

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 as planned

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 read 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 read 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 moved 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-no, 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 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 staff and stressed that resignation based on this aspect, would take the Town years to recover from.

Chair Dretler stated that she was not aware of any incidences where Board members had been disrespectful and hoped that if there were any such incidences that staff would address these.

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.

5/18/21 Documents & Exhibits

1. 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.

Attachments:

1.a COA appointments_levine_ltr_packet

3. BFRT update by Beth Suedmeyer, Environmental Planner

Attachments:

3.a Select Board Memo 5.14.21

4. 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.

Attachments:

4.a Copy of Articles list ATM 2021_3.30.21_rev_JD

4.b Annual Town Meeting prep photos

4.c Town Meeting Fall 2020 REV5

4.d Town Meeting Spring 2021_seating chart

5. Town Manager evaluation

Attachments:

5.a Summary TM with individual evals

5.b Town of Sudbury - Town Manager 360 Assessment (Annual Evaluation - 2021) - Combined

5.c Copy of Hayes_Evaluation_2021_by_member_and_ranking

6. Financial policies update. Vice Chair Roberts and Board Member Schineller to report.

Attachments:

6.a Draft Policy Intro 04.29.21

6.b Select Board Financial Policies WORKING DRAFT 2021 04.29.21

6.c FinancialPolicyDecisionsForConsideration 04.29.21

6.d DennisQandA-051821

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

Attachments:

8.a SB minutes_03_08_21_wLincoln

8.b SB_draft1_4.27.21_min_for_review

9. Upcoming Agenda Items

Attachments:

9.a POTENTIAL UPCOMING AGENDA ITEMS_5.18.21

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

Attachments:

10.a Beeler_John_COA

10.b May_Robert_COA

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

Attachments:

11.a Rushfirth_Susan_resigned COD 2019