 001495857[Request certificate](#)[New search](#)**Summary for: SUDBURY COFFEE WORKS LLC****The exact name of the Domestic Limited Liability Company (LLC):** SUDBURY COFFEE WORKS LLC**Entity type:** Domestic Limited Liability Company (LLC)**Identification Number:** 001495857**Date of Organization in Massachusetts:**
03-22-2021**Last date certain:****The location or address where the records are maintained** (A PO box is not a valid location or address):

Address: 15 UNION AVENUE

City or town, State, Zip code, SUDBURY, MA 01776 USA
Country:**The name and address of the Resident Agent:**

Name: ROKSANA SASANFAR

Address: 55 PRIDES CROSSING RD

City or town, State, Zip code, SUDBURY, MA 01776 USA
Country:**The name and business address of each Manager:**

| Title | Individual name | Address |
|---------|------------------|---|
| MANAGER | ROKSANA SASANFAR | 55 PRIDES CROSSING RD SUDBURY, MA 01776 USA |

In addition to the manager(s), the name and business address of the person(s) authorized to execute documents to be filed with the Corporations Division:

| Title | Individual name | Address |
|---------------|-----------------|---|
| SOC SIGNATORY | ALA TOLOUEI | 55 PRIDES CROSSING RD SUDBURY, MA 01776 USA |

The name and business address of the person(s) authorized to execute, acknowledge, deliver, and record any recordable instrument purporting to affect an interest in real property:

| Title | Individual name | Address |
|---------------|------------------|---|
| REAL PROPERTY | ROKSANA SASANFAR | 55 PRIDES CROSSING RD SUDBURY, MA 01776 USA |

☐**Consent**☐**Confidential
Data**☐**Merger
Allowed**☐**Manufacturing****View filings for this business entity:**

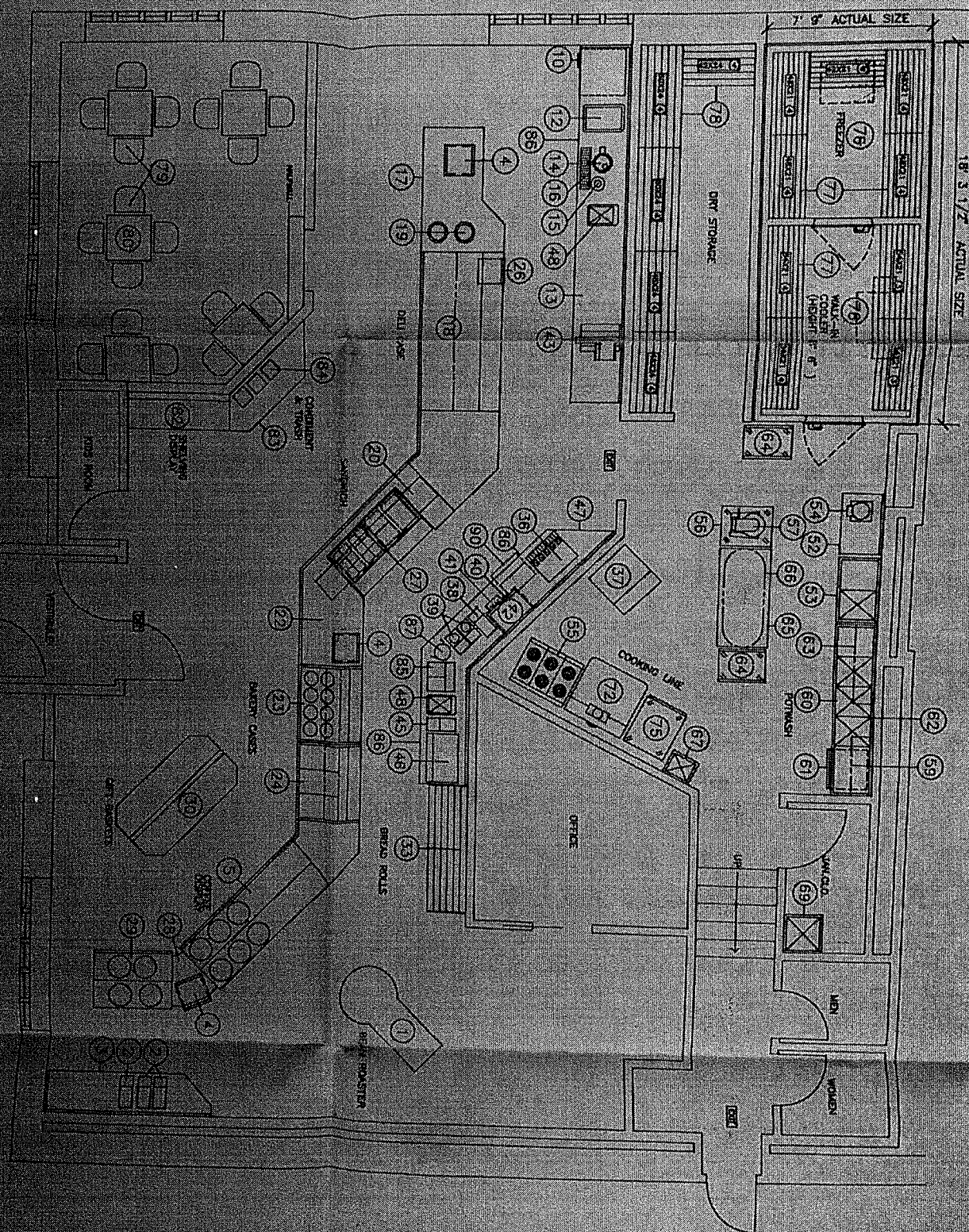
- ALL FILINGS
- Annual Report
- Annual Report - Professional
- Articles of Entity Conversion
- Certificate of Amendment
- Certificate of Consolidation

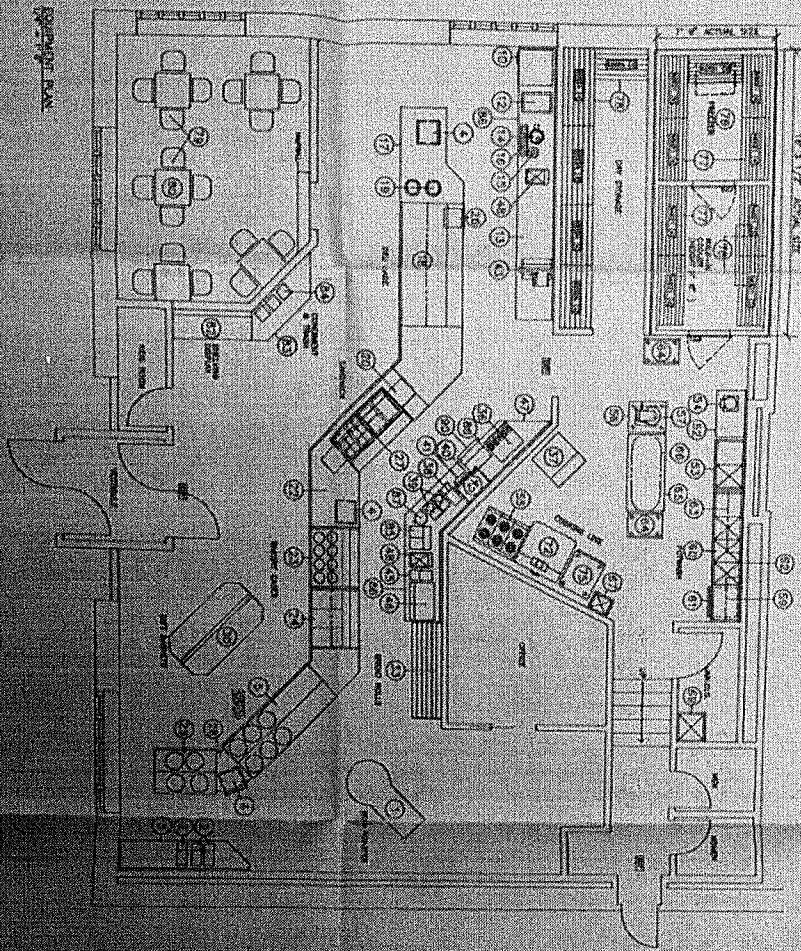
View filings

Comments or notes associated with this business entity:

New search

Attachment4.a: Sudbury Coffee Works CV 2021_SB (4626 : Sudbury Coffee Works Common Victualler License Application)





| EQUIPMENT LIST | | | |
|----------------|----------------|----------|---------|
| ITEM NO. | DESCRIPTION | QUANTITY | REMARKS |
| 1 | BANK | 1 | |
| 2 | COFFEE GRINDER | 1 | |
| 3 | COFFEE GRINDER | 1 | |
| 4 | COFFEE GRINDER | 1 | |
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| 31 | COFFEE GRINDER | 1 | |

| EQUIPMENT LIST | | | |
|----------------|----------------|----------|---------|
| ITEM NO. | DESCRIPTION | QUANTITY | REMARKS |
| 1 | BANK | 1 | |
| 2 | COFFEE GRINDER | 1 | |
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| 31 | COFFEE GRINDER | 1 | |

3/30/2021

To whom it may concern,

I, Daniel Kenn, have sold Sudbury Coffee Works and all of its assets to Roksana Sasanfar. The sale was completed officially on March 23, 2021. If you have any questions please feel free to contact me directly at 978 460 0566.

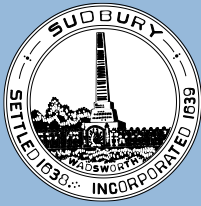
Thanks You,
Daniel Kenn

Sudbury Coffee Works

Common Victualer License Approvals

| Department | Staff | Approve/Deny | Comments |
|---------------------|--------------------|--------------|---|
| Building Department | Andrew Lewis | Approve | <p>6/14/21 The banners have been removed.</p> <p>6/10/21 They have removed the Sudbury Rug banners and she has someone scheduled to remove the Coffee Works banner this afternoon. I have no other issues. I will let you know if it is taken down this afternoon.</p> <p>5/27/21 They also have some Zoning Bylaw issues for banners hanging on the building. I have spoken with the new owner but they have not yet complied.</p> |
| Fire Department | Asst. Chief Choate | Pending | <p>6/14/21 I went there first thing on my way in and the new owner was there. She changed hood cleaning company and they came out and it did the work. That company did not do the suppression system. That still is non-compliant. She does not know when they will be out in certainty. She will call me when it's ready.</p> <p>6/8/21 The suppression system for the hood expired and the hood has not been cleaned since November. The hood was due to be cleaned no later than early February. The suppression system is out of date and the hood system is not properly cleaned. The owner asked that if she brought a different company in to do the work before the 15th would I come out to inspect, and I would do such. If she chooses to do that, I will</p> |

| | | | |
|-------------------|-------------|---------|---|
| | | | <p>email my report of approval should it pass.</p> <p>Her handheld fire extinguishers are all compliant.</p> <p>5/27/21 The FD did a check on the life safety and suppression systems for Sudbury Coffee Works. The fire suppression system and the hood are both expired. Ms. Sasanfar has been notified via phone and email and is aware of what needs to get done. Once it is completed I will check with you and follow up.</p> |
| Board of Health | Bill Murphy | Approve | <p>6/1/21 The health dept. does not have an issue with this application.</p> |
| Police Department | Chief Nix | Approve | <p>5/25/21 The police department does not have an issue with the application.</p> |

**SUDBURY SELECT BOARD**

Tuesday, June 15, 2021

MISCELLANEOUS (UNTIMED)**5: Financial policies discussion****REQUESTOR SECTION**

Date of request:

Requestor: Chair Roberts

Formal Title: Discussion on Financial Policies with Finance Director Dennis Keohane.

Recommendations/Suggested Motion/Vote: Discussion on Financial Policies with Finance Director Dennis Keohane.

Background Information:

Chair requested 1 hr 15 min for discussion

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 |
| Janie Dretler | Pending |
| Select Board | Pending |

06/15/2021 6:15 PM

SELECT BOARD POLICIES & PROCEDURES REVIEW SUBCOMMITTEE OVERVIEW

SUBCOMMITTEE GOALS (2/2/21)

Subcommittee has accomplished to date (5/4/21 or 5/11/21):

- Work on bringing to full Select Board revised set of **Financial Policies**:
 - Subcommittee do mechanics of documents and zero in on key **'policy'** decisions.
 - Solicit input of Finance Director.
 - Bring back to full Select Board for full review and discussion.
- Review Capital Planning/ Funding program:
 - Review recommendations of Strategic Financial Planning Committee for Capital Funding (SFPCC).
 - Analyze DLS Recommendations.
 - Subcommittee to recommend to Select Board if/where DLS recommendations and SFPCC be incorporated into Select Board or other Town policies.
 - Subcommittee recommend to Select Board if/where DLS and SFPCC recommendations be **actioned** upon e.g. Town Meeting articles (to modify town fund accounts etc.)
 - Action Plan, Roadmap to achieve goals...
 - Charlie "Bridge Letter..."
- Maintain transparent communication to the public and solicit public feedback at our public meetings:
 - In how we conduct the subcommittee.
 - As a theme in how we write policies for ease of understanding town finances.
 - Transparent capital plan / needs / forecast.

PROGRESS TO DATE:

The subcommittee has produced a revised 19-page financial policies manual, a spreadsheet of 42 key policy considerations for the Select Board, and a draft Q&A Finance Director document.

Subcommittee meetings on:

2/2: Kick-off, define goals and deliverables, approach, and timeline. Start review of draft financial policy document identifying key questions/comments.

2/17: Continue review of draft policy document identifying key questions/comments.

3/11: Continue review of draft financial policy document/and started review of DLS recommendations to incorporate into draft policy document.

3/18: Review DLS report to incorporate recommendations into draft policy document.

3/25: Finalize policy questions/comments for Dennis Keohane (Town Finance Director) meeting.

4/01: Finalize policy questions/comments for Dennis Keohane (Town Finance Director) meeting.

4/08: Meeting with Dennis Keohane to discuss questions/comments.

4/12: Meeting with Dennis Keohane to discuss questions/comments.

4/15: Final edits to financial policy draft.

4/22: Final edits to financial policy draft.

4/23: Financial draft review with Dennis Keohane.

4/28: Financial draft review with Dennis Keohane.

4/29: Financial policy documents final editing.

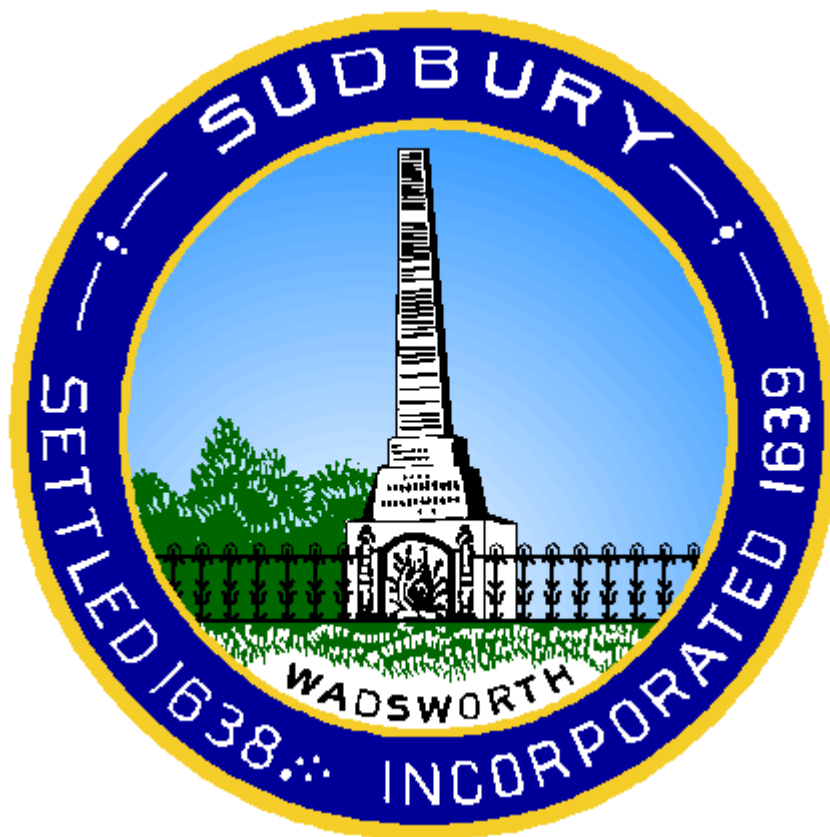
5/4, 5/11, or 5/18: Share Financial Policy document draft and policy decisions with Select Board.

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECOMMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF APRIL 29, 2021

Town of Sudbury, Massachusetts

Financial Policies Manual

DRAFT



Introduction

The Town of Sudbury is committed to safeguarding public funds, protecting local assets, and complying with financial standards and regulations. To that end, this manual of financial policies provides guidance for local planning and decision making. The policies as a whole are intended to outline objectives, provide formal direction, and define authority to help ensure sound fiscal stewardship and management practices. Each is a living document that should be reviewed periodically and updated as necessary.

With these policies, the Town of Sudbury, through its [Select Board](#), Town Manager, and employees, commits to the following objectives:

- Sustaining a consistent level of service and value for residents
- Safeguarding financial integrity and minimizing risk through a system of internal controls
- Ensuring the quality and maintenance of capital assets [\(see Appendix A for definition of capital assets\)](#)
- Conforming to general law, uniform professional standards, and municipal best practices
- Protecting and enhancing the town's credit rating
- Promoting transparency and public disclosure

DOCUMENT ORIGIN: JAN 5, 2021 DRAFT BY DENNIS KEOHANE (Finance Dir.) INCORPORATING 2020 DLS RECOMMENDATIONS. EDITED BY SELECT BOARD POLICIES AND PROCEDURES SUBCOMMITTEE AS OF APRIL 29, 2021

Town of Sudbury, Massachusetts

Financial Policies Manual

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DRAFT

FINANCIAL RESERVES

PURPOSE

To help the Town stabilize finances and maintain operations during difficult economic periods, this policy establishes prudent practices for appropriating to and expending reserve funds. With well-planned sustainability, Sudbury can use its reserves to finance emergencies and other unforeseen needs, to hold money for specific future purposes, or in limited instances, to serve as revenue sources for the annual budget. Reserve balances and policies can also positively impact the Town's credit rating and consequently its long-term cost to fund major projects.

APPLICABILITY

This policy pertains to short- and long-range budget decision making and applies to the Select Board, Sudbury Public School Committee, and Town Manager in those duties. It also applies to the related job duties of the Finance Director, the Town Accountant, the Board of Assessors, and the Finance Committee.

POLICY

The Town of Sudbury commits to building and maintaining its reserves so as to have budgetary flexibility for unexpected events and significant disruptions in revenue-expenditure patterns and to provide a source of available funds for future capital expenditures. The Town will strive to maintain overall reserves in the level of 10-12% of the prior year General Fund budget. These reserves are comprised of the general stabilization fund, special purpose stabilization funds and free cash target. Adherence to this policy will help the Town withstand periods of decreased revenues and control spending during periods of increased revenues. Other types of reserves include retained earnings and overlay surplus.

A. Free Cash

The Division of Local Services (DLS) defines free cash as "the remaining, unrestricted funds from operations of the previous fiscal year, including unexpended free cash from the previous year." DLS must certify free cash before the Town can appropriate it in the new year.

By August 15th each year, the Town Accountant shall submit to DLS a year-end balance sheet, free cash checklist, and year-end reporting checklist. Once DLS certifies free cash, the Town Accountant will provide copies of the certified balance to the Select Board, Town Manager, and Finance Director.

Each spring, the Town Manager shall include the Town's free cash balance in the proposed budget submitted to the Select Board and Finance Committee for the ensuing fiscal year, along with details on the proposed uses of and/or retention level of free cash. Any proposed use of free cash for capital equipment or improvements shall be consistent with needs identified in the Town's capital improvement program.

The Town shall set a year-to-year goal of maintaining its free cash in the range of 3-5% of the prior year's General Fund budget. To achieve this, the Finance Director shall assist the Town Manager in proposing budgets with conservative revenue projections, and department heads

shall carefully manage their appropriations to produce excess income and budget turn backs. Further, budget decision makers will avoid fully depleting the Town's free cash in any year, so that the succeeding year's calculation can begin with a positive balance. Moreover, as much as practicable, the Town will limit its use of free cash to funding one-time expenditures (like capital projects or emergencies and other unanticipated expenditures) and will appropriate any free cash excess above 5% of the General Fund budget to reserves, to offset unfunded liabilities, or to set aside for existing debt.

B. Stabilization Funds

A stabilization fund is a reserve account allowed by state law to set aside monies to be available for future spending purposes, including emergencies or capital expenditures, although it may be appropriated for any lawful purpose. Prior to the adoption of this policy, the Town established and appropriated to a general stabilization fund and special purpose stabilization funds for capital projects.

General Stabilization: The Town will endeavor to maintain a minimum balance of 5% of the prior year's General Fund budget in its general stabilization fund. Withdrawals from general stabilization should only be used to mitigate emergencies or other unanticipated events that cannot be supported by current General Fund appropriations. When possible, withdrawals of funds should be limited to the amount available above the 5% minimum reserve target level. If any necessary withdrawal drives the balance below the minimum level, the withdrawal should be limited to one-third of the general stabilization fund balance at a time, endeavoring to never fully deplete it. Replenishment of the funds should be made annually at the Fall Town Meeting, or the earliest available meeting after free cash has been certified.

Special Purpose Stabilization Funds

Capital Stabilization: The Town will appropriate annually to the capital stabilization fund so that over time it achieves a target balance sufficient to cover the Town's cash outlay for capital. Doing so enables the Town to pay outright for moderate-range (under \$1M) capital expenditures and thereby preserve debt capacity for major, higher-dollar purchases or projects. This approach balances debt with pay-as-you-go practices and protects against unforeseen costs. The Town should endeavor to achieve and maintain a combined target balance for all capital-related special purpose stabilization funds equal to 2% of prior year General Fund budget.

Withdrawals from the Capital Stabilization Fund should be avoided until the target balance has been achieved. Once achieved, funds should be replenished annually at the Fall Town Meeting, or the earliest available meeting after free cash has been certified (subject to free cash availability).

Turf Stabilization: The Town maintains a special purpose fund to offset the cost of periodic replacement of designated town-owned turf fields. As originally created, this fund applies to the Cutting Field but could be expanded to other fields in the future.

C. Overlay Surplus

The overlay is a reserve the Town uses to offset unrealized revenues resulting from property tax abatements and exemptions. Sudbury officials will prudently manage the overlay in accordance with the Town's Overlay policy to avoid the need to raise overlay deficits in the tax levy. At the conclusion of each fiscal year, the Board of Assessors shall submit to the Town Manager and Finance Director an update of the overlay reserve with data that includes, but is not limited to, the gross balance, potential abatement liabilities, and any transfers to surplus. If the balance exceeds the amount of potential liabilities, the Town Manager may request that the Board of Assessors vote to declare those balances surplus, available for one-time expenditures (as with free cash).

DRAFT

FORECASTING

PURPOSE

To assess the range of choices available to budget decision makers when determining how to allocate resources, this policy establishes guidelines for evaluating revenue sources and the requirement to determine an expenditure strategy as part of the annual budget process and longer-range fiscal planning. Forecasting helps local officials understand the long-range implications of pending near-term decisions.

APPLICABILITY

This policy applies to the Town Manager as the Town's chief budget decision maker. It also applies to the job responsibilities of the Finance Director, Sudbury Public Schools Superintendent, Sudbury Public Schools Business Manager, Select Board, Sudbury Public Schools Committee, and Finance Committee.

POLICY

A. Revenue Guidelines

The Town will continually seek to diversify its revenue to improve the equity and stability of sources. Each year and whenever appropriate, the Town will reexamine existing revenues and explore potential new sources. A balance will be sought between elastic and inelastic revenues to minimize any adverse effects caused by inflation or other economic changes. Additionally, intergovernmental revenues (e.g., local aid, grants) will be reviewed annually to determine their short- and long-term stability in order to minimize detrimental impacts.

The Town will generally avoid using one-time revenues to fund ongoing or recurring operating expenditures. These one-time revenue sources can include, but are not limited to, free cash, bond premiums, overlay surplus, sale of municipal equipment, legal settlements, insurance proceeds, and gifts. Additionally, the Town hereby establishes the following priority order when appropriating one-time revenues:

- General Stabilization Fund (maintenance of 5% of prior year's General Fund budget)
- Annual Capital Spending (non-debt; target of 3% of prior year's General Fund budget)
- Capital Stabilization Fund (target of 2% of prior year's General Fund budget)
- OPEB Trust Fund
- Existing debt

New growth (residential or commercial) permanently adds to the tax base. The Town should endeavor to contribute any new growth in excess of 1% of prior year's General Fund budget to capital expenditures or reserves.

Economic downturns or unanticipated fiscal stresses may compel reasonable exceptions to the use of one-time revenue. In such cases, the Town Manager, in consultation with the Finance Director, can recommend its use for operational appropriations. Such use will trigger the Town Manager to develop a plan to avoid continued reliance on one-time revenues.

State laws impose further restrictions on how certain types of one-time revenues may be used. The Town will consult the following General Laws when the revenue source is:

- Sale of real estate: [M.G.L. c. 44, §63](#) and [M.G.L. c. 44, §63A](#)
- Gifts and grants: [M.G.L. c. 44, §53A](#) and [M.G.L. c. 53A½](#)
- Bond proceeds: [M.G.L. c. 44, §20](#)
- [Sale of moveable property: M.G.L. c. 44, § 53](#)

This policy further entails the following expectations regarding revenues:

- The Assessing Department will maintain property assessments for the purpose of taxation at full and fair market value as prescribed by state law.
- [Town departments that charge fees \(Enterprise Funds and recreation programs, for example\) shall annually review their fee schedules and propose adjustments when needed to ensure coverage of service costs and endeavor to generate retained earnings of 3-5% of prior year's enterprise fund budgets for asset replacement.](#)
- The Building Department will notify the Finance Director of any moderate-to-large developments that could impact building permit volume.
- Department heads will strive to be informed of all available grants and other aid and will carefully consider any related restrictive covenants or matching requirements (both dollar and level-of-effort) to determine the cost-benefit of pursuing them.
- Revenue estimates will be adjusted throughout the budget cycle as more information becomes available.

B. Expenditure Guidelines

Annually, the Town will determine a particular budget approach for forecasting expenditures, either maintenance (level service), level funded, or one that adjusts expenditures by specified increase or decrease percentages (either across the board or by department). A maintenance budget projects the costs needed to maintain the current staffing level and mix of services into the future. A level funded budget appropriates the same amount of money to each municipal department as in the prior year and is tantamount to a budget cut because inflation in mandated costs and other fixed expenses still must be covered.

C. Financial Forecast Guidelines

To determine the Town's operating capacity for each forthcoming fiscal year, the Finance Director will annually create and provide the Town Manager with a detailed budget forecast. The Finance Director shall also annually prepare a three-year financial projection of revenues and expenditures for all operating funds.

These forecasts shall be used as planning tools in developing the following year's operating budget as well as the five-year capital improvement plan.

To ensure the Town's revenues are balanced and capable of supporting desired levels of services, forecasts for property taxes, local receipts, and state aid shall be conservative based on historical trend analyses and shall use generally accepted forecasting techniques and appropriate data. To avoid potential revenue deficits, estimates for local receipts (e.g., inspection fees, investment income, license fees) should generally not exceed 90% of the prior year's actual collections without firm evidence that higher revenues are achievable.

Additionally, the forecast model should assume that:

- The Town will maintain its current level of services.
- Property taxes (absent overrides) will grow within the limits of Proposition 2½.
- New growth will be projected conservatively, considering the Town's three-year average by property class.
- The Town will annually meet or exceed the state's net school spending requirements.
- Local receipts and state aid will reflect economic cycles.
- The Town will pay the service on existing debt and adhere to its Debt Management policy.
- The Town will make its annual pension contributions and continue appropriating to its other postemployment benefits trust fund.
- The Town will build and maintain reserves in compliance with its Financial Reserves policy.

OVERLAY

PURPOSE

To set guidelines for determining the annual overlay amount in the Town's budget and for deciding whether any overlay balance can be certified as surplus.

The allowance for abatements and exemptions, commonly referred to as the overlay, is an account whose purpose is to offset anticipated abatements and exemptions of committed real and personal property taxes. Effective December 7, 2016, the Municipal Modernization Act ([Chapter 218 of the Acts of 2016](#)) provides for a single overlay account. Previously, a community had to maintain separate overlay reserves for each fiscal year and could not use the surplus from one year to cover another year's deficit without a multistep process involving the assessors, accounting officer, and local legislative body. However, the Act allows all existing overlay balances to be transferred to a single account. Although this policy treats overlay as a single account, to continue historical information and facilitate reconciliations, the Town may elect to maintain subsidiary ledgers by levy year for overlay balances.

APPLICABILITY

This policy applies to the job duties of the Board of Assessors, Director of Assessing, Town Manager, and Finance Director.

POLICY

A. Annual Overlay

Each year, the Board of Assessors shall vote in an open meeting to authorize a contribution to the overlay account as part of the budget process and to raise it without appropriation on the Town's Tax Recap Sheet. The Principal Assessor will propose this annual overlay amount to the Board of Assessors based on the following:

- Current balance in the overlay account
- Five-year average of granted abatements and exemptions
- Potential abatement liability in cases pending before, or on appeal from, the Appellate Tax Board (ATB)
- Timing of the next certification review by the Division of Local Services (scheduled every five years under the Municipal Modernization Act) The Board of Assessors shall notify the Finance Director of the amount of overlay voted

B. Excess Overlay

Annually, the Finance Director and Director of Assessing will conduct an analysis to see if there is any excess in the overlay account by factoring the following:

- Current balance in the overlay account after reconciling with the Town Accountant's records

- Balance of the property tax receivables, which represents the total real and personal property taxes still outstanding for all levy years
- Estimated amount of potential abatements, including any cases subject to ATB hearings or other litigation

Upon determining any excess in the overlay account, the Principal Assessor shall present the analysis to the Board of Assessors for its review.

C. Overlay Surplus

If there is an excess balance in the overlay account, the Board of Assessors shall formally vote in an open meeting to certify the amount to transfer to overlay surplus and shall notify the Town Manager and Finance Director in writing of its vote. If the Town Manager makes a written request for a determination of overlay surplus, the Board of Assessors shall vote on the matter within the next 10 days and notify the Town Manager and Finance Director of the result in writing. At the annual Tax Classification Hearing, the Select Board shall request an update from the Board of Assessors on the balance of the overlay account.

After being certified, Town Meeting may appropriate overlay surplus for any lawful purpose until the end of the fiscal year. However, the appropriation should be as prescribed in the Town's Forecasting policy (re: treatment of one-time revenues) and its Financial Reserves policy (re: overlay surplus). Overlay surplus not appropriated by year-end closes to the General Fund's undesignated fund balance.

DEBT MANAGEMENT

PURPOSE

To provide for the appropriate issuance and responsible use of debt, this policy defines the parameters and provisions governing debt management. Policy adherence will help the Town to responsibly address capital needs, provide flexibility in current and future operating budgets, control borrowing, and maintain capital investment capacity. This policy is also intended to maintain and enhance the town's bond rating so as to achieve long-term interest savings.

APPLICABILITY

This policy applies to the Town Manager, Select Board, Sudbury Public School Committee, and Finance Committee in their budget decision making and in the Finance Director's debt reporting. It also applies to the Finance Director's budget analysis duties. Additionally, in the role as Treasurer/Collector, the statutory responsibilities associated with debt management.

POLICY

Under the requirements of federal and state laws, the Town may periodically issue debt obligations to finance the construction, reconstruction, or acquisition of infrastructure and other assets or to refinance existing debt. The Town will issue and manage debt obligations in such a manner as to obtain the best long-term financial advantage and will limit the amount of debt to minimize the impact on taxpayers. Debt obligations, which include general obligation bonds, revenue bonds, bond anticipation notes, lease/purchase agreements, and any other debt obligations permitted to be issued under Massachusetts law, shall only be issued to construct, reconstruct, or purchase capital assets that cannot be acquired with current revenues.

A. Debt Financing

Debt may be financed either within the levy, or beyond the levy (a debt exclusion which requires a Proposition 2 ½ voter referendum).

In financing with debt, the Town **will:**

1. Issue long-term debt only for objects or purposes authorized by state law and only when the financing sources have been clearly identified.
2. **Use available funds to the greatest extent possible to reduce the amount of borrowing on all debt-financed projects.**
3. Confine long-term **(QUESTION)** borrowing to capital improvements and projects that cost at least \$100,000 and that have useful lifespans of at least ten years or whose lifespans will be prolonged by at least ten years.
4. Restrict debt exclusion borrowing to proposals which meet all three of these criteria:
 - (1) useful life of 20 years or more
 - (2) estimated cost of the **principal payment in the first year of the debt issuance** must be **greater than 1%** of the prior year's General Fund revenue
 - (3) the expenditure is either for town-owned land, buildings, or infrastructure or for a LSRHS capital assessment.

5. Refrain from using debt to fund any recurring purpose, such as current operating and maintenance expenditures.
6. The policy of the Select Board shall be to include sufficient debt capacity within the levy, such that capital items can be more predictably funded.
7. As debt within the levy decreases annually, this amount shall be used for capital, future debt, or set aside for future capital.

B. Debt Limits and Targets

The Town will adhere to these debt parameters:

1. Total annual debt service, including debt exclusions and any self-supporting debt, shall be limited to 10% of General Fund revenues, with a target of 5-7%.
2. As dictated by state statute MGL ch 44 section 10, the Town's debt limit shall be 5% of its most recent equalized valuation.
3. The Town shall endeavor to gradually and consistently pursue future debt issuances financed by within-levy dollars with a target of 3% of prior year's General Fund budget.

C. Structure and Term of Debt

The following shall be the Town's guidelines on debt terms and structure:

1. The term of any debt shall not exceed the expected useful life of the capital asset being financed and in no case shall it exceed the maximum allowed by law.
2. The Town will limit bond maturities to no more than 10 years, except for major buildings, water and water facility projects, land acquisitions, and other purposes in accordance with the useful life borrowing limit guidelines published by the Division of Local Services (DLS).
3. For non-excluded debt the Town will generally choose terms less than 20 years and structure as level principal payments, so that over time the annual debt payment goes down, opening up capacity for future capital.
4. Any vote to authorize borrowing will include authorization to reduce the amount of the borrowing by the amount of the net premium and accrued interest.
5. The Town will work closely with its financial advisor to follow federal regulations and set time frames for spending borrowed funds to avoid committing arbitrage, paying rebates, fines and penalties to the federal government, and jeopardizing any debt issuance's tax-exempt status.

D. Bond Refunding

To achieve potential debt service savings on long-term debt through bond refunding, the Town will:

1. Issue debt with optional call dates no later than 10 years from issue.
2. Analyze potential refunding opportunities on outstanding debt as interest rates change.
3. Use any net premium and accrued interest to reduce the amount of the refunding.

4. Work with the Town's financial advisor to determine the optimal time and structure for bond refunding.

E. Protection of Bond Rating

To protect its bond rating, the Town will:

1. Maintain good communications with bond rating agencies, bond counsel, banks, financial advisors, and others involved in debt issuance and management.
2. Follow a policy of full disclosure on every financial report and bond prospectus, including data on total outstanding debt per capita, as a percentage of per capita personal income, and as a percentage of total assessed property value.
3. The Town will not rely on reserves to sustain operating deficits. Use of such reserves will be limited to helping the Town deal with short-term or emerging financial stress, but then the Town will either reduce spending to within the limits of recurring revenues, or seek approval for additional revenues from the voters of the Town.
4. The Town will not defer current costs to a future date. This includes costs such as pension costs or benefits costs. From time to time, the State offers municipalities the option of deferring payments to their pension system, or other costs, as a short-term way of balancing a fiscal year's budget. However, it is the intention of the Town of Sudbury not to rely on these options.
5. The Town will follow the policies as outlined in this policy statement.

F. Reporting

1. The Town's Annual Town Report, Town Manager's Budget Request and Annual Town Meeting Warrant will give comprehensive summaries of the debt obligations of the Town.
2. The Finance Director will include an indebtedness summary as part of a report on receipts and expenditures in Sudbury's Annual Town Report.
3. The Finance Director, with the Town's financial advisor, will file the annual audit and official disclosure statement within 270 days of the end of the fiscal year.

INVESTMENTS

PURPOSE

To ensure the Town's public funds achieve the highest possible, reasonably available rates of return while following prudent standards associated with safety, liquidity, and yield, this policy establishes investment guidelines and responsibilities. It is further designed to comply with the Governmental Accounting Standards Board's recommendation that each community disclose its key policies affecting cash deposits and other long-term investments to ensure they are managed prudently and not subject to extraordinary risk.

APPLICABILITY

This policy pertains to short-term operating funds, including general funds, special revenue funds, bond proceeds, capital project funds, and to all accounts designated as long-term (e.g., trusts, stabilization fund^s, other postemployment benefits trust fund (OPEB), and others the Town may set aside for long-term use, including scholarship and perpetual care funds). It does not pertain to the Town's retirement fund, which is managed by the Middlesex County Retirement Board. This policy applies to the Finance Director, in the role as Treasurer, his or her designee(s), and any advisors or other professionals in their responsibilities for investing and managing Town funds.

POLICY

The Finance Director shall invest funds in a manner that meets the Town's daily operating cash flow requirements and conforms to state statutes governing public funds while also adhering to generally accepted diversification, collateralization, and the prudent investment principles regarding safety, liquidity, and yield.

See additional details in the Town of Sudbury Investment Policy [\(TODO: ADD DOC TO WEBSITE AND LINK\)](#) document as well as the [Town of Sudbury CPA Investment Policy](#) document.

CAPITAL ASSETS

PURPOSE

To ensure Sudbury's capital assets can cost-effectively sustain the town's desired service levels into the future.

APPLICABILITY

This policy applies to the Town Manager as the Town's chief budget decision maker. It also applies to the job responsibilities of the Finance Director, School Superintendent, School Business Manager, [Select Board](#), [Sudbury Public](#) School Committee, and Finance Committee.

POLICY

A. Capital Improvement Plan

The Town Manager shall maintain an inventory of all Town 'capital assets' (defined in Appendix A), their age, value, and condition. The Town Manager will update and adopt annually a five-year capital improvement plan ("CIP"), including the upcoming annual capital improvement budget ("CIB") and a four-year projection of capital needs and expenditures, which details the estimated cost, description and anticipated funding sources for capital projects. The CIP should govern projects undertaken either to build, buy, expand or replace a long-life asset or to an asset's condition beyond its original state of quality, efficiency, or useful life expectation.

Annually, the minimum level of capital spending the town should target year to year should be equivalent to 6% of the prior year's General Fund budget, drawn equally from within-levy debt and cash capital sources.

The 6% target shall guide how much capital spending can be planned in each year of the CIP.

1. The Town Manager shall establish criteria to determine capital asset prioritization, including but not limited to:
 - mitigation of safety hazards
 - legal compliance
 - ADA compliance (Americans with Disabilities Act)
 - operating cost reduction
 - service or efficiency improvement
 - availability of outside funding sources
 - conformance to asset replacement schedule
 - enhancement of quality of life
2. The Town Manager shall consult with Department Heads annually regarding the composition and prioritization of the capital plan and create an ordered list sorted by urgency score, with appropriate justification.
3. A Capital Project Submission Sheet shall be required for every item listed on the five-year CIP.

4. The CIP shall not include items that cost less than \$20,000 or have a useful life of less than 5 years. Items that do not meet this threshold should be included within the Town's operating budget.
5. Alongside the CIP prioritization, potential Funding Sources shall be identified. Wherever possible, funding sources should be derived from 'cash capital' and within levy debt funding options. Funding sources for capital may include:
 - Community Preservation Act (CPA) funds (if eligible; Open Space, Recreation, Historic)
 - Town Manager's Capital Budget (items <\$100K)
 - New growth dedicated to capital
 - Capital Stabilization Fund
 - Special-purpose stabilization funds
 - Free Cash
 - In-levy Debt
 - Dedicated revenue sources (i.e. Sewataro revenue share).
 - Capital Exclusion
 - Debt Exclusion
6. The Town will emphasize preventive maintenance as a cost-effective approach to infrastructure maintenance. Exhausted capital goods will be replaced as necessary.
7. The CIP shall not include items deemed to be departmental maintenance. Rather, such smaller, shorter life maintenance items should be included in departmental budgets.
8. Annually, the Town shall request LSRHS's 5 and 15 year capital plans. The Town's obligation per the LSRHS agreement shall be factored into the Town CIP.

B. Risk Management

1. The Town will maintain an effective risk management program that provides adequate coverage, minimizes losses, and reduces costs.
2. The Town will annually work with the Town's insurance carrier to update all listings of Town owned assets and the value and condition of such covered assets.

C. Reporting

1. Annually, the 5 year capital improvement plan shall be posted and accessible for public view on town website for public review at all times, reflecting updates for any changes made. The Capital Project Submission Sheet for each project on the 5 year CIP shall be posted and linked from the CIP.
2. The Town Manager will submit a capital program annually to the Capital Improvement Advisory Committee (CIAC). The proposed program will detail each capital project, the estimated cost, description and funding.
3. The Town Manager shall submit Town Meeting articles for the CIB by January 31st.
4. The Select Board shall report all requests for capital appropriations to the Finance Committee on or before February 5. (Bylaws Article IV Section 5).
5. The Town Manager will present the CIB for approval at the Annual Town Meeting (generally the 1st Monday in May).

OTHER POSTEMPLOYMENT BENEFITS LIABILITY (OPEB)

PURPOSE

To provide the basis for a responsible plan for meeting the Town's obligation to provide other postemployment benefits (OPEBs) to eligible current and future retirees. This policy provides guidelines designed to ensure OPEB sustainability and achieve generational equity among those called upon to financially support OPEBs, thereby avoiding transferring costs into the future.

APPLICABILITY

This policy encompasses OPEB-related budget decisions, accounting, financial reporting, and investment.

BACKGROUND

In addition to salaries, the Town of Sudbury compensates employees in a variety of other forms. Many earn benefits over their years of service that they will not receive until after retirement. A pension is one such earned benefit. Another is a set of retirement insurance plans for health, dental, and life. These are collectively referred to as other postemployment benefits or OPEBs.

OPEBs represent a significant liability for the Town that must be properly measured, reported, and planned for financially. As part of a long-range plan to fund this obligation, the Town established an OPEB Trust Fund, which allows for long-term asset investment at higher rates of return than those realized by general operating funds.

POLICY

The Town of Sudbury is committed to funding the long-term cost of the benefits promised its employees. To do so, the Town will accumulate resources for future benefit payments in a disciplined, methodical manner during the active service life of employees. The Town will also periodically assess strategies to mitigate its OPEB liability. This involves evaluating the structure of offered benefits and their cost drivers while at the same time avoiding benefit reductions that would place undue burdens on employees or risk making the Town an uncompetitive employer.

A. Accounting and Reporting

The Finance Director will obtain actuarial analyses of the Town's OPEB liability every two years and will annually report the Town's OPEB obligations in financial statements that comply with the current guidelines of the Governmental Accounting Standards Board.

The Town Auditor shall ensure that the Town's independent audit firm reviews compliance with the provisions of this policy as part of its annual audits.

B. Mitigation

On an ongoing basis, the Town will assess healthcare cost containment measures and evaluate strategies to mitigate its OPEB liability. The Finance Director shall monitor proposed laws

affecting OPEBs and Medicare and analyze their impacts. The Human Resources Director shall regularly audit the group insurance and retiree rolls and drop any participants found to be ineligible based on work hours, active Medicare status, or other factors.

C. Funding

To address the OPEB liability, decision makers shall analyze a variety of funding strategies and subsequently implement them as appropriate with the intention of fully funding the obligation. The Town shall derive funding to invest in the OPEB trust from taxation, free cash, and any other legal form.

Appendices

Appendix A: Definition of Capital

Sudbury Capital Asset "Definition"

Capital Assets are the community-owned collection of significant, long-lasting, and expensive real and personal property used in the operation of government, including land and land improvements; infrastructure, such as roads, bridges, water and sewer lines; easements; buildings and building improvements; vehicles, machinery and equipment. In order to be included in Sudbury's Capital Improvement Program, Capital Assets must cost \$20,000 or more and have a useful life of 5 or more years. Items or improvements that do not meet this threshold should be included within the Town's operating budget.

Appendix B: Protection of Credit Rating Policy

Maintenance of the highest-level credit rating possible is important to the continued financial health of Sudbury as it reduces the costs of issuing debt. Credit rating firms consider management practices to be very important factors. Poor management practices can inadvertently jeopardize the financial health of a local government. To be proactive in assuring the Town of Sudbury does not engage in these practices, the Select Board of the Town of Sudbury has adopted the following credit rating protection policies. The Town will not rely on reserves to sustain operating budgets. Use of such reserves will be limited to helping the Town deal with short-term or emerging financial stress. In the subsequent year, the Town will either reduce spending to within the limits of recurring revenues or seek approval for additional revenues from the voters of the Town. The Town will not defer current costs, such as pension or benefit costs, to a future date.

| Policy Decision | Description | Comments |
|--|--|----------|
| Name a second document for Action Plan | "How to achieve targets Plan": For example: consider over time increasing the in-levy debt capacity. E.g. when there is capital that we might have historically considered paying with debt or capital exclusions, attempt to fit within the levy. FIRE STATION EXAMPLE... | |
| 1 (versus Policy doc) | | |
| HOWTO: initially achieve Capital Stabilization | Map out in How to document, plan to get to 2% target. (Approach may include "wheel of free cash") | |
| 2 Fund target balance | | |
| 3 overall reserves target | 10-12 percent of prior year General Fund budget (Stabilization funds (5%) + Free Cash (3%) + Capital Stabilization Fund (2%)) | |
| 4 free cash target | year-to-year goal of maintaining free cash in the range of 3-5 percent of prior year General Fund budget | |
| 5 acceptable uses of free cash | Town will limit its use of free cash to funding one-time expenditures (like capital projects or emergencies and other unanticipated expenditures) | |
| what to do with free cash in excess of max | appropriate any excess above 5 % of the General Fund to reserves or to offset unfunded liabilities or to set aside for existing debt | |
| 6 target | | |
| 7 general Stabilization Fund target | 5% of prior year general fund budget | |
| 8 general Stabilization Fund withdrawal policy | If any necessary withdrawal drives the balance below the minimum level, the withdrawal should be limited to one-third of the general stabilization fund balance | |
| general Stabilization Fund replenishment | Replenishment of the funds should be made annually at the Fall Town Meeting, or the earliest available meeting after Free Cash has been certified. | |
| 9 policy | | |
| capital-related Special Purpose Stabilization | | |
| 10 Fund(s) target | 2% of prior year General Fund budget (per DLS) | |
| 11 Capital Stabilization Fund target | Capital Stabilization Fund (target of 2% of prior year general fund budget). Also we are recommending not using fund until target balance is achieved. If funds are used they should be replenished at the next Town Meeting as free cash allows. | |
| Close Melone Stabilization Fund and transfer | | |
| 12 to Capital Stabilization Fund | DLS recommendation "Close Melone Stabilization Fund" | |
| Limit the number of stabilization funds to | | |
| small few that have clear but broadly defined | does Turf fund fit this recommendation (clear but broadly defined?) | |
| 13 purposes | and to what degree do we want to limit stabilization funds? | |

- 14 Turf Stabilization Fund
- Do we want to keep this? DLS recommendation to eliminate special purpose stabilization funds. Currently we put \$20K a year in (\$10K from field maintenance enterprise fund and \$10K from the general fund.)
- 15 adopt Sale of Moveable property policy (to fix Vehicle Surplus bylaw problem)
- Sale of moveable property: M.G.L. c. 44, § 53 *** DLS option... if we want to divert to Capital Stabilization, we could accept 4th para of ... M.G.L. c. 40 § 5B and specify a percentage of each sale (of moveable property e.g. Vehicles that will be dedicated, without further appropriation, to the capital stabilization fund.
- 16 use of Overlay Surplus funds policy
- treat like other one-time revenues for non-recurring expenses
- 17 Annual Capital Spending (non-debt) target policy
- target of 3% of prior year's General Fund budget [see DLS pg 22 terminology and targets]
- 18 OPEB Trust Fund annual contribution policy
- How to determine how much each year, considering 'catch up contributions' - we chose to not specify within Policies (consider for How To document)
- 19 special one-time revenue to offset Debt policy
- In policies, "set aside for existing debt" e.g. Sewataro. Can't 'pre-pay' in this year's debt payment, but can make conscious decision to set aside revenue and not to raise corresponding amount of funds from levy next year for next years payment
- 20 special New growth revenue towards capital expenditures policy
- New growth (residential or commercial) permanently adds to the tax base. The Town should attempt to dedicate 50 to 75% of all (commercial?) new growth levy amounts to capital expenditures or reserves. In talking to Dennis determined this was too aggressive. Changed to "The Town should endeavor to contribute any new growth in excess of 1 percent of prior year's general fund budget to capital expenditures or reserves."
- 21 Policy on "Town departments that charge fees (Enterprise Funds and recreation programs...)"
- Town departments that charge fees (Enterprise Funds and recreation programs, for example) shall annually review their fee schedules and propose adjustments when needed to ensure coverage of service costs and endeavor to generate retained earnings of 3-5% of prior year's enterprise fund budgets for asset replacement.

| | |
|--|---|
| <p>22 Overlay Surplus transparency</p> <p>Minimizing debt by maximizing use of</p> <p>23 available funds</p> | <p>At the annual Tax Classification Hearing, the Select Board shall request an update from the Board of Assessors on the balance of the overlay account</p> <p>Use available funds to the greatest extent possible to reduce the amount of borrowing on all debt-financed projects</p> <p>Confine long-term borrowing to capital improvements and projects that cost at least \$100,000 and that have useful lifespans of at least ten years or whose lifespans will be prolonged by at least ten years.</p> |
| <p>24 Long-term borrowing circumstances</p> | |
| | <p>Restrict debt exclusion borrowing to proposals which meet all three of these criteria:</p> <p>(1) useful life of 20 years or more;</p> <p>(2) estimated cost of the principal payment in the first year of the debt issuance must be greater than 1% of the prior year's general fund revenue ; and</p> <p>(3) the expenditure is either for town-owned land, buildings, or infrastructure or for a LSRHS capital assessment.</p> <p>The policy of the Select Board shall be to include sufficient debt capacity within the levy, such that capital items can be more predictably funded.</p> <p>As debt within the levy decreases annually, this amount shall be used for capital, future debt, or set aside for future capital.</p> <p>1.Total debt service, including debt exclusions and any self-supporting debt, shall be limited to 10 percent of general fund revenues, with a target balance of 5-7 percent.</p> <p>The Town will limit bond maturities to no more than 10 years, except for major buildings, water and water facility projects, land acquisitions, and other purposes in accordance with the useful life borrowing limit guidelines published by the Division of Local Services (DLS).</p> |
| <p>25 Debt exclusion circumstances</p> | |
| <p>26 Debt within the levy</p> | |
| <p>27 Total debt service limit</p> | |
| <p>28 Bond term limit 10 years except for...</p> | |

NOTE: is this too aspirational / infeasible
 Might we make the notional 1% a value that the Select Board initially sets at lower bar, and increases as we gain more discipline and debt within the levy capacity? (Back of envelope: 1% of prior years general fund revenue is ~ \$1M. Only purchases of around \$20M or more would have first year Principal payment of > \$1M. ?? So this would say Broadacres, Sewataro would not have qualified for a debt exclusion.)

| | |
|---|--|
| 29 Debt re-funding options | Issue debt with optional call dates no later than 10 years from issue |
| 30 Annual Capital Spending Target | Annually, the minimum level of capital funding (spending) the town should target year to year should be equivalent to 6% of the prior year's general fund budget, (drawn equally from within-levy debt and cash capital sources). |
| Requirement for adding item to CIB and CIP | require a Capital Project Submission Sheet for every item listed on CIB (this year) and CIP (5 years plan) |
| 31 list | The CIP shall not include items that cost less than \$20,000 or have a useful life of less than 5 years. Items that do not meet this threshold should be included within the Town's operating budget. |
| 32 CIP inclusion / exclusion threshold | Alongside the CIP prioritization, potential Funding Sources shall be identified. Wherever possible, funding sources should be derived from 'cash capital' and within levy debt funding options. Funding sources for capital may include: |
| | -Community Preservation Act (CPA) funds (if eligible; Open Space, Recreation, Historic) |
| | -Town Manager's Capital Budget (items <\$100K) |
| | -New growth dedicated to capital |
| | -Capital Stabilization Fund |
| | -Special-purpose stabilization funds |
| | -Free Cash |
| | -In-levy Debt |
| require potential funding sources including | -Dedicated revenue sources (i.e. Sewataro revenue share). |
| CPA eligibility be in the CIP (for each project | -Capital Exclusion |
| 33 submission) | -Debt Exclusion |
| put maintenance and small, shorter life capital | The CIP shall not include items deemed to be departmental |
| 34 in Dept budget | maintenance. Rather, such smaller, shorter life maintenance items should be included in departmental budgets |

| | |
|---|--|
| <p>do not include / itemize LSRHS capital in 35 Sudbury CIP</p> | <p>LSRHS capital assets, while funded by Sudbury and Lincoln taxpayers, are not to be itemized in the Town of Sudbury Capital Improvement Plan. Rather, a single line item per year in each of the 5 and 15 year plans shall represent Sudbury's contribution to LSRHS's own independent capital plan (We did not choose to do this).</p> |
| <p>36 Transparency of CIP edits</p> | <p>Annually, the 5 year capital improvement plan shall be posted and accessible for public view on town website for public review at all times, reflecting updates for any changes made. The Capital Project Submission Sheet for each project on the 5 year CIP shall be posted and linked from the CIP.</p> <p>or eliminate this step from policies: "The Town Manager will submit a capital program to the Capital Improvement Advisory Committee (CIAC). The proposed program will detail each capital project, the estimated cost, description and funding. **** POLICY DECISION – IF WE FOLLOW DLS TAB'S RECOMMENDATION TO DISCONTINUE CIAC FOR LEANER, CENTRALIZED PROCESS / EMPOWERED TOWN MANAGER... THEN CAN ELIMINATE THIS STEP OF SUBMITTING TO CIAC. ***"</p> |
| <p>37 Continue CIAC?</p> | <p>confirm Jan 31 for articles for CIB, Feb 5 bylaw to send to Fincom</p> |
| <p>38 Deadlines</p> | <p>appropriate and compatible dates</p> |
| <p>Prescriptive Use of Free Cash (Wheel of Free 39 Cash)</p> | <p>Decided to keep out of Policies, more appropriate for How to Get There document</p> <p>Decided not to address in Policies, other than to list M.G.L. c. 40 § 5B with laws we comply with. *** DLS option... if we want to divert to Capital Stabilization, we could accept 4th para of ... M.G.L. c. 40 § 5B and specify a percentage of each sale (of moveable property e.g. Vehicles that will be dedicated, without further appropriation, to the capital stabilization fund.</p> |
| <p>40 Moveable property</p> | <p>Town Manager shall maintain an inventory of all 'capital assets' (see Financial Policies Draft Appendix for definition).</p> |
| <p>41 Capital Asset Inventory</p> | |

42 Debt Schedule Length Policy

Removed policy of "The Town will attempt to maintain a long-term debt schedule so that at least 50 percent of outstanding principal will be paid within 10 years."

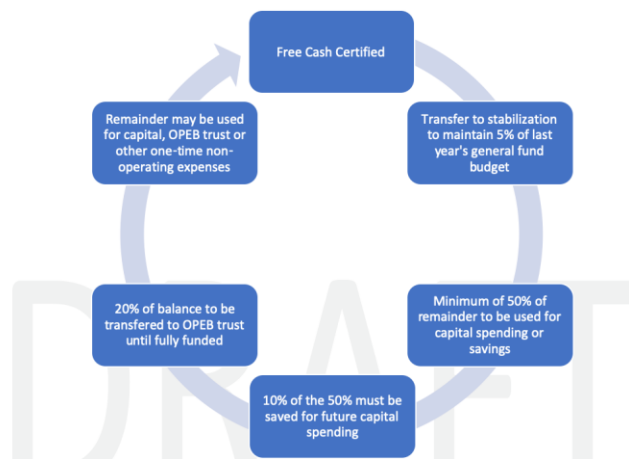
Changed to 3. For non-excluded debt the Town will generally choose terms less than 20 years and structure as level principal payments, so that over time the annual debt payment goes down, opening up capacity for future capital.

Q&A for Dennis Keohane (Sudbury Finance Director)
for Financial Policies Update Process 05.18.21

1. Q: Opinion on policy for replenishing Capital Stabilization Fund after we withdraw from it?
 - a. **A: policy to “evaluate on annual basis how to achieve goal” and after achieve level, then policy kicks in to try to evaluate annually maintaining goal. (don’t be too prescriptive in policy)**
 - b. **Evaluate on annual basis. If we have free cash, then we can replenish. Address in free cash policy. Goal to achieve the target. DON’T have policy ‘shall replenish in subsequent FY’. Policy establishes goal and our ability to do it is a function of free cash...**
 - c. **Suggest as part of Select Board annual goals, we set goals on progress to achieve/maintain targets.**
2. Q: The Town will strive to maintain overall reserves in the level of 8-10 percent of the annual operating budget. These reserves are comprised of Stabilization funds + Free Cash target + ~~Overlay funds~~.
 - a. Please comment on where 8-10 percent target came from:
 - i. Has this always been our policy?
 - ii. Is it consistent with DLS recommendation (pg 6)?: “A 5% minimum target for the general stabilization fund is reasonable only if there are also targets for other reserves, such that the total combined reserves target equates to 10 to 12% of the prior year’s general fund budget (i.e., the total operating budget minus CPA and enterprise funds). Here, “total combined reserves” refers to the total of free cash and the town’s general and special purpose stabilizations funds all together.” **A: The 8-10 relates to General Stabilization 5% plus DLS recommendation of 3-5 for free cash. Dennis says other stabilization funds (e.g. Capital Stabilization fund target pct) would be ADDITIVE to the 8-10%, tending to make overall 10-13%.**
 - b. Please confirm ‘overall reserves’ = Stabilization funds + Free Cash target + Overlay funds. Anything else? **A: Exclude Overlay from this calculus**
3. Year-to-year goal of maintaining its free cash in the range of 3-5 percent of the annual budget
 - a. where did 3-5% target come from? **DLS Recommendation**
4. “Town will limit its use of free cash to funding one-time expenditures (like capital projects or emergencies and other unanticipated expenditures) and will appropriate any excess above 5 percent of the annual budget to reserves or to offset unfunded liabilities”
 - a. Please confirm interpretation: is this saying 5 percent is the MAX free cash to leave, therefore automatically put anything above 5 percent towards...? **A. Dennis says Yes, anything above the 5% allocate to unfunded liabilities... In practice haven’t really been generating more than 5% free cash**

- b. i.e. by “offset unfunded liabilities” (OPEB etc?)
- c. Might we also put towards paying down Debt? **A: Can’t just prepay like a mortgage because of bonds and call date. But *could* set aside to use to pay debt in future years. e.g. if in policies, say evaluate on annual basis, determine if you have to raise the funds to pay debt from taxpayers.**
5. Do you recommend prescriptive “Wheel of Free Cash” be included in Financial Policies? **A: not in the policies, rather in the separate document / Bridge letter / plan to achieve goals of “How do we get there.” Dennis recommends this, and particularly some of the prescriptive stuff like ‘50% of remainder to X’ be kept out of policies, and rather put in the separate How to get there annual doc.**

Free Cash Flow Chart (from 'BOS Financial Policies 2019 mmranddkfinpolicies')



6. If any necessary withdrawal drives the balance below the minimum level, the withdrawal should be limited to one-third of the general stabilization fund balance. Replenishment of the funds should be made annually at the Fall Town Meeting, or the earliest available meeting after Free Cash has been certified.
- Please elaborate on this.
 - Where did this guideline come from?
 - One-third at a time? E.g. one-third of balance, then another one-third of remaining balance if needed again?
 - Is more policy language needed to explain that regardless of how severe emergency need in any one fiscal year, max use 1/3 of stabilization fund? Is/should there be a policy about who to ask if need more? e.g. the Fincom, special town meeting?
- A: Dennis doesn't recall exactly where came from, but intent of policy is to prevent from using too much of general stabilization fund at one time.**
7. Please reconcile DLS statement (page 7) “all capital-related special purpose stabilization funds equal to 2% of prior year General Fund revenues” against your draft statement in Forecasting section A bullet 3 “Capital Stabilization Fund (target of 3% of operating budget)”

- a. Which one do you recommend? **A: in spirit was thinking a year's worth of usual capital spending in the Cap Stab. Could aspire to get to the point that every year you spend on capital the balance of Cap Stab from prior year. And that the levy just replenishes the Cap Stab Fund. E.g. if we had \$3M in Cap Stab Fund. That's the source of funding for next year's capital. And then next step is to replenish the Cap Stab Fund with \$3M from levy. No free cash for the usual capital. Only free cash for big nonrecurring...**
 - b. How to reconcile language? **A: Revenues is everything less ambulance receipts less free cash. Operating budget = appropriations.**
- 8. Capital Stabilization acceptable expenditures
 - a. "Moderate range capital expenditures" – how to define?
 - b. Would you recommend a more concrete policy such as?:
 - i. (e.g. \$1M or less drawn) **A: Dennis agrees yes \$1M is good cutoff. Generally anything over \$1M is something you want to bond.**
 - ii. Given that the target balance of CSF is 2% of Gen Fund, could alternatively phrase as "capital expenditures of less than half of the CSF may be used?"
- 9. Capital Stabilization – achieving and maintaining/replenish target balance
 - a. Please opine on how to go about initially achieving target balance
 - i. Should such approach be documented inside Fin Policies?
 - 1. (or keep out, into separate Howto doc...?) **A: not in the policies, rather in the separate document / Bridge letter / plan to achieve goals of "How do we get there. Dennis recommends this, and particularly some of the prescriptive wording like '50% of remainder to X' be kept out of policies, and rather put in the separate How to get there annual doc.**
 - b. Replenishment policy
 - i. Please suggest written policy (as with general Stabilization Fund?) for Replenishing Capital Stabilization Fund
 - 1. Once achieved
 - 2. As we progress towards the target balance and perhaps cheat and take from it along the way **A: policy to "evaluate on annual basis how to achieve goal" and after achieve level, then policy kicks in to try to evaluate annually maintaining goal. (don't be too prescriptive in policy) Evaluate on annual basis. If we have free cash, then we can replenish. Address in free cash policy. Goal to achieve the target. DON'T have policy 'shall replenish in subsequent FY'. Policy establishes goal and our ability a function of free cash... Suggest as part of Select Board annual goals, we set goals on progress to achieve/maintain targets**
 - 3.

10. Special Purpose Stabilization Funds

- a. Would you recommend keeping Turf Stabilization Fund separate from Capital Stabilization Fund? (How many Special Purpose Stabilization Funds are ok?) **A: Dennis thinks ok to keep Turf fund. Trying to get rid of would cause more problems. But agrees with DLS don't create a bunch more special purpose stabilization funds.**

11. Overlay Surplus (financial reserves)

- a. Please recommend clear consistent language concerning timing of Overlay Surplus. Compare the following:
 - i. Conclusion of each fiscal year (in section C. Overlay Surplus)
 - ii. Overlay Surplus section (silent on timing) **A: Dennis says best time to ask is in the Fall. After we set the tax rate Oct/Nov. Ask for the number, ask their opinion.**
- b. Who if anybody (the Board (of Assessors?) own vote?) restricts what the Overlay surplus can be used for? "Town's capital improvement plan or for any other one-time expense." **A: Mass General Law says any legal purpose. In current fiscal year, need TM to appropriate. "Town's capital improvement plan or for any other one-time expense." Was just a restatement of policy we state elsewhere**

12. Re: "Annual Capital Budget (target of 3% of operating budget)"

- a. Please reconcile this term and target versus how DLS breaks down on pg. 22 of DLS report

To have a successful CIP requires a community to develop its annual budgets with the intent of ensuring the due allocation of funds toward capital investment. Given the wide scope of services Sudbury provides and its access to low borrowing rates, we advise that the minimum level of capital funding the town should seek to achieve and then maintain year to year should be equivalent to 6% of the prior year's general fund revenue, drawn equally from within-levy debt and cash capital sources. Beyond this minimum target, the town should seek to further enhance its capital investment by supplementing it with other revenue streams, such as the CPA program, state and federal grants, donations as they are offered, and so on. The table below shows the gaps between the town's recent capital investment totals and the recommended targets.

*General Fund Capital Investment
vs. Target Funding Levels, FY2018-FY2020*

| | FY2018 | FY2019 | FY2020 | |
|-----------------------------------|------------|-------------|-------------|------------------|
| Prior Year General Fund Revenues: | 94,025,172 | 100,052,644 | 102,000,958 | |
| Capital Funding Sources | | | | Targets |
| Excluded Debt | 3,297,860 | 2,945,115 | 2,935,815 | Excluded Debt |
| % of prior year revenues | 3.51% | 2.94% | 2.88% | no target |
| Nonexcluded Debt | 155,190 | 155,510 | 154,610 | Nonexcluded Debt |
| % of prior year revenues | 0.17% | 0.16% | 0.15% | 3% |
| Free Cash + | 1,962,000 | 1,426,500 | 570,000 | |
| Tax Levy | 413,190 | 422,000 | 745,000 | Cash Capital |
| Cash Capital Total | 2,375,190 | 1,848,500 | 1,315,000 | 3% |
| % of prior year revenues | 2.53% | 1.85% | 1.29% | |
| Capital Total | 5,828,240 | 4,949,125 | 4,405,425 | Capital Total |
| % of prior year revenues | 6.20% | 4.95% | 4.32% | 6% |

A: Dennis interprets, should be spending 6M per year including debt on capital. (if your total budget 100M.)

- b. Please opine/confirm your intention about allocating one-time revenues to 4 or 5 bullets.

- i. Are these in priority order?
 - ii. Three of these are RESERVE funds. (Gen Stab, Cap Stab, OPEB)
 - iii. "Annual Capital Budget" represents this year EXPENDITURES
A: Town manager's capital operating budget plus any other budget articles that are capital.
 - iv. Correct?
- 13. Allocating "one-time revenues" to prepay Debt
 - a. Would we ever do this, have we ever done this? paying off more than the required debt payment in a given year (i.e. prepaying)
 - b. i.e. Sewataro variable revenue share, using to offset its Debt payments
A: Don't create Enterprise fund. But in policy a specific policy on Sewataro saying that setting aside revenues so that we will not raise via levy. E.g. will NOT raise the full amount required for bond payment for Sewataro in levy. Rather if we owe \$500K, take in \$120K from Sew revenues. And only raise \$380K. Even though the state says we have levy limit of X, our policy says limit ourselves to raise X minus \$120K.
- 14. Allocating New Growth revenues towards capital
 - a. DLS recommendation on page 23
 - b. PROPOSED policy in Forecasting/Revenue guidelines section: New growth (residential or commercial) permanently adds to the tax base. The Town should attempt to dedicate 50 to 75% of all (commercial?) new growth levy amounts to capital expenditures or reserves.
 - c. QUESTION: if we formalized such policy for New Growth, how would this impact our current budgeting approach? (any unintended negative consequence?) **A: Dennis suggests, maybe any new growth in excess of 0.5% of prior year levy goes to capital...(could put a fixed number in there... e.g. 600K but would have to revisit every few yrs..)**
- 15. Vehicle surplus -> Moveable property MGL to divert to Capital Stabilization.
 - a. Do you recommend doing this? (we propose in section Forecasting, Revenue Guidelines)
 - b. Pg. 21 of DLS discussion...
 - c. To retain these revenues for future purchases of the same types of assets, the select board could sponsor a warrant article to accept the fourth paragraph of M.G.L. c. 40 § 5B and specify a percentage of each sale that will be dedicated, without further appropriation, to the capital stabilization fund.
- 16. "Town departments that charge fees (Enterprise Funds and recreation programs, for example...")
 - a. Discuss reasonable goal on cost recovery
 - b. Recall this conversation at Jan 23, 2021 Select Board mtg:
 - i. Can fees be set so there is a contribution to capital expenses associated with the Enterprise? **A. Dennis: hope to generate retained earnings so you have a little extra. Dennis notes 2 of the 3 enterprise funds haven't been self-sustaining. Transfer station has been sustaining, with some retained earnings.**

- ii. Endeavor to retain funds for asset replacement **A: *Dennis fine with this language.***
- iii. Definition of enterprise fund? Subsidized by levy or self-sustaining? Currently enterprise funds cover cost of employees and benefits. **A. *An enterprise fund is allowed to go into deficit for one year. But not 2 yrs in a row. In second year required to fund it from levy***

17. Overlay Contribution

- a. Re: "the Board of Assessors shall vote in an open meeting to authorize a contribution to the overlay account as part of the budget process and to raise it without appropriation on the Town's Tax Recap Sheet. The Principal Assessor will propose this annual overlay amount to the Board of Assessors based on the following"
- b. WHEN does the BofA meet as part of the budget process to authorize contribution to the overlay account? (Can the Financial Policies be more specific on what month range/deadline?) **A: *As above, Dennis says best time to ask is in the Fall. After we set the tax rate Oct/Nov. Ask for the number, ask their opinion.***

18. Excess Overlay

- a. Re: "Annually, the Finance Director and Director of Assessing will conduct an analysis to see if there is any excess in the overlay account"
 - i. WHEN does/should this analysis happen? **A: *As above, Dennis says best time to ask is in the Fall. After we set the tax rate Oct/Nov. Ask for the number, ask their opinion.***

19. Overlay Surplus timing

- a. Re: the Board of Assessors shall formally vote in an open meeting to certify the amount to transfer to overlay surplus.
 - i. WHEN exactly does vote to certify Overlay SURPLUS occur in process? this statement 'shall' implies it is required to happen and required to notify Town Mgr and Fin Dir.
- b. Re: a Proposed Select Board policy: "At the beginning of the budget cycle, the Select Board shall request an annual update from the Board of Assessors on the balance of the overlay account."
 - i. WHEN exactly would you recommend this request and determination occur? **A: *As above, Dennis says best time to ask is in the Fall. After we set the tax rate Oct/Nov. Ask for the number, ask their opinion.***

20. Overlay Surplus appropriation

- a. verify Town Meeting (and only Town Meeting) is the only way to use Overlay Surplus funds during fiscal year (e.g. not the FinCom, or Select Board by their own vote...) **A. *Correct only Town Meeting***

21. re: "debt obligations permitted to be issued under Massachusetts law, shall only be issued to construct, reconstruct, or purchase capital assets that cannot be acquired with current revenues"

- a. Question 1: should we reference a specific MGL? **A: *if you want but saying Massachusetts law ok.***

- b. Question 2: confirm that “issue debt” only for capital is distinct from allowing Town to ‘take on debt’ through other borrowing programs like the state CWMP low-interest loan? **A. Not that literal; it’s ok to take loan for CWMP as the Plan considered a part of construction process.**
22. Re: “Issue long-term debt only for objects or purposes authorized by state law and only when the financing sources have been clearly identified”
- a. Pls explain this statement. (is it obvious e.g. can’t Issue a bond if you don’t know potential bidders?) **A: We can strike this phrase. It does not add any value.**
23. Re: DLS recommendation of restrictive criteria for Debt Exclusions
- a. DLS (aspirational?) suggested criteria was: “Restrict debt exclusion borrowing to proposals which meet all three of these criteria: (1) useful life of 20 years or more; (2) estimated cost of the principal payment in the first year of the debt issuance must be greater than 1% of the prior year’s general fund revenue; and (3) the expenditure is either for town-owned land, buildings, or infrastructure or for a LSRHS capital assessment.”
- b. Your opinion? Are criteria (2) unreasonable, too restrictive? 1% of prior year’s general fund revenue is ~ \$1M. Only purchases of \$20M or more would have first year Principal payment of > \$1M? So this would say Broadacres, Sewataro would not have qualified for a debt exclusion.
A: Dennis thinks good policy, but it is not achievable until we have more in levy debt capacity. It is a good financial policy, but each year for a while we may need to acknowledge policy and be able to identify why we cannot pursue it (i.e. we are working toward more in-levy debt.)
24. Re: “Total annual debt service, including debt exclusions and any self-supporting debt, shall be limited to 10 percent of general fund revenues, with a target balance of 5-7 percent”
- a. We added ‘annual’. Correct?
- b. Why 10%? Did we make up the number 10 percent or did this come from some reference?
- c. what is our actual percentage in past few years?
A: 10% is a best practice (state guideline). It is on an annual basis. We are nowhere near this. We are close to 3%. If there is a “target balance” (i.e. 5%) it is to allow to pay for big projects and with the knowledge that we need to pay for big capital. Would not advocate for getting near 10%. Instead of saying “target” say goal is to keep it at less than 5-7%. Debt is o.k. particularly with low interest rates. Debt allows for project to be paid over time and more tax payers.
25. Re: “the Town shall endeavor to gradually and consistently pursue future debt issuances financed by within-levy dollars with a target of 3% of prior year’s General Fund.”
- a. Is 3% good?
A: Yes, it is good, but it will take time to get there.
26. re: “The Town will attempt to maintain a long-term debt schedule so that at least 50 percent of outstanding principal will be paid within ten years.”

- a. Clarify 'long-term debt schedule'
 - b. Is this 50% of outstanding principal paid within 10 years good policy?
A: It is the current policy and basically means aim for no more than 20 years and level principal. Dennis feels some things should be 30-year bonds. He does not think it needs to be in policy in this way to have 20-year limit (perhaps only for in-levy debt projects). There could be a blend. Excluded debt could be longer. In compliance with Mass General Law X, items can be bonded with term of xyz. Whether or not something is level debt or level principal can be evaluated on a case-by-case basis.
27. Re: "Any vote to authorize borrowing will include authorization to reduce the amount of the borrowing by the amount of the net premium and accrued interest"
- a. Please explain.
A: This is Mass General Law, we do it in practice.
28. Re: "follow federal regulations and set time frames for spending borrowed funds to avoid committing arbitrage, paying rebates, fines and penalties to the federal government, and jeopardizing any debt issuance's tax-exempt status"
- a. Confirm this is just boilerplate language from somewhere? Don't worry about it?
A: This is Mass General Law, we must follow. We can't just borrow money and sit on it.
29. Re: "Issue debt with optional call dates no later than 10 years from issue"
- a. Pls explain in layman's terms. Do you agree?
A: This is standard. You can't prepay debt until 10 years (the call date). 10-year call dates allow for more favorable rates so can refinance. If you do less than 10 years for a call date you less favorable bids as far as interest rate.
30. Re: "Use any net premium and accrued interest to reduce the amount of the refunding."
- a. Pls explain in layman's terms. Do you agree?
A: This is standard as before.
31. Re: "The Finance Director, with the Town's financial advisor, will file the annual audit and official disclosure statement within 270 days of the end of the fiscal year."
- a. File with whom? (assume it's obvious...)
A: Our advisor is Unibank. They coordinate with our bond council and do a lot of our reporting with debt issuers and rating agencies.
32. Re: "The Town's retirement fund"
- a. OPEB is acknowledged as underfunded. How is 'the Town's retirement fund' funded? Are there employee contributions? Is the retirement fund 'fully funded' (is there a guaranteed pension amount?)
A: There is the retirement plan (mandate from state that it must be funded). OPEB is premiums for health and life insurance – no mandate to fund. They are both not fully funded on actuarial basis. Middlesex Retirement scheduled to be fully funded by 2038. Both are reevaluated every 2 years. There are the current contributions for

current retirees to the OPEB Trust and the ~\$600K we set aside for the future. We pay the current obligation for current retirees. There is no mandate that requires us to set aside extra money. If Sudbury doesn't contribute for future, it could look less favorable to bond agencies (particularly if other towns are).

For the Town's retirement fund employees have a contribution ~9% and 2% of over \$30K, and Town has obligation to pay out a defined benefit. The Town pays into the Middlesex Retirement Fund.

33. Re: "APPLICABILITY This policy applies to the Town Manager as the Town's chief budget decision maker. It also applies to the job responsibilities of the Finance Director, School Superintendent, School Business Manager, Select Board, School Committee, and Finance Committee"

a. Confirm LSRHS is not subject to this policy?

A: LS is a separate legal entity, and these policies do not apply to them. They have their own governing body. We contribute to them.

34. Proposed "Annually, the minimum level of capital funding (spending) the town should target year to year should be equivalent to 6% of the prior year's general fund revenue, (drawn equally from within-levy debt and cash capital sources)."

a. Your opinion? How feasible, aggressive?

A: Dennis thinks this makes sense, but it will take time to achieve this since we do not have much debt in the levy. It would be about \$6MM, and right now we are around \$5MM including excluded debt.

35. Re: "The Town Manager shall establish criteria to determine capital asset prioritization"

a. Please identify the currently used criteria

We currently have criteria that are similar (we have about four now).

b. DLS suggests: "DLS suggests Select Board est criteria including but not limited to:

c. - mitigation of safety hazards

d. - legal compliance

e. - operating cost reduction

f. - service or efficiency improvement

g. - availability of outside funding sources

i. Not a part of evaluation now

h. - conformance to asset replacement schedule

i. Not as much a part of evaluation now as it is difficult with limited funding.

ii.

i. - enhancement of quality of life"

i. Talk about in context of nice to have vs need to have.

j. QUESTION: what do you think of this list? Useful? Any value added to the doc?

A: Dennis thinks a list like this makes sense. The order makes sense. We look at it a bit more broadly now but do touch on these. If you apply numbers, you may never get to lower on list. (So, it does require some subjectivity or flexibility.) This year items were "color-coated."

36. Require a Capital Project Submission Sheet for every item listed on CIB (this year) and CIP (5 years plan).

- a. Does this happen now? Are items making it onto the CIB and CIP spreadsheet that don't have accompanying submission sheet filed?
Right now we have a Form A with 1-5 urgency score.

A: Process was modified slightly this year. Each year put their items in numbered priority. Then full group discussed how each fell into key categories and color-coated the according to priority across 4 categories.

For each item on an annual basis there is a Form A, but future items (i.e. 5 years out) may not have a form now. Now not a big deal to submit a form for each one, but some may not have a lot on them or may have estimates (not specific quotes).

37. Would acquiring Open Space ever be in the Capital Improvement Plan?

A: No, not unless it was something planned well in advance with a known date of acquisition. Otherwise, it would just be on the Open Space and Recreation plan.

38. Re: proposed "DLS: put maintenance in Department budgets... <--- this would be a significant policy change Rather, such smaller, shorter life maintenance items should be included in Departmental budget capital line item. [DECISION: adopt this DLS section B-1 recommendation of putting in Dept budget???: clearly define what items included in capital plan]"

- a. How radical would this be? Do department budgets currently have line items that cover ALL items under \$20K or 5 years?
b. Department Budgets per DLS recommendation, should have capital line items for these smaller, shorter life maintenance items...
c. QUESTION: do we currently have such a line item per department budget?
d. Type of expense e.g. maintenance and anticipated replacement. Maintenance (not huge unanticipated maintenance...) is recommended by DLS to go in Dept OPERATING budgets.
e. Replacement of trucks (<100K?), ambulances/firetrucks <\$1M

A: This is not a radical idea. Most departments (but not all) have line items in their budgets for smaller budget items. Not all departments have maintenance needs.

39. Re: proposed "LSRHS capital assets, while funded by Sudbury and Lincoln taxpayers, are not to be itemized in the Town of Sudbury Capital Improvement Plan. Rather, a single line item per year in each of the 5- and 15-year plans shall represent Sudbury's contribution to LSRHS's own independent capital plan"

- a. Opinion? Good idea

A: They are a separate legal entity. Right now LSRHS items are included on the capital plan just like any other item. (This started 6-7 years ago). The Town still would need to decide whether or not to fund them regardless. The one line item could include all the capital items in one article. This means all items might not be presented separately. However, this one should be thought through. It can be challenging to blend them together sometimes, but it is good to know what they

have coming up. Perhaps it could be a separate section of the capital plan so people realize we are separate entities. In the future, the roof will come forward which will require debt (so will have to be a separate vote).

40. Risk Management Program

- a. What is the Risk Management Program (besides holding insurance policies...) who is the Risk Manager? (Town Manager?) Does Risk Management flow down to various accountable departments?

A: This is more of an overriding concept. We don't have a specific risk manager. The Asst Town Manager handles insurance.

41. Continuation of CIAC

- a. Eliminate this step? "The Town Manager will submit a capital program to the Capital Improvement Advisory Committee (CIAC). The proposed program will detail each capital project, the estimated cost, description and funding."
- b. **** POLICY DECISION – IF WE FOLLOW DLS TAB'S RECOMMENDATION TO ABOLISH CIAC FOR LEANER, CENTRALIZED PROCESS / EMPOWERED TOWN MANAGER... THEN CAN ELIMINATE THIS STEP OF SUBMITTING TO CIAC. ***
- c. Opinion

A: This a judgement call. It may have been needed more before we had a "strong Town Manager." Ultimately, it is a judgement call by the Select Board.

42. OPEB Trust Fund

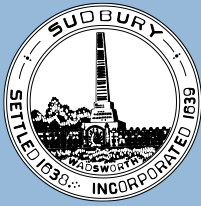
- a. How to determine policy of how much to contribute annually to OPEB Trust Fund? Roughly how to determine if (current balance and annual contribution) will be sufficient as a function of when, how many retirees roll on and off?
- b. Consider phrase "until it is fully funded as actuarially determined" (from 2019 draft)?
- c. Do you have a trend chart of fund balance, contributions per year, withdrawals per year and forecast future liabilities(withdrawals) in future years?
- d. How is the liability measured? What metric should be tracked to inform whether we are contributing enough?
- e. How to determine policy of how much to contribute annually to OPEB Trust Fund? Like what? How much to contribute each year? E.g. are we aiming for 70% of future need? How far off are we? Is there a metric/rule of thumb for 'usual' contribution level, distinct from 'catch up' contributions?

A: There is an actuarial evaluation. Now our annual contribution is about \$1.8MM. We appropriate for current retirees and \$1.2MM for future retirees and ~\$600K. "Normal costs" are how much we need to set aside for future benefits for current retirees. We are working towards the "annual required contribution." Back in 2015, we were trying to achieve this number (it fluctuates based on factors). As far as right amount, anything that is required above what we "need to pay" is a good thing. If we continue to put money aside eventually,

we will get to a point where we are fully funded. (Although it may take a long time such as 60 years). Amount we are putting away is reasonable and on high end vs peer communities. Now we have ~\$10MM set aside. In 2015, we were under \$1MM set aside so we have been steadily adding (\$600-800K between our contribution and investment earnings). Some of this is after a conversion of money from the old self insurance plan.

In our “How we get there” future document we could add “we will continue contributing a certain baseline budget number...” Or a certain % of free cash over and above the baseline amount we contribute.

Dennis would consider putting more of budget into capital and more free cash into the future OPEB (since we have capital every year and is a known need.)

**SUDBURY SELECT BOARD**

Tuesday, June 15, 2021

MISCELLANEOUS (UNTIMED)**6: Remote/hybrid meeting legislation****REQUESTOR SECTION**

Date of request:

Requestor: Chair Roberts

Formal Title: Discussion and update on Remote/Hybrid meeting legislation and related Town planning.

Recommendations/Suggested Motion/Vote: Discussion and update on Remote/Hybrid meeting legislation and related Town planning.

Background Information:

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 |
| Janie Dretler | Pending |
| Select Board | Pending |

06/15/2021 6:15 PM

Senate Votes to Extend Popular State of Emergency Measures

Mail-in voting, outdoor dining, protections for tenants, healthcare initiatives among measures extended

(BOSTON-06/10/21) Today, the Massachusetts State Senate passed a bill which would extend a slate of measures instituted in Massachusetts during the State of Emergency stemming from COVID-19. If signed into law, this bill would result in the included measures being temporarily extended beyond the State of Emergency's expiration on June 15, 2021.

"The end of the State of Emergency in Massachusetts is both a testament to how far we've come and a reminder of the work that lies ahead as we seek a robust recovery equitable to all residents" stated **Senate President Karen E. Spilka (D-Ashland)**. "Massachusetts' recovery will depend on our ability to respond to the lessons of the pandemic, in such areas as housing, healthcare, the restaurant industry and civic and community engagement. Today's legislation keeps these conversations going and addresses the future of some of the most popular new ideas that have been embraced during the pandemic. Some of the included measures, like mail-in voting and greater access to public meetings, are not merely convenient but are crucial for the continued health of our democracy. I'm grateful for the work of Chair Rodrigues and the Committee on Ways and Means for moving this important bill forward swiftly."

Many of the extended measures deal with elections and public meetings. Under the bill, mail-in voting would be extended in Massachusetts until December 15, 2021, giving voters flexibility and more opportunity to participate in upcoming fall elections. With municipal approval, early in-person voting could be extended through the same date.

Public bodies subject to the open meeting law would be able to continue holding meetings remotely until April 1, 2022. Similarly, remote town meetings would remain an option for Massachusetts municipalities through December 15, 2021, and quorum requirements for town meetings would be eased. Nonprofits and public corporations would be able to hold meetings remotely until December 15, 2021.

"Extending these emergency measures will allow municipalities, restaurants, businesses, and residents the flexibility they need to adapt as we continue on the path toward our new normal and we get back to a new better," stated **Senator Michael J. Rodrigues (D-Westport), Chair of the Senate Committee on Ways and Means**. "Thank you to Senate President Spilka for her steady leadership and

thank you to my colleagues in the Senate for moving quickly to support citizens of the Commonwealth.”

Also included in the bill are measures relative to restaurant operations. The legislation would allow municipalities to approve and extend permits for outdoor dining through April 1, 2022. Restaurants would also be permitted to offer alcoholic beverages, including mixed drinks, for off-site consumption with the purchase of food until March 1, 2022

The bill also extends certain protections afforded to tenants during the pandemic. Among these is the requirement that a ‘notice to quit,’ including information on tenants’ rights as well as methods for seeking legal and financial assistance, be served to tenants prior to an eviction. Such notices will continue to be required until at least January 1, 2023. Furthermore, the legislation would also extend hardship protections to persons facing eviction by continuing the court practice of offering temporary continuances to tenants who have filed applications for rental assistance, thereby preventing unnecessary evictions in cases where tenants are unable to pay rent due to COVID-19-related financial hardship. This statutory requirement would have expired on June 15, 2021 and instead will be extended until April 1, 2022.

“We learned a lot during the COVID experience, and we may be able to use some of those lessons going forward. This legislation gives us the time to sort out which changes we should make permanent,” stated **President Pro Tempore Senator William Brownsberger (D-Belmont)**.

“This bill represents responsible and proactive action by the Senate to ensure that important safeguards remain in place after June 15th,” said **Senator Cindy F. Friedman (D-Arlington), Vice Chair of the Senate Committee on Ways and Means**. “The effects of this public health crisis are not over; we must continue to protect the public’s health and well-being. This bill maintains the rapid availability of our strong health care workforce and provides financial support to those most impacted by the pandemic, like those who struggle to secure adequate childcare as in-person work resumes. I thank Senate President Spilka, Chair Rodrigues, and my senate colleagues for their speedy and thoughtful effort in addressing these matters.”

“The bill the Senate passed today recognizes that for many people in Massachusetts, the pandemic is far from over,” said **Senator Joanne M. Comerford (D-Northampton)**. “By extending many of these emergency provisions, we can assure people that many of the important protections such as those having to do with public health, remote participation in civic life, outdoor dining, and protections against evictions will remain in place.”

In an amendment proposed by Senator Jehlen and adopted during debate, a lack of access to childcare will not prohibit someone from collecting unemployment benefits from continuing to access those benefits. This practice, initiated during the pandemic and otherwise set to expire on June 15, 2021 will continue until federal unemployment protections expire in September.

Finally, the Senate extended several measures to ensure that sufficient workforce and access to necessary healthcare services remain to address the needs of the Commonwealth during the continuing public health emergency. In a move which fulfills the Senate's stated commitment to supporting telehealth's inclusion as a healthcare option for Massachusetts residents, a requirement that certain in-network telehealth services be reimbursed at the same rate as equivalent in-person services would be extended until at least December 15, 2021.

The bill now goes to the House of Representatives.

Implications of the Pending Termination of the State of Emergency June 7, 2021

As you have all heard by now, the COVID-19 State of Emergency will be formally rescinded at 12:01 a.m. on June 15, 2021. Almost all of the COVID-19 related executive orders, Department of Public Health mandates, sector-specific workplace safety protocols, and gatherings and capacity limits will have expired as of May 29, 2021. Any such orders that were not rescinded as of May 29th will expire on June 15th, although certain school-related requirements remain in place. We have received several questions in the days since Governor Baker announced the pending termination of the State of Emergency, most commonly involving: the ability of public bodies to hold remote meetings after the State of Emergency ends; whether locally-declared states of emergency and associated orders should be rescinded; and, whether communities are required to re-open town offices and programs in light of the lifting of the State of Emergency. While there are certainly other questions, we wanted to address these most time sensitive issues.

Ability of Public Bodies to Meet “Virtually” as of June 15, 2021

Absent further action by the Legislature, the temporary authorization for public bodies to hold entirely “virtual” meetings will **expire** as of 12:01 a.m. on June 15th. It is critical to keep this issue in mind when posting public meetings, and posting and advertising public hearings, that will occur after, or be continued to a date after, the State of Emergency expires. The Governor has proposed a legislative extension to temporarily allow remote meetings to continue to occur after the State of Emergency expires, which would afford more time to transition from virtual to in-person meetings. However, given that June 15th is rapidly approaching, it is not clear that such legislative action will occur before the State of Emergency expires. Public bodies, therefore, should be prepared to resume fully in-person meetings as of June 15th. Note that there are no longer any state-imposed limitations on the number of people that may gather in a single indoor location, either with or without social distancing.

If you have already posted and/or advertised a “virtual only” public meeting or hearing that will occur June 15th or later, we recommend that:

- In the case of public meetings, where only 48 hours advanced notice is required (not counting Saturdays, Sundays, or legal holidays), you amend your meeting notices to reflect that the meeting will be held in-person, and specify the meeting’s physical location;
- In the case of public hearings, where statutory, regulatory, or local requirements mandate publication or other notice more than 48 hours in advance, you should consult with your counsel to determine what steps are necessary and permissible to update those notices to reflect a new meeting location;

THE LEADER IN PUBLIC SECTOR LAW

- If the meeting/hearing will be held both virtually and in person (see “Hybrid Meetings”, below), you should double check meeting/hearing notices to ensure that it is clear that the public’s in-person attendance is permitted and not prohibited.

Rules for Remote Participation

Assuming no further action by the Legislature before June 15th, the rules regarding remote participation that existed prior to the pandemic will again apply. Pursuant to 940 CMR 29.10, remote participation by less than a quorum of the public body is permitted, if adopted by the municipality’s Chief Executive Officer (usually the Mayor or Select Board, unless otherwise established by Charter or special act). Should the Select Board vote or the Mayor authorize the use of remote participation, that authorization will apply to all governmental public bodies in the municipality. Notably, local Commissions on Disabilities have independent authority to adopt remote participation rules for their meetings, either on a meeting-by-meeting basis or for all future meetings. The Chief Executive Officer and/or local Commission on Disabilities may adopt more stringent rules on remote participation than those set forth in 940 CMR 29.10, so long as those rules are consistent with and do not violate state or federal law.

As a refresher to the pre-pandemic remote participation rules, at the end of this eUpdate, you will find a bullet-point summary of the minimum requirements for remote participation under 940 CMR 29.10.

“Hybrid” Meetings

There is nothing in the Open Meeting Law that precludes the simultaneous broadcasting of an in-person public meeting or public hearing via technological means (such as live broadcast via local cable access, “Facebook Live”, Zoom, or other platform). Similarly, there is nothing in the Open Meeting Law that precludes a public body from accepting public comment or allowing public participation via virtual means. As a reminder, public bodies are not statutorily required to allow any public comment or participation in their meetings, unless there is a Charter provision, special act, or local ordinance or by-law mandating public comment or participation. Public hearings are a different matter, however, since the public’s right to participate is inherent in the hearing process.

While the lifting of the State of Emergency means that members of the public body will be limited in their ability to remotely participate in public meetings or hearings, the same is not true of members of the public. Now that there are no longer any state-imposed gathering limitations and the State of Emergency will shortly be lifted, the public must be allowed to attend open meetings in person, but they may also be afforded the opportunity to attend remotely. Whether or not to afford this additional opportunity for remote attendance and participation is a policy decision for each community.

If you do choose to offer both in-person and virtual attendance options, you should consider the impacts if a technology disruption occurs during the meeting. Must the meeting be recessed while the technological issues are attempted to be resolved, or must the meeting be terminated in the event that those technological issues cannot be resolved? The answer to this question likely depends upon how the meeting/hearing was noticed. If you offer both in-person and virtual attendance options, to avoid having to suspend or cancel a meeting due to technical difficulties you may wish to include on your meeting notices language such as:

THE LEADER IN PUBLIC SECTOR LAW

“This meeting/hearing of [insert name of public body] will be held in-person at the location provided on this notice. Members of the public are welcome to attend this in-person meeting. Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless otherwise required by law. Members of the public with particular interest in any specific item on this agenda should make plans for in-person vs. virtual attendance accordingly.”

Rescinding Locally-Declared States of Emergency and COVID-19 related mandates

Many municipalities declared a local state of emergency, in parallel with the Governor’s declaration of a State of Emergency based on particular local public health concerns. Now, however, the question arises as to whether those locally-declared states of emergency should be rescinded. If your locally-declared state of emergency is worded such that it is tied to the state-wide State of Emergency, it may expire on its own as of June 15th, without further action by the Select Board/Mayor. If not, you may wish to consider rescinding a locally-declared state of emergency to align with the June 15th expiration of the state-wide State of Emergency to avoid confusion resulting from an inconsistency with state procedures.”

A separate but related question is whether or not locally-adopted Mayor/Select Board/Board of Health orders, such as mask mandates, survive the rescission of state-level mandates. The continued application and enforcement of such orders may be difficult to defend once the State of Emergency is lifted, absent specific articulated public health conditions that may exist in any particular municipality. Like locally-declared states of emergency, you will want to examine your local COVID-19 related orders to see if they are worded so as to naturally expire when the state-wide State of Emergency expires, or whether formal action to rescind such orders is necessary. Moreover, should your municipality experience conditions that warrant the re-adoption of COVID-19 related orders after the State of Emergency expires, such local orders must have a basis in existing statutory authorities. Further, the Mayor/Select Board and/or Board of Health should make specific public health and safety-related findings supporting the re-adoption of local COVID-19 orders, such as a new COVID-19 outbreak in the municipality or designation of the municipality as being in the “red zone.” Furthermore, these local orders should be narrowly tailored to limit the scope of restrictions imposed to only those reasonable and necessary to address particular local conditions and protect public health and safety. For reference, please see our Guidance for Boards of Health Re: COVID-19, available [here](#), which provides a comprehensive review of local authorities to address the spread of infectious diseases.

Re-Opening of Municipal Buildings and Facilities

The lifting of the State of Emergency does not immediately require every municipality to re-open every municipal building and facility to the public, although there may be significant public and political pressure to do so. It is certainly reasonable that additional time may be required to “ramp up” operations, in light of the unanticipated lifting of the State of Emergency much earlier than originally planned. Common questions that arise with the re-opening of municipal buildings and facilities to the public include:

- Can we still require the public to wear masks when in City/Town Hall?
- Can we still require social distancing and observance of safety protocols, for both staff and officials, and members of the public?
- Can we require “proof of vaccination” for people entering City/Town Hall?

Whether you can do any of these things, and whether you should do any of these things, are two separate considerations. As far as wearing masks, social distancing, and observance of other safety protocols, these are now recommended practices by the State (as opposed to mandates), and you may wish to treat them similarly at the local level.

In terms of requesting proof of vaccinations, that is likely to be a “hot button” issue for the public and staff alike. Given that you may have to accommodate those who have religious or medical reasons for not being vaccinated, requiring proof of vaccination does not ultimately ensure that only vaccinated persons are permitted in municipal buildings or facilities. With this in mind, municipalities should weigh asking for proof of vaccination against the difficulties in applying a vaccination requirement across-the-board, as well as the potential for confrontations with those who are unvaccinated or who believe it is an intrusion on personal privacy to be asked for proof of vaccination. These, of course, are questions that each municipality should consider individually, and we again suggest that you consult with counsel to ensure that you have fully considered the legal ramifications to such a requirement.

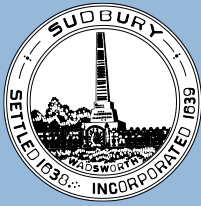
We will continue to keep you updated on additional developments in light of the impending expiration of the State of Emergency, as well as the Legislature’s consideration of possible amendments to the Open Meeting Law. A reminder that we have established a **Coronavirus “hotline,”** at coronavirusinfo@k-plaw.com. A dedicated team of our attorneys is available through this hotline e-mail address to answer the most frequently-asked legal questions arising from COVID-19. One of these designated attorneys will respond promptly to your inquiries.

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Summary of minimum requirements for remote participation under 940 CMR 29.10

1. Chief Executive Officer adopts remote participation for local public bodies.
2. A quorum of the public body, including the Chair or whichever member will be chairing the particular meeting, must be physically present at the meeting location. The remaining members of the public body may participate via remote means. In the case of Commissions on Disabilities, only the Chair or person chairing the meeting must be physically present at the meeting locations; all other members may participate remotely.
3. “As soon as reasonably possible” prior to the meeting, any member of the public body who wishes to participate remotely must notify the Chair (or whomever will be chairing that particular meeting), of the reasons why that member’s physical attendance would be “unreasonably difficult.”
4. Where feasible, the Chair or person who will be chairing the meeting should provide members who will be participating remotely with meeting packets or other documents to be used at the meeting, in advance of the meeting.
5. At the start of the meeting, the Chair is required to identify by name those member(s) participating remotely, and the meeting minutes should reflect this information as well. The reasons for the remote participation do not need to be announced publicly, and no vote of the public body itself is required to permit an individual member’s remote participation.
6. All members participating remotely must be clearly audible to the members of the public body attending the meeting in person. If a video platform (such as Zoom, Microsoft Teams, GoToMeeting) is used, all members must be clearly visible to each other as well (which means that when video conferencing technology is used, members participating remotely must leave their video feed “on” during the meeting).
7. If there are technological difficulties during the meeting, the meeting generally should be suspended until those difficulties can be resolved. If those technological difficulties result in the disconnection of a remotely participating member, the time of disconnection must be noted in the meeting minutes.
8. All votes taken during open or executive session meetings in which one or more members participate remotely, must be taken by roll call vote and recorded as such in the meeting minutes.
9. If members of the public body are participating remotely in an executive session, each such member must also state, at the start of the executive session, that no other person is present and/or able to hear the discussion at the remote location, unless the public body votes to approve that third party’s presence.

The full remote participation requirements can be found at 940 CMR 29.10. Any locally-adopted remote participation policies or rules should also be consulted.



SUDBURY SELECT BOARD

Tuesday, June 15, 2021

7

MISCELLANEOUS (UNTIMED)

7: Town manager review process and goal-setting

REQUESTOR SECTION

Date of request:

Requestor: Chair Roberts

Formal Title: Discuss process for Town Manager review and goal-setting.

Recommendations/Suggested Motion/Vote: Discuss process for Town Manager review and goal-setting.

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 |
| Janie Dretler | Pending |
| Select Board | Pending |

06/15/2021 6:15 PM

TOWN MANGER GOALS, EVALUATIONS, AND PROFESSIONAL DEVELOPMENT

for HENRY HAYES JR. as of May 2021

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
 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. After six (6) months of the Town Manager's employment
 Select Board to conduct evaluation of Town Manager performance
 - a. 360-degree assessment with solicited input from others

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- 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. Annually throughout the duration of the Town Manager's employment

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. **Fairbank Community Center**: Work with Town Staff and other interested parties to sustain and operate the Fairbank Community Center and execute any future / new facility plans
2. **Cleargov**: Continue to work with Cleargov to evaluate new features and implement those new features when they become available (**2021 update**)
3. **Town Center**: 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. **Regional and Technical High Schools**: Work to establish clearer relationships, processes, budgeting, bussing and predictions as best as able
5. **Cemetery**: Work with DPW on plan to create future cemetery space, including increased number of plots and access
6. **Capital**:
 - a. **Revise the form and process.**
 - b. Continue to work on **funding sources for routine capital**, as well as finding capacity for larger projects.
7. **Complete Streets**: Conduct Implementation (**Grant awarded**)
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 (2019)
 - b. Discover and implement additional training and development opportunities
11. **Space Utilization**: Planning for facility use now and in the perceivable future for our teams employed by the Town

12. **Disabilities and Accommodations focus**: Continue to seek opportunities to enrich the experiences and access for all people across Sudbury
13. Establish and sustain **emergency management** exercises to **ensure readiness** and responsiveness
14. **Establish Sewaturo Policy** and recommend **fee structure** for use of the property to the Select Board (as requested by some of the Select Board members)
15. **Comprehensive Wastewater Management Plan**: Continue planning process and identify future needs and adjustments
16. **Implement major plans**: To include Livable Sudbury, Master Plan, community Profile and historical preservation
17. **Trail development**:
18. **Broadacres Farm**: Compile and recommend viable actions and identify timing potentials
19. **Sustain a SAFE, SECURE, SERVICED & STRONG SUDBURY!**

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 (**2020**)
 - b. Massachusetts Municipal Association Annual Conference (MMA) (**2020, 2021**)
 - c. Massachusetts Municipal Management Association Annual Spring and Fall conferences (MMMA). (**2020, 2021**)
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
- e. **MMA-Suffolk Certificate in Local Leadership & Management Program**
(May 2021)

Select Board Goals 2021:

| Goal | Primary Category | Total Score | Priority Level | Board Liaison | Staff Liaison | 2021 deliverable |
|---|--|-------------|----------------|----------------------|---|--|
| Financial Policies and Capital Planning/ Funding | Financial Management & Economic Resilience | 19 | High | Roberts & Schineller | Town Manager/Treasurer | Complete rreview of DLS Report; Finalize and publish Financial Policies ; identify gaps; select, prioritize and implement Capital planning improvements; transparency/communicate to the public ; identify what we mean by capital; secure funding sources; |
| LS Regional Agreement and Assessment Process | Effective Governance and Communication | 16 | High | Carty | Town Manager | Map out issues and process; coordinate with stakeholders / Lincoln leadership and LSRRHS School Committee; evaluate Agreement review increments; examine vocational education responsibilities; define the perceived problems; budget timeline alignment; draft updates of the Agreement |
| Upgrade Fire Station 2 (Rte 20) | Town Services and Infrastructure | 14 | High | Dretler & Roberts | Fire Chief/Facilities | Conduct a forum for information on the project; accom |
| Bruce Freeman Rail | Open Space, Recreation & Historic Assets | 9 | High | Dretler & Russo | Planning | Re-establish Rail Trail Task Force; bid out final design; ke |
| Sewataro | Open Space, Recreation & Historic Assets | 5 | High | Schineller & Russo | Town Manager/Facilities/PRP | Increase public use (swimming summer weekends); safeguard property; update Agreement; examine / evaluate best uses for the property; discover revenue generating opportunities; define strategic vision, options and next steps; formulate evaluation team; compare data from other communities; increase documentation of activities and uses; consider tax exempt debt option (lease vs management agreement); |
| Expand (Normalize) and Fund Transportation Option | Transportation, Mobility & Housing | 4 | High | Carty | Planning/Treasurer | Evaluate additional options; future vision development / employment and oversight methodology; examine sustainment of operations and funding sources; determine transportation gaps; align with Master Plan intent; track trend data to discover efficiencies and distractions; develop community survey; add Town employee(s) |
| Master Plan Implementation (Driven by PB Support from SB) | Effective Governance and Communication | 4 | | | Planning/Town Manager | |
| Diversity, Equity and Inclusion Commision (underway) | Effective Governance and Communication | 2 | | | | |
| Vocational Education | Town Services and Infrastructure | 1 | | | | |
| Eversource lllitigation | Environmental Health & Wellness | 1 | | | Town Counsel | |
| Customer Services for Municipal Facilities | Effective Governance and Communication | 0 | | | Town Manager | |
| Enhance Website (More Self Service) | Effective Governance and Communication | 0 | | | IT | |
| Remote Work Place Support | Effective Governance and Communication | 0 | | | IT | |
| Development Project Mgt and Reporting System (KPI report) | Effective Governance and Communication | 0 | | | Town Manager | |
| House Keeping - including transparency, minutes website) | Effective Governance and Communication | 0 | | | Town Manager/Treasurer | |
| Update Policies and Procedures | Effective Governance and Communication | 0 | | | Town Manager | |
| 3 year Calendar for BOS | Effective Governance and Communication | 0 | | | Town Manager/Selectmen Office | |
| Town Meeting - Increasing Engagement, Efficiency, and Participation | Effective Governance and Communication | 0 | | | Town Manager/Selectmen Office | |
| Increase Civic Leadership and Engaged Citizenry | Effective Governance and Communication | 0 | | | | |
| Preventative Maintenance for Capital Assets | Financial Management & Economic Resilience | 0 | | | Facilities/Treasurer | |
| Customer Services for Municipal Facilities | Financial Management & Economic Resilience | 0 | | | All | |
| Facilities Inventory | Financial Management & Economic Resilience | 0 | | | Facilities | |
| Staffing Plan for Future | Financial Management & Economic Resilience | 0 | | | Town Manager | |
| Fairbank Comm Ctr | Town Services and Infrastructure | 0 | | | Town Manager/Facilities/Sr Center/PRP/Treasurer | |
| Sidewalks and Crosswalks Priorities | Town Services and Infrastructure | 0 | | | DPW/Planning | |
| Pavement Management Plan | Town Services and Infrastructure | 0 | | | DPW | |
| Roadway (bridges, culverts, drains) | Town Services and Infrastructure | 0 | | | DPW | |
| Emergency Management and Response | Town Services and Infrastructure | 0 | | | Town Manager/Fire Chief | |
| Age Friendly and Dementia Friendly | Town Services and Infrastructure | 0 | | | Sr Center | |
| Indoor Environmental Health | Town Services and Infrastructure | 0 | | | Facilities/Health | |
| Town Hall Space needs | Town Services and Infrastructure | 0 | | | Town Manager/Facilities | |
| Comp Stormwater Mgt. (MS-4) | Town Services and Infrastructure | 0 | | | DPW | |
| Fire Station Number 3 (inc. ALS) | Town Services and Infrastructure | 0 | | | Fire Chief/Facilities | |
| CSX ROW Acquisition | Open Space, Recreation & Historic Assets | 0 | | | Planning/Conservation | |
| Land Stewardship Comm (Proactive) | Open Space, Recreation & Historic Assets | 0 | | | Conservation | |
| Town Center (former Sudbury Station) | Open Space, Recreation & Historic Assets | 0 | | | Planning | |
| Carding Mill Work | Open Space, Recreation & Historic Assets | 0 | | | Conservation | |
| Broadacre | Open Space, Recreation & Historic Assets | 0 | | | DPW/PRP/Planning | |
| GPS Base for Trail Guides | Open Space, Recreation & Historic Assets | 0 | | | Conservation | |
| Conservation Restriction Inventory | Open Space, Recreation & Historic Assets | 0 | | | Conservation | |
| Historic Preservation Plan (Bigger than an Inventory) | Open Space, Recreation & Historic Assets | 0 | | | Planning | |
| Funding for Trail Maintenance | Open Space, Recreation & Historic Assets | 0 | | | Conservation/Treasurer | |
| Complete Transaction Quarry Hill and Sudbury Station Transfer | Transportation, Mobility & Housing | 0 | | | Planning | |
| EV Charging Stations | Transportation, Mobility & Housing | 0 | | | | |
| Nobscot Rd. and Rt. 20 Abandoned Property | Environmental Health & Wellness | 0 | | | Planning | |
| Nuisance By-law | Environmental Health & Wellness | 0 | | | Town Manager/Bldg-Zoning/Health/Fire/Town Counsel | |
| Sustainability - explore enhanced commitment | Environmental Health & Wellness | 0 | | | | |

Sustaining a SAFE, SECURE, SERVICED & STRONG SUDBURY!

2020 Board Goals:

| BOS GOALS 2020 | | | | | | |
|---|---|-------------|----------------|-----------------|---|---|
| Goal | Primary Category | Total Score | Priority Level | Board Liaison | Staff Liaison | 2020 deliverable |
| Town Manager Search Completion | Effective 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 Director/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.) | Effective Governance and Communication | 1 | | Pat Brown | Town Manager | Approve Ex. Session minutes and review for release quarterly; 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 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 Communication 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 | N/A |
| Comprehensive Stormwater Management Plan | Town Services and Infrastructure | 0 | N/A | N/A | N/A | N/A |
| Complete Streets Project | Transportation, Mobility, and Housing | 0 | N/A | N/A | N/A | N/A |
| Implementation of Municipal Vulnerability Plan | Environmental, Health, and Wellness | 0 | N/A | N/A | N/A | N/A |

| BOS GOALS 2020 | | | | | | |
|---|---|-------------|----------------|---------------|---------------------|------------------|
| Goal | Primary Category | Total Score | Priority Level | Board Liaison | Staff Liaison | 2020 deliverable |
| Implementation of Recreation and Open Space Plan | Open Space, Recreation, and Historic Assets | 0 | N/A | N/A | N/A | BOS Support |
| Master Plan | Effective Governance and Communication | 0 | N/A | N/A | N/A | BOS Support |
| Inclusionary Zoning | Effective Governance and Communication | 0 | N/A | N/A | Planning Board Goal | N/A |
| Solar By-Law | Effective Governance and Communication | 0 | N/A | 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 | N/A |
| Parks & Recreation Indoor Programming Space (Fairbank) | Town Services and Infrastructure | 0 | N/A | N/A | N/A | N/A |
| Community Shelter (Fairbank) | Town Services and Infrastructure | 0 | N/A | N/A | N/A | N/A |
| Committee Management (review committees and disband unused or unneeded committees) | Effective Governance and Communication | 0 | N/A | 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) | Effective Governance and Communication | 0 | N/A | N/A | N/A | N/A |
| Update/Review Policies and Procedures | Effective Governance and Communication | 0 | N/A | N/A | N/A | N/A |
| Transparency in Government (audit reports, training, etc.) | Effective Governance and Communication | 0 | N/A | N/A | N/A | N/A |
| Key Performance Indicators Dashboard ("what do we get for what we spend") | Effective Governance and Communication | 0 | N/A | N/A | N/A | N/A |
| Discuss potential development of Blight or Nuisance Bylaw (Nobscot and Route 20 Intersection - abandoned property) | Financial Management & Economic Resilience | 0 | N/A | N/A | N/A | N/A |
| Nobscot and Route 20 Intersection - abandoned property) | Environmental, Health, and Wellness | 0 | N/A | N/A | N/A | N/A |
| Town Hall Renovation/Execute Design | Town Services and Infrastructure | 0 | N/A | N/A | N/A | N/A |
| Eversource Litigation | Environmental, Health, and Wellness | 0 | N/A | N/A | N/A | N/A |
| Historic Preservation Plan | Open Space, Recreation, and Historic Assets | 0 | N/A | 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 | N/A |
| ADA Transition Plan | Town Services and Infrastructure | 0 | N/A | N/A | N/A | N/A |
| Landham Road/Rt 20 Intersection | Transportation, Mobility, and Housing | 0 | N/A | 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 | N/A |
| Change name of BOS to Select Board | Effective Governance and Communication | 0 | N/A | N/A | N/A | N/A |
| Complete Playgrounds | Open Space, Recreation, and Historic Assets | 0 | N/A | N/A | N/A | N/A |

Sustaining a SAFE, SECURE, SERVICED & STRONG SUDBURY!

TOWN OF SUDBURY TOWN MANAGER EVALUATION PROCESS

PREFACE

The Sudbury Board of Selectmen is committed to an evaluation process that is positive, constructive, and measurable in assessing performance. The BOS seeks to provide sound and regular feedback to the Town Manager. The purpose of the evaluation is to assist the Town Manager in reviewing her effectiveness in carrying out the duties of the position and in meeting the goals which the BOS and the Town Manager have mutually established. The evaluation should be a positive, constructive process, implemented with mutual respect for all involved, working toward the common goal of improving the Town of Sudbury.

PROCESS

The evaluation shall consist of:

SECTION 1: Annual Town Manager goals agreed upon by the Town Manager and the BOS.

SECTION 2: A self-evaluation completed by the Town Manager, addressing major areas of responsibility and progress in meeting the Town Manager's goals.

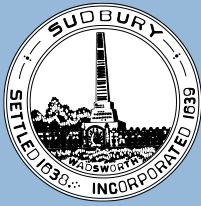
SECTION 3: Individual evaluations based on a checklist of the Town Manager's major areas of responsibilities including the Town Manager's progress in meeting the annual goals. All Selectmen will complete the checklist to evaluate each area.

PROCEDURE AND SCHEDULE

By September (?) each year, the BOS will establish or update goals for the Town of Sudbury that may be annual for the fiscal year or multi-year objectives. Within the context of these goals, the BOS and Town Manager together will outline specific annual goals for the Town Manager. The Town Manager's goals for the next calendar year will be established by the end of **October**.

The individual Selectmen are encouraged to discuss progress toward goals and concerns about performance issues directly with the Town Manager throughout the year.

The Town Manager will submit a self-evaluation to the BOS by **February 1** each year. Each Selectman will complete the Section 3 checklist including comments and submit it to the Selectmen's office by **March 1**. The complete performance evaluation will consist of the Town Manager's annual goals, the Town Manager's self-evaluation, the individual Selectmen's Section 3 evaluations, and a composite scoring averaging the Selectmen's ratings. The composite scoring for each area will be an average of the Selectmen's ratings, with each Selectman's score weighed equally. The Selectmen will then discuss the evaluation with the Town Manager in a public meeting.

**SUDBURY SELECT BOARD**

Tuesday, June 15, 2021

MISCELLANEOUS (UNTIMED)**8: Discussion on Fall Town Meeting****REQUESTOR SECTION**

Date of request:

Requested by: Patty Golden

Formal Title: Discussion on Fall Town Meeting

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

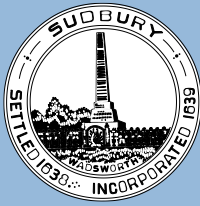
Review:

| | |
|----------------------|---------|
| Patty Golden | Pending |
| Henry L Hayes | Pending |
| Jonathan Silverstein | Pending |
| Daniel E Carty | Pending |
| Janie Dretler | Pending |
| Select Board | Pending |

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Article 1, Section 3 of Sudbury General Bylaw states:

A Town Meeting shall be held during the months of September, October or November at such date, time and place as the Selectmen shall determine, unless the following applies. **By the end of July**, the Board of Selectmen shall discuss in public session, hold a public hearing and vote to determine whether a fall Town Meeting should occur. The **public hearing** shall be posted in accordance with the Open Meeting Law. The Board of Selectmen shall also **solicit input from the Town** via email or mail for a period of one week before the public hearing.

**SUDBURY SELECT BOARD**

Tuesday, June 15, 2021

MISCELLANEOUS (UNTIMED)**9: Ratify vote taken in Executive Session****REQUESTOR SECTION**

Date of request:

Requested by: Patty Golden

Formal Title: Follow-up discussion and expected vote to ratify vote taken in Executive Session on proposed letter to ISO-New England.

Recommendations/Suggested Motion/Vote: Follow-up discussion and expected vote to ratify vote taken in Executive Session on proposed letter to ISO-New England.

Background Information:

Financial impact expected:

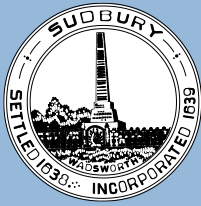
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

| | |
|----------------------|---------|
| Patty Golden | Pending |
| Henry L Hayes | Pending |
| Jonathan Silverstein | Pending |
| Daniel E Carty | Pending |
| Janie Dretler | Pending |
| Select Board | Pending |

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**SUDBURY SELECT BOARD**

Tuesday, June 15, 2021

MISCELLANEOUS (UNTIMED)**10: Vote new SB liaison assignments****REQUESTOR SECTION**

Date of request:

Requestor: Chair Roberts

Formal Title: Discussion and vote new Select Board liaison assignments

Recommendations/Suggested Motion/Vote:

Background Information:
attached list from 2020-21

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 |
| Janie Dretler | Pending |
| Select Board | Pending |

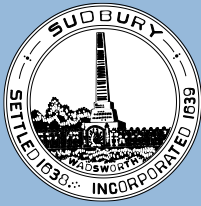
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**SUDBURY BOARD OF SELECTMEN
LIAISON AND COMMITTEE ASSIGNMENTS
2020-2021**

| <i>Chairman Dretler</i> | <i>Vice-Chairman Roberts</i> | <i>Selectman Carty</i> | <i>Selectman Russo</i> | <i>Selectman Schineller</i> |
|---|-------------------------------------|-------------------------------|-----------------------------------|------------------------------------|
| Board of Health | Board of Health | Board of Assessors | Agricultural Commission | Design Review Board |
| Capital Improvement Advisory Committee (CIAC) | Chamber of Commerce | Goodnow Library Trustees | Conservation Committee | Energy Committee |
| Lincoln Board of Selectmen | Commission on Disability | L-S Regional High School | Design Review Board | Finance Committee |
| Memorial Day Parade Committee | Council on Aging | Park & Rec Commission | Earth Removal Board | Historical Commission |
| Town Historian | Cultural Council | Sudbury Public Schools | Land Acquisition Review Committee | Historical Districts Commission |
| Town Manager/Town Departments | Finance Committee | Sudbury Water District | Medical Reserve Corp | Permanent Building Committee |
| Town Moderator | Park & Rec Commission | | Planning Board | Planning Board |
| Traffic Safety Committee | Sudbury Housing Authority | | Zoning Board (ZBA) | Ponds and Waterways |

MEMBER OF COMMITTEE(S):

| | | | | |
|--------------------------------|--|--------------------------------|--|------------------------------|
| M.A.G.I.C. | Community Preservation Committee (CPC) | Budget Strategies Task Force | 9/11 Memorial Garden Committee | Budget Strategies Task Force |
| Master Plan Steering Committee | | M.B.T.A. | Community Emergency Response Team (CERT) | Military Support Network |
| Sudbury Housing Trust | | Master Plan Steering Committee | | |
| | | Transportation Committee | | |

**SUDBURY SELECT BOARD**

Tuesday, June 15, 2021

MISCELLANEOUS (UNTIMED)**11: Town Counsel opinion re: P&R user fees****REQUESTOR SECTION**

Date of request:

Requestor: Chair Roberts

Formal Title: Discussion and potential vote to release Town Counsel Opinion related to Park and Recreation User Fees authority.

Recommendations/Suggested Motion/Vote: Discussion and potential vote to release Town Counsel Opinion related to Park and Recreation User Fees authority.

Background Information:

Financial impact expected:

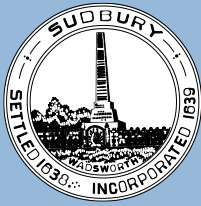
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

| | |
|----------------------|---------|
| Patty Golden | Pending |
| Henry L Hayes | Pending |
| Jonathan Silverstein | Pending |
| Janie Dretler | Pending |
| Daniel E Carty | Pending |
| Select Board | Pending |

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**SUDBURY SELECT BOARD**

Tuesday, June 15, 2021

MISCELLANEOUS (UNTIMED)**12: Minutes review****REQUESTOR SECTION**

Date of request:

Requested by: Patty Golden

Formal Title: Review open session minutes of 5/13/21 and 5/18/21 and possibly vote to approve minutes.

Recommendations/Suggested Motion/Vote: Review open session minutes of 5/13/21 and 5/18/21 and possibly vote to approve minutes.

Background Information:

See attached drafts.

Financial impact expected:

Approximate agenda time requested: 30 minutes

Representative(s) expected to attend meeting:

Review:

| | |
|----------------------|---------|
| Patty Golden | Pending |
| Henry L Hayes | Pending |
| Jonathan Silverstein | Pending |
| Janie Dretler | Pending |
| Select Board | Pending |

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SUDBURY SELECT BOARD

THURSDAY, MAY 13, 2021

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

Present: Chair Janie Dretler, Vice-Chair Roberts, Select Board Member Daniel E. Carty, Select Board Member William Schineller, Select Board Member Charles Russo, Town Manager Henry L. Hayes, Jr.

The statutory requirements as to notice having been complied with, the meeting was convened at 7:20 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, Schineller-present, Dretler-present, Russo-present, Roberts-present

Opening remarks by Chair:

- Annual Town Meeting scheduled for May 22 at LSRHS, 12:30 p.m.
- Public Health Grant in the amount of \$300,000 to be shared with several neighboring communities. Thanked Bill Murphy for his efforts.
- Annual Town Road resurfacing project to begin May 18
- Attended ADA session
- Attended MMA Code of Conduct session
- Requested BFRT and traffic mitigation update at next meeting

Reports from Town Manager

- Outlined plans for Town office openings: May 17th all Town offices will be staffed in-person during regular office hours; June 14th public access per appointment; July 6th opens to the public – proposed plans based on the current conditions
- Municipal Minute Memorial Day episode will be on SudburyTV before Memorial Day
- Suggested that residents consider visiting Town cemeteries on Memorial Day

Reports from Select Board

Board Member Carty:

- The Transportation Committee had officially launched the Uber transportation program
- The Sudbury Connections wheelchair accessible van will be offering rides five days per week

Board Member Schineller:

- The DEI Commission to hold its first meeting on May 17
- Camp Sewataro Theatre performances last weekend were successful
- Eversource litigation continues; MEPA appeal - May 24

- Design Review Board and Ponds and Waterways Committee seeking members.

Board Member Russo:

- Attended the ADA session
- Attended the MMA “Code of Conduct” session
- Tom Friedlander stepping down from Conservation Commission Chair position and will assume Associate Member position. Thanked Mr. Friedlander for his contribution to the Town

Vice-Chair Roberts:

- Thanked Mr. Friedlander for all he contributes to the Town
- Attended the MMA “Code of Conduct” session
- Attended the recent CPC meeting
- Attended the recent COD meeting with presentation by disability advocate, David Coria
- Attended FinCom meeting; Town budget process was discussed.

Chair Dretler noted that the Permanent Building Committee would be discussing the Fairbank Community Center and Fire Station #2 at their meeting this evening.

Citizen’s Comments

No citizen’s comments

Discussion and Update on 2021 Annual Town Meeting preparation, and vote to take position on any Town Meeting articles and vote which Board members will make motions and present articles

Town Manager Hayes addressed Town Meeting provisions/preparations, such as seating charts, Town Meeting website page, golf carts, food vendors, cleaning schedule, etc.

Chair Dretler inquired about the need for a possible Select Board meeting before Town Meeting. Town Manager Hayes responded that a brief meeting directly before Town Meeting would be preferred.

Board Member Russo expressed his appreciation for inclusion of the Town Meeting website fact sheet.

Board Member Schineller indicated his preference for a one-day Town Meeting and thanked Town Manager Hayes and Town Staff for preparing for Town Meeting.

Vice-Chair Roberts opined that a final Town Meeting posting and information e-mail to all Town boards and committees, would be most beneficial.

Chair Dretler suggested a Facebook Town Meeting daily posting.

Town Manager Hayes acknowledged the efforts made by SudburyTV regarding Town Meeting.

Article 8 - FY21 Snow & Ice Transfer - \$\$349,264.00

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

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

VOTED: To support Article 8 - FY21 Snow & Ice Transfer

Chair Dretler confirmed that she would read the motions at Town Meeting, adding that Article #1 would be read by a citizen.

Financial policies update by Vice Chair Roberts and Board Member Schineller

Vice Chair Roberts stated that a more detailed discussion would take place at the next Board meeting on May 18th, and Finance Director Dennis Keohane would be participating in that discussion.

Board Member Schineller presented the “Select Board Policies & Procedures Review Subcommittee Overview – Subcommittee Goals (2/2/21),” which included:

- Submitting a full set of revised “Financial Policies” to the Select Board
- Reviewing Capital Planning/Funding Program
- Maintaining transparent communication to the public and solicit public feedback at public meetings

Board Member Schineller referred to the “Progress to Date,” which highlighted Subcommittee topics from weekly meetings that occurred from 2/2/21 through 5/11/21.

Vice Chair Roberts acknowledged that the following financial topics would be detailed at the next Board meeting:

- Financial Reserves
- Forecasting
- Overlay
- Debt management
- Investments
- Capital Assets
- Other Postemployment Benefits Liability (OPEB)

Board Members agreed to invite members of the Finance Committee to a future Financial Policies presentation.

Discussion on Annual Town Forum - Vice Chair Roberts to provide update

Vice Chair Roberts stated that after meeting with Planning Board Director Adam Duchesneau and Planning Board Chair Stephen Garvin, it was agreed that the Master Plan would be an appropriate joint effort topic for the Annual Town Forum.

Vice Chair Roberts acknowledged that the Master Plan document was approved, and the official implementation/action plan phase was being studied. She suggested that a Select Board member (likely the Vice-Chair), a member from the Planning Board and a Planning Department staff member work on the Annual Town Forum this summer to plan for an October 2021 Town Forum.

Board Members agreed with the presented Annual Town Forum preparation plan.

Town Manager to provide update on Key Performance Indicators (KPI) projects

Town Manager Hayes provided update on the following Key Performance Indicators:

- Bruce Freeman Rail Trail (BFRT) Phase 2D – Goal: To create rail trail from Concord line south, ending at Station Road; Staff Project Lead – Environmental Planner Beth Suedmeyer

Town Manager Hayes confirmed the 76% BFRT design was submitted to MA DOT on May 12, 2021. Board members compiled several related questions for Ms. Suedmeyer when she provides detailed status of the project at the Select Board meeting on May 18, 2021.

- Comprehensive Wastewater Management Plan (CWMP) – Goal: Completion of Town-wide Comprehensive Wastewater Management Plan and Environmental Impact Report; Staff Project Lead – DPW Director Dan Nason

Board Members recommended that Mr. Nason explain potential related expense to residents. Town Manager Hayes agreed, adding that Mr. Nason and the CWMP consultants would provide detailed information to the Board. Board Member agreed to include that presentation on the May 25, 2021 agenda.

Board members reiterated that the importance of public awareness and involvement.

Select Board Schineller asked if the Town had to ratify a CWMP plan, and what the related risk might be. Town Manager Hayes responded that the CWMP was funded, but the actual project was not. Board members discussed possible expense factors.

- Eversource Litigation – Project Lead – Town Counsel

Town Manager Hayes detailed the balance on the litigation account was \$29,266.45 and \$1,315,733.55 had been spent to date.

Vice Chair reports recommended that additional information be provided before Annual Town Meeting took place.

Related discussion ensued.

- Fairbank Community Center – Goal: Replacement of Current Building; Staff Project Lead – Combined Facilities Director Bill Barletta

Town Manager Hayes confirmed a finalized site survey would be submitted by July 2021. He detailed that Compass was the OPM (Operation Project Manager) for the project, and BH&A was the architect/designer.

Board Member Carty noted that ultimately the OPM reports to Town Manager Hayes. Town Manager Hayes confirmed.

Chair Dretler noted that the project was staying within budget.

- ADA Self-Assessment & Transition Plan – Goal: Upgrades, adjustments, and repairs to increase accessibility for Town resources; Staff Project Lead – Town Manager Henry Hayes

Town Manager Hayes confirmed that an ADA transition plan was in progress. He noted that during the Town Manager Office Hour held today, a COA member requested an ADA follow-up/status meeting. Town Manager Hayes added he was waiting guidance from the ADA consultants regarding such scheduling.

Town Manager Hayes provided detail regarding the 36–60-month compliance aspect, noting that more definitive transition implementations would be addressed at future Board meetings after Annual Town Meeting.

- Town Hall Restoration – Goal: Improvements/addition to Town Hall; Lead – Permanent Building Committee

Town Manager Hayes affirmed that active project construction was not in progress at this time.

Chair Dretler suggested understanding what CPC was considering about this project.

Board Member Carty asked PBC liaison, Vice Chair Roberts, if CPC had concerned the Town Hall restoration project. Vice Chair Roberts indicated that CPC funding had not be decided upon at this time.

Review open session minutes of 3/30/21

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

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

VOTED: To approve the open session minutes of 3/30/21, as edited

Citizen's Comments (cont.)

There were no citizen's comments

Upcoming Agenda Items

May 18th agenda items:

- Financial Policies
- Fall Town Meeting discussion
- BFRT Update – Beth Suedmeyer
- Rte. 117 Road Mitigation
- Remote Participation Policy
- Town Meeting Schedule (in consideration of inclement weather)

May 25th agenda items:

- CWMP Update – Dan Nason

Future Agenda items:

- State of Emergency
- Executive Session re: MEPA
- ADA Transition Plan

Consent Calendar

Accept a \$15,000 grant from The Sudbury Foundation to the Police Department. Funds to be expended for a department-wide training session on “Empathetics”

Chair Dretler moved in the words of 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, Carty-aye, Roberts-aye, Schineller-aye, Dretler-aye

VOTED: To accept a \$15,000 grant from The Sudbury Foundation to the Police Department. Funds to be expended for a department-wide training session on “Empathetics.”

Board Member Russo stated that Police Chief Nix sought this funding and thanked Chief Nix for his efforts.

Vote to Adjourn Meeting

Chair Dretler read in the words of 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, Schineller-aye, Russo-aye, Dretler-aye

VOTED: To adjourn the meeting

There being no further business, the meeting was adjourned at 9:34 p.m.

SUDBURY SELECT BOARD

TUESDAY MAY 18, 2021

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

Present: Chair Janie Dretler, Vice-Chair Roberts, Select Board Member Daniel E. Carty, Select Board Member William Schineller, Select Board Member Charles Russo, Town Manager Henry L. Hayes, Jr.

The statutory requirements as to notice having been complied with, the meeting was convened at 7:00 p.m., via Zoom telecommunication mode.

Chair Dretler announced the recording of the meeting and other procedural aspects included in the meeting.

Call to Order/Roll Call

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

Opening remarks by Chair:

- Sudbury Town offices fully open on July 6, in accordance with Governor's order
- Town street resurfacing project to begin May 19; schedule on the Town website
- Governor Baker lifting many COVID restrictions on May 29, and lifting the State of Emergency on June 15.
- Sudbury street-sweeping to begin May 24
- The Design Review Board is seeking members
- Annual Town Meeting on Saturday, May 22, 12:30 p.m. at LSRHS

Reports from Town Manager:

- The Earth Removal Board issued conditional approval for the Eversource Transmission Line at the May 17th meeting, conditions included: additional testing of Arsenic at seven sites along the rail corridor. which had not been previously tested or reviewed by an LSP. The Earth Removal Board will review such testing and vote to approve a Soil Management Plan at a future meeting
- Transfer Station preparing for full acceptance of bulk material, the opening of the book shed, and the Put & Take section by May 29
- Park & Recreation continue to manage the Atkinson Pool and is planning for a more robust camp schedule than last year, with added sports programs and Arts/Science offerings
- Willis Pond dock opened for fishing and boating; park bathrooms are open and being cleaned three times per week
- Governor Baker announced the May 29th lifting of COVID restrictions
- Governor Baker announced the proposed lifting of the State of Emergency on June 15; Sudbury Board of Health (BOH) will participate in a joint meeting with the Select Board on May 25th to address this matter
- BOH will rescind the wearing of masks mandate, questions can be submitted to health@sudbury.ma.us

At approximately 7:08 p.m., Vice Chair Roberts joined the meeting. Chair Dretler recognized the arrival of Vice Chair Roberts; Roberts-present

Reports from Select Board

Vice Chair Roberts:

- Town surprised by Governor Baker's announced lifting of COVID restrictions to be followed by the lifting of the State of Emergency on June 15
- DEI Commission met last night and elected two co-chairs and two co-clerks
- Thanked Town Manager Hayes, Police Chief Scott Nix, and Board Member Schineller for their involvement with the DEI Commission

Board Member Russo:

- Attended the Earth Removal Board meeting last night; primary focus involved the Eversource project conditioned permitting

Board Member Schineller:

- Participated in the DEI Commission meeting
- Looking forward to discussing financial policies tonight

Board Member Carty:

- Announced the 20th Anniversary of Hope Sudbury, and thanked all those involved
- Sudbury Water District Annual meeting this evening
- SPS Summer Program did not receive federal funding which had been applied for; this request will be presented at Town Meeting

Citizens comments on items not on agenda

No citizen's comments

Interview Jeff Levine for reappointment to the Council on Aging. Following interview, vote whether to reappoint Jeff for a term to expire 5/31/24.

Present: Jeff Levine

Mr. Levine stated he was serving as COA chair and lived in Sudbury for some 40 years. He provided information regarding related background.

Mr. Schineller asked Mr. Levine why he was not in favor of the Sewataro purchase. Mr. Levine responded his views were his own, and did represent the views of the COA.

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

It was on motion 4-1; Russo-aye, Roberts-aye, Carty-aye, Schineller-no, Dretler-aye

VOTED: To reappoint Jeff Levine to the Council on Aging for a term to expire 5/31/24.

Interview candidates for Council on Aging. Following interviews, vote whether to appoint Anna Newberg and Donald Sherman to the Council on Aging for terms to expire 5/31/24.

Present: Anna Newberg, Dr. Donald Sherman

Ms. Newberg mentioned that when she retired she participated in many COA activities, and would hope to apply her health care background while serving on the Sudbury COA.

Dr. Sherman stated that he had been active at the Sudbury COA for a number of years, and participated in Sudbury Boy Scout organization as well.

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

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

VOTED: To appoint Anna Newberg and Donald Sherman to the Council on Aging for terms to expire 5/31/24

Board Members expressed their appreciation to Ms. Newberg and Dr. Sherman.

Consent Calendar

Vote to send thank you letters to John Beeler and Robert May for their years of service on the Council on Aging.

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

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

VOTED: To send thank you letters to John Beeler and Robert May for their years of service on the Council on Aging

Vote to send a thank you letter to Susan Rushfirth for her years of service on the Commission on Disability

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

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

VOTED: To send a thank you letter to Susan Rushfirth for her years of service on the Commission on Disability

Review open session minutes of 3/8/21 and 4/27/21 and possibly vote to approve minutes

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

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

VOTED: To approve the minutes of 3/8/21

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

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

VOTED: To approve the minutes of 4/27/21, as edited

BFRT update by Beth Suedmeyer, Environmental Planner

Present: Beth Suedmeyer, Environmental Planner

Ms. Suedmeyer provided the BFRT update stating that the 75% project design of the rail trail from the Concord Town line to near Station Avenue was completed, and submitted to Mass DOT on May 12, 2021. She further confirmed that the design construction cost estimate was within budget.

Ms. Suedmeyer detailed that the project design must be “shovel ready” by October 2022 in order to obtain state and federal funding for construction. She added that the estimated advertising date was June 11, 2022.

Ms. Suedmeyer provided the link <https://sudbury.ma.us/pcd/2020/11/24/bruce-freeman-rail-trail-update-info/> to the 75% design submission. She provided updates regarding several design modifications:

- The rest area at the parking lot off Morse Road, at Broadacres Farm, required change due to challenges with grading and ADA compliance. This change lacks connectivity to other amenities at the site, and will be revisited before 100% completion of the plan.
- A landscape screening plan has been proposed based on outreach and meetings with abutters, noting that such discussions are ongoing.
- The wetlands challenge area has been re-evaluated and elimination of the retaining walls Board Members presented Ms. Suedmeyer with several related questions.

Chair Dretler expressed concerns about project timing and queried about risk of the project not succeeding at a proposed Spring 2022 Town Meeting, in regard to easements. Ms. Suedmeyer suggested that the Board have a related conversation with Town Counsel Lee Smith.

Chair Dretler recommended keeping this discussion ongoing, and suggested the BFRT updates be presented with added frequency.

Vice Chair Roberts mentioned that the lease review could be at risk, and asked that Ms. Suedmeyer notify the Board when possible delays seem possible.

Resident Len Simon, 40 Meadowbrook Circle, expressed timeline concerns. He stated that he submitted two related memos; one previously submitted to Ms. Suedmeyer, dated March 26, 2022; and another memo to Town Manager Hayes, dated May 18, 2021. In the memo to Ms. Suedmeyer, Mr. Simon stressed the critical, time-sensitive aspects associated with easement acquisition, permitting, licensing and other steps needed to complete the rail trail design and construction by 2022. In that memo he requested that Ms. Suedmeyer consider the experience of the BFRT Advisory Task Force, Friends of the BFRT, and himself for consultation purposes.

In the more recent memo dated May 18, 2021, Mr. Simon reiterated his concerns about not meeting deadlines where the project could become “perilously close to losing federal and state construction funding because of delays in design submissions and for other reasons...”

Mr. Simon requested that both memos be a part of the official record.

Discussion and update on 2021 Annual Town Meeting preparation, and vote to take positions on any Town Meeting articles and vote which Board members will make motions and present articles.

Present: Cate Blake, Town Moderator

Board Member Schineller inquired about Annual Town Meeting being completed in one day. Ms. Blake indicated that the meeting would likely be completed in a day, and end around 6:30 p.m. with a planned 20-minute break. Town Manager Hayes was in agreement.

Board Member Carty asked when the decision would be made to postpone Saturday's Annual Town Meeting if weather was a problem. Town Manager Hayes responded that the Town Moderator would have critical input as well. He would be watching weather forecasts and provide the determination by 9:00 a.m. Thursday.

Vice Chair Roberts asked if everything was in order. Town Manager Hayes and Town Moderator Blake responded in the affirmative.

Chair Dretler suggested that the Town Manager put weather considerations, logistics and related timeline in writing. Town Manager Hayes responded affirmatively.

Town Manager Hayes suggested the Board IP Articles 2 and 9 at Town Meeting on Saturday. He stated that Article 8 – FY21 Snow & Ice Transfer had not changed, and the amount remained at \$349,264.00.

Article 8 - FY21 Snow & Ice Transfer - \$\$349,264.00

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

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

VOTED: To support Article 8 - FY21 Snow & Ice Transfer

Board Member Schineller motioned to conduct the brief Select Board meeting at 12:00 p.m. on May 22 prior to the start of Town Meeting. Board Member Carty seconded the motion.

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

VOTED: To conduct the brief Select Board meeting at 12:00 p.m. on May 22 prior to the start of Town Meeting.

Vice Chair Roberts motioned to rescind the previous vote and motioned to conduct the brief Select Board meeting at 11:45 a.m. on May 22 prior to the start of Town Meeting. Board Member Russo seconded the motion.

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

VOTED: To conduct the brief Select Board meeting at 11:45 a.m. on May 22 prior to the start of Town Meeting.

Town Manager Hayes acknowledged that the brief Select Board meeting would be held at 11:45 a.m. if the Town Meeting were postponed to May 23.

Town Manager Evaluation

Chair Dretler referenced the Town Manager Evaluation documents: The Town Manager 360 Assessment completed by Staff, and the Town Manager Evaluation Form, as completed by Select Board Members. She noted that the Town Manager's Self-Evaluation piece would be presented at the May 25th Board meeting.

Results of Select Member Evaluation:

Board Member Schineller provided an overall rating of 4 and stated that in many instances the Town Manager exceeded expectations. He stressed that the Town was lucky to have Town Manager Hayes.

Board Member Carty provided an overall rating of 4. He stated that Town Manager Hayes exceeded expectations in many areas in the past year, and led the Town when needed most in a State of Emergency. He suggested that Town Manager Hayes provide support materials sooner. He cautioned that Town Manager Hayes maintain an open-door stance with citizens and Town boards, but not a revolving door stance.

Board Member Carty suggested that the Board exercise respect with the Town Manager and stressed that resignation based on this aspect, would take the Town years to recover from.

Board Member Russo noted that Town Manager Hayes demonstrated much growth with the position and provided the Town Manager with a 5 out of 5 ranking. He stressed that great accomplishments will be attained by the Town Manager if he continues in the manner he has demonstrated in the past year.

Board Member Russo suggested that process aspects be fully explained, in order to avoid any group friction.

Vice Chair Roberts provided an overall rating of 3, and acknowledged that Town Manager Hayes exceeded expectations in many areas such as financial management, general management skills, ability to successfully lead during the COVID emergency, and commitment to maintaining high service levels in Sudbury.

Vice Chair Roberts suggested that Town Manager Hayes further utilize written communications, and provide more definitive goals. She noted that she would have preferred receiving the Town Manager's Self-Assessment report before Board members completed their Town Manager Evaluation Forms.

Chair Dretler provided an overall rating of 3, and noted that the Town Manager had many strengths including effective management with Town staff, municipal finance, and exercised much growth in his new role.

Chair Dretler recommended the Town Manager provide concrete proposals for long-term planning, such as the Master Plan. She stated that further involvement with Town boards and committees would be beneficial.

Town Manager Hayes confirmed he would analyze all Board comments and would reach out to Board Members.

Financial Policies Update by Vice-Chair Roberts and Board Member Schineller

Present: Dennis Keohane, Finance Director

Vice Chair Roberts stated that she and Board Member Schineller would provide greater detail and would review the Town of Sudbury, Massachusetts Financial Policies Manual Draft as modified under the guidance of Mr. Keohane.

Committee Members Roberts and Schineller addressed the 42 queries included in the drafted Financial Policies Q&A for Dennis Keohane dated 05.18.21.

Sections of the Financial Policies were discussed by the Board and Mr. Keohane, which included:

Financial Reserves

Committee Members confirmed they had worked from the source document presented by Mr. Keohane several months ago.

Free Cash

Vice Chair Roberts affirmed that Free Cash was now at 4%, and emphasized the importance of the previous years' budget.

Board Member Carty acknowledged that anything over 5% must be transferred to reserve-type funding. He presented possible scenarios. Mr. Keohane noted it was highly unusual to see more than 5% in Free Cash.

Board Member Russo noted that free cash could be directed in different ways; he exampled Town sidewalks and prioritization considerations. Vice Chair Roberts referred to prioritization options.

Stabilization Funds

Main fund addressed was the general fund and the one-third of general stabilization fund balance. She stated in extreme situations, policies can be changed.

Special Purpose Stabilization Funds

Board Member Schineller outlined that the Capital Stabilization Fund reflected funding under \$1 million. He exampled the Turf Stabilization Fund, which addressed the replacement of Town turf fields

Overlay Surplus

Committee Members Roberts and Schineller addressed such one-time revenues allotted to one-time expenditures.

Board Members acknowledged that the overlay was not a predictable source for revenues. There was continued discussion regarding various policies and proposed amendments.

Vice Chair Roberts and Board Member Schineller confirmed that the discussion would be continued at future meetings.

Citizen's Comments

There were no citizen's comments

Upcoming Agenda Items

May 25th Agenda Items:

- Rte. 117 Traffic Mitigation
- Town Manager Self-Assessment
- CWMP Presentation with Dan Nason and Consultants

Future Agenda Items:

- LSRHS Agreement
- Letter to ISO New England
- Continued Financial Policies

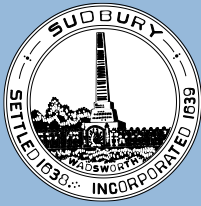
Vote to Adjourn Meeting

Chair Dretler read in the words of 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, Schineller-aye, Russo-aye, Dretler-aye

VOTED: To adjourn the meeting

There being no further business, the meeting was adjourned at 10:25 p.m.

**SUDBURY SELECT BOARD**

Tuesday, June 15, 2021

MISCELLANEOUS (UNTIMED)**13: 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:

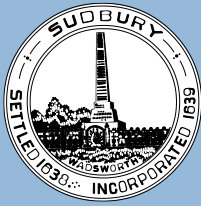
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

| | |
|----------------------|---------|
| Patty Golden | Pending |
| Henry L Hayes | Pending |
| Jonathan Silverstein | Pending |
| Daniel E Carty | Pending |
| Janie Dretler | Pending |
| Select Board | Pending |

06/15/2021 6:15 PM



SUDBURY SELECT BOARD

Tuesday, June 15, 2021

MISCELLANEOUS (UNTIMED)**14: 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:

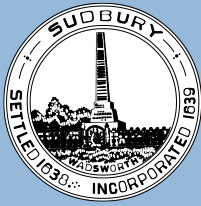
Review:

| | |
|----------------------|---------|
| Patty Golden | Pending |
| Henry L Hayes | Pending |
| Jonathan Silverstein | Pending |
| Daniel E Carty | Pending |
| Janie Dretler | Pending |
| Select Board | Pending |

06/15/2021 6:15 PM

POTENTIAL UPCOMING AGENDA ITEMS/MEETINGS

| MEETING | DESCRIPTION |
|--|--|
| | |
| July 13 | OARS discussion with Hop Brook Association |
| | Fall Town Meeting discussion |
| | |
| Date to be Determined | Annual Board and Committee/Commission reappointments (June/July) |
| | American Rescue Plan discussion |
| | Budget Strategies Task Force |
| | 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 |
| | Citizen Leadership Forum |
| | Election worker annual reappointments (July) |
| | Fairbank Community Center update (ongoing) |
| | Financial policy review (separate meeting to be scheduled) |
| | Health/COVID-19 update (as of 3/18/20) |
| | Housing Choice discussion |
| | Invite Commission on Disability Chair to discuss Minuteman High School |
| | LS agreement |
| | Local receipts – fee schedule review (Vice-chair Russo) |
| | Planning Board joint meeting |
| | Projects to track using form (KPIs) |
| | Quarterly review of approved Executive Session Minutes for possible release (February, May, August and November). Consider separate meeting solely for this purpose. |
| | Quarterly update on Bruce Freeman Rail Trail (BFRT) (March, June, September, December) |
| | Quarterly update on CSX (January, April, July, October) |
| | Route 20 empty corner lot – former gas station |
| | Sewataro Financial Statement review |
| | Sewataro Future planning - \$ for negotiations, insurance, contract |
| | Sidewalks discussion |
| | State of Emergency rescinding letter |
| | Town Manager Goals and Evaluation process |
| | Town meeting recap – year in review |
| | Town-wide traffic assessment and improve traffic flow |
| | Update from SB Policy Subcommittee |
| | Update on crosswalks (Chief Nix/Dan Nason) |
| | Update on traffic policy (Chief Nix) |
| | Work Session with Town Counsel: Select Board/Town Manager Code of Conduct and other procedural training |
| Standing Items for All Meetings | Select Board requests for future agenda items at end of meeting |
| | Citizens Comments, continued (if necessary) |



SUDBURY SELECT BOARD

Tuesday, June 15, 2021

CONSENT CALENDAR ITEM**15: MWRTA temp advisory member****REQUESTOR SECTION**

Date of request:

Requestor: Chair Roberts

Formal Title: Vote to appoint Sandy Lasky as a temporary member of MWRTA advisory board until the return of Debra Galloway (Senior Center Director).

Recommendations/Suggested Motion/Vote: Vote to appoint Sandy Lasky as a temporary member of MWRTA advisory board until the return of Debra Galloway (Senior Center Director).

Background Information:

Financial impact expected:

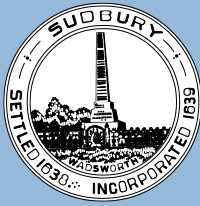
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

| | |
|----------------------|---------|
| Patty Golden | Pending |
| Henry L Hayes | Pending |
| Jonathan Silverstein | Pending |
| Janie Dretler | Pending |
| Daniel E Carty | Pending |
| Select Board | Pending |

06/15/2021 6:15 PM



SUDBURY SELECT BOARD

Tuesday, June 15, 2021

CONSENT CALENDAR ITEM**16: Resignation acceptance and thank you letters****REQUESTOR SECTION**

Date of request:

Requested by: Patty Golden

Formal Title: Vote to accept the resignations of Thomas Friedlander as a full member of the Conservation Commission, and Erica Silverman from the Diversity, Equity and Inclusion (DEI) Commission, and send both a thank you letter for their service to the Town.

Recommendations/Suggested Motion/Vote: Vote to accept the resignations of Thomas Friedlander as a full member of the Conservation Commission, and Erica Silverman from the Diversity, Equity and Inclusion (DEI) Commission and send both a thank you letter for their service to the Town.

Background Information:
attached resignation letters

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 |
| Janie Dretler | Pending |
| Select Board | Pending |

06/15/2021 6:15 PM

From: Erica <esilverman2@gmail.com>
Sent: Wednesday, May 26, 2021 8:57 PM
To: Nalini Luthra <nluthra647@aol.com>; Select Board's Office <selectboardsoffice@sudbury.ma.us>;
Hayes, Henry <HayesH@sudbury.ma.us>
Subject: Re: DEI Commission

Dear Nalini,

I do not write this email lightly. Unfortunately, I need to resign from the DEI Commission.

Since February I've had several unexpected changes in my life, [REDACTED]

I am honored to have been appointed and regret not being able to work with such an amazing group of people.

I wish the Commission much success this year.

Warmly,
Erica Silverman

Sent from my iPhone

Attachment16.a: DEI resignation_erica_redact (4624 : Resignation acceptance and thank you letters)

From: Thomas Friedlander <tomf@westonmanagement.com>
Sent: Tuesday, May 4, 2021 12:17 PM
To: Hayes, Henry <HayesH@sudbury.ma.us>
Cc: Capone, Lori <CaponeL@sudbury.ma.us>
Subject: Conservation Commission Retirement

Dear Henry,

I have decided to step down from the Sudbury Conservation Commission after the Commission's May 10, 2021 meeting. It has been an honor and privilege to serve the Town in this role, as well, as on the CPC and LARC. I was appointed on June 3, 2013 and voted Chair on June 6, 2014. During this period, I have worked to bring unity and civility to the Commission within itself and its interactions with other departments and applicants.

Running efficient and effective meetings and limiting our discussions and decisions to the areas of our jurisdiction, along with compliance with our open meeting laws have been my primary concerns. During the last seven years, the Commission adopted a number of changes including:

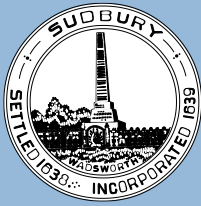
1. Removed specific times for hearings on the agenda so that we had the flexibility to move around the agenda to accommodate applicants and their advisors.
2. Asked the coordinator to send out comments and recommendations to Commissioners prior to meetings so that we all had sufficient background to expeditiously understand the issues.
3. Encouraged a 10 minute limit on proponent presentations and two minute comments by interested parties. (I don't think I ever really enforced this, but worked to encourage tight presentations.)
4. Reminded Commissioners of their duty to respect each other and the applicants consistent with town guidelines.
5. Instituted a ticket policy to motivate homeowners who had violations to come to the Commission for remedial action.
6. Worked through the Eversource project without any critical newspaper headlines.
7. Encouraged Commissioners to go through the Massachusetts Conservation Commission Association certification program.
8. Provided good feelings and occasional humor to what could be an otherwise boring meeting.

While I am stepping down, I am asking the Commission to appoint me as an Associate Member whereby I can stay abreast of issues as well as being available to accept an interim appointment to the Commission if a sudden opening occurs.

Thank you for your support and I look forward to working with you and Town again.

Sincerely, Tom

Thomas Friedlander
 75 Water Row
 Sudbury, MA 01776



SUDBURY SELECT BOARD

Tuesday, June 15, 2021

MISCELLANEOUS (UNTIMED)**17: Assoc member appt to ConComm****REQUESTOR SECTION**

Date of request:

Requestor: Lori Capone, Conservation Coordinator

Formal Title: Vote to appoint Thomas Friedlander as an Associate member of the Conservation Commission for a term expiring 5/31/23.

Recommendations/Suggested Motion/Vote: Vote to appoint Thomas Friedlander as an Associate member of the Conservation Commission for a term expiring 5/31/23.

Background Information:

See Tom's resignation letter which requests the associate appointment.

Financial impact expected:

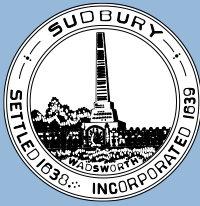
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

| | |
|----------------------|---------|
| Patty Golden | Pending |
| Henry L Hayes | Pending |
| Jonathan Silverstein | Pending |
| Daniel E Carty | Pending |
| Janie Dretler | Pending |
| Select Board | Pending |

06/15/2021 6:15 PM



SUDBURY SELECT BOARD

Tuesday, June 15, 2021

CONSENT CALENDAR ITEM**18: Eagle Scout recognitions**REQUESTOR SECTION

Date of request:

Requestor: Troop 63

Formal Title: Vote to enter into the Town record and congratulate Colby Chung and Ryan I. Grummer of Scout Troop 63 for having achieved the high honor of Eagle Scout.

Recommendations/Suggested Motion/Vote: Vote to enter into the Town record and congratulate Colby Chung and Ryan I. Grummer of Scout Troop 63 for having achieved the high honor of Eagle Scout.

Background Information:
attached email from troop 63

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

| | |
|----------------------|---------|
| Patty Golden | Pending |
| Henry L Hayes | Pending |
| Jonathan Silverstein | Pending |
| Janie Dretler | Pending |
| Select Board | Pending |

06/15/2021 6:15 PM

Golden, Patricia

From: Ojas Tamhane <ojast@hotmail.com>
Sent: Friday, May 28, 2021 8:36 AM
To: Golden, Patricia
Cc: Hobin, Carol
Subject: RE: Eagle Letters of Recognition

Hi Patty,

I am so sorry for the delay. The email went to my junk folder.

Max Samuel Fishman
 29 Hawes Road

Colin Matthew Heye
 14 Twillingate Road

James Edwin Howrey
 55 Old Coach Rd

David Lind Morgan
 40 Briant Drive

Christopher Edward Rotondo
 88 Old Coach Rd

New Names:
 Colby Chung
 19 Elsbeth Road

Ryan I. Grummer
 15 Pine Street

I apologize again for the delay.

Thank you,
 Ojas

Sent from [Mail](#) for Windows 10

From: [Golden, Patricia](#)
Sent: Wednesday, May 26, 2021 11:55 AM
To: [Ojas Tamhane](#)
Cc: [Hobin, Carol](#)
Subject: FW: Eagle Letters of Recognition

Hello again Ojas,
 I neglected to mention that we need to post the agen
 da tomorrow (Thurs), so if you can provide the additional names by 4pm today, it would be preferred.

Attachment18.a: Eagle Scouts (4638 : Eagle Scout recognitions)

Thanks.

Patty Golden
Senior Admin. Assistant to the Town Manager
Town of Sudbury
278 Old Sudbury Road
Sudbury, MA 01776
Ph: 978-639-3382
Fax: 978-443-0756
www.sudbury.ma.us

The Secretary of State's office has determined that most e-mails to and from municipal offices and officials are public records. Consequently, confidentiality should not be expected.

From: Golden, Patricia
Sent: Wednesday, May 26, 2021 11:45 AM
To: 'Ojas Tamhane' <ojast@hotmail.com>
Cc: Carol Hobin (HobinC@sudbury.ma.us) <HobinC@sudbury.ma.us>
Subject: RE: Eagle Letters of Recognition

Hi Ojas,
Yes, we'll definitely send the letters to your address. We don't have to include the scout's addresses on their letters, it's your call. It's just a bit more personal.
If you provide the additional two names, we'll include them with the 6/1 meeting.

Thank you.

Patty Golden
Senior Admin. Assistant to the Town Manager
Town of Sudbury
278 Old Sudbury Road
Sudbury, MA 01776
Ph: 978-639-3382
Fax: 978-443-0756
www.sudbury.ma.us

The Secretary of State's office has determined that most e-mails to and from municipal offices and officials are public records. Consequently, confidentiality should not be expected.

From: Ojas Tamhane <ojast@hotmail.com>
Sent: Wednesday, May 26, 2021 11:43 AM
To: Golden, Patricia <GoldenP@sudbury.ma.us>
Subject: Re: Eagle Letters of Recognition

Hi Patty,

Would it be possible to send the all letters to my address? I put together a binder for the boys.

I also have 2 additional scouts for 7/10. Can I send those as well for the 6/1 meeting?

Thanks,
Ojas

Attachment 18.a: Eagle Scouts (4638 : Eagle Scout recognitions)