

## SUDBURY SELECT BOARD

TUESDAY, JULY 13, 2021

(Meeting can be viewed at [www.sudburytv.org](http://www.sudburytv.org))

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

The statutory requirements as to notice having been complied with, the meeting was convened at 7: 04 p.m., via Zoom telecommunication mode.

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

### **Call to Order/Roll Call**

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

### **Opening remarks by Chair**

- Attended the Eagle Scouts Ceremony for Colby Chun and Ryan Grummer at the Pompositticut Farm Day Camp in Hudson

### **Reports from Town Manager**

- Gov. Baker ordered that the US flag and the MA flag be lowered to half-staff from sunrise until sunset at all state buildings on Tuesday, July 13, 2021 in honor of Sergeant J. Deegan, United States Army.
- Revised summer schedule includes some Town office closings on Friday from July 16<sup>th</sup> through August 27, and extended work days Monday through Thursday
- The East Middlesex Mosquito Control Project planning to use a truck-mounted aerosol sprayer in the Town on Thursday, July 15, 2021, to be done between sunset and 11:30 p.m.
- Will be on break from August 20 through August 31, 2021

### **Reports from Select Board Members**

Vice-Chair Russo:

- Roadwork on Morse Road originally scheduled for mid-July now scheduled to begin at the end of the month (due to rain)
- Sudbury Police Association hosting a family Public Safety Day on August 3rd at the Fairbank Community Center from 5:00 p.m. to 8:00 p.m.
- Select Board Office Hours with Board Member Carty and himself will be held remotely on July 28 at 12 Noon
- Remembered Graham Taylor who recently passed away. He was one of the organizers of Sudbury's 4th of July Road Race for some 50 years, an LS ski coach, and great asset to the Town.

Board Member Schineller:

- The Sewataro Subcommittee (he and Vice-Chair Russo) met
- As a joint member of The Select Board Financial Policies Subcommittee, he and Chair Roberts met, and are considering a joint meeting with FinCom to consider Financial Policy recommendations
- Representative Gentile and Senator Eldridge sponsored the approved CPA funding legislation for rail trails

Board Member Dretler:

- Sudbury Housing Trust Subcommittee scheduling a date to come before Select Board to discuss the Nobscot Road property
- Clarified her comment made at the June 29<sup>th</sup> Board meeting; she is on the Complete Streets Working Group, and not the Traffic Study Committee
- Acknowledged the passing of Graham Taylor is a loss to the community
- In consideration of excessive amounts of groundwater from rain storms, advised all to be careful and be aware of flash flood warnings

Board Member Carty:

- Congratulated Catrina Tobin and Sophia Brindisi, co-captains of the LSRHS Girls Lacrosse Team, have both been named to the All-American Team

### **Citizen's Comments**

Resident Pat Brown, 24 Whispering Pine Road, suggested the Board adhere to the agenda time schedule in consideration of the viewers.

### **Consent Calendar**

#### **Approve Town Manager appointments to the Conservation Commission**

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

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

VOTED: To approve the following Town Manager appointments to the Conservation Commission: Luke Faust as an associate member for a term ending 5/31/24; also appoint Jeremy Cook as a full member for a term ending 5/31/23.

#### **Appoint Vice-Chair Russo as liaison to the Bruce Freeman Rail Trail (BFRT) Advisory Task Force**

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

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

VOTED: To appoint Vice-Chair Russo as liaison to the Bruce Freeman Rail Trail (BFRT) Advisory Task Force.

**Upcoming Agenda Items**

**July 27:**

- Board and Committees/commissions annual reappointments
- Transportation Commission appointments and Mission Statement
- Possible Nobscot Property discussion with Housing Trust Chair
- Financial Policies discussion
- Fall Town Meeting discussion

**Future:**

- DEI Commission update in August
- Master Plan Forum discussion
- KPI Quarterly update
- LS Agreement

**Vote to open public hearing for discussion and vote whether there is a need for a Fall Town Meeting in accordance with Town Bylaw Article 1 Section 3**

Present: Lee Smith, Town Counsel; Jonathan Silverstein, Town Counsel

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

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

VOTED: To open public hearing for discussion and vote whether there is a need for a Fall Town Meeting in accordance with Town Bylaw Article 1 Section 3.

Resident Pat Brown stated that a Fall Town Meeting last took place in 2016, and the Board must decide if a Fall Town Meeting is really needed this year.

Resident Len Simon, 40 Meadowbrook Circle, stated that a Fall Town Meeting must be considered on a yearly basis, and indicated that a 2021 Fall Town Meeting was needed to ensure that the Bruce Freeman Rail Trail project advances as planned.

Chair Roberts acknowledged the importance of the BFRT project, and stated that she was willing to continue the public hearing until the end of the month.

Board Member Carty motioned to close the public hearing. Board Member Schineller seconded the motion.

Attorney Silverstein confirmed that a Special Town Meeting could be held in December or February.

Attorney Smith stated that it was premature to address easement aspects at a Special Fall Town Meeting, and indicated that a late winter or early spring Town Meeting might be preferable.

Mr. Simon expressed his concerns about the timing involved with finalization of easements, and worried that such finalization would not be presented until the 2022 Town Annual Town Meeting, which might not ensure

enough review time by MassDOT. Mr. Simon asked the Board to consider keeping the public hearing open for another two weeks.

Ms. Brown stated that comments made by Mr. Simon exceeded the three-minute allowance.

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

VOTED: Not to close the public hearing and continue the Public Hearing to determine whether there is a need for a Fall Town Meeting in accordance with Town Bylaw Article 1 Section 3.

**Vote to close the discussion and continue the Public Hearing and resume Select Board meeting**

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

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

VOTED: To close the discussion and continue the Public Hearing to July 27 at 7:30 p.m., and resume Select Board meeting.

**Discussion with Hop Brook Association on potential contribution to OARS (Organization for the Assabet River)**

Present: Hop Brook Protection Association President Jeff Winston, Conservation Coordinator Lori Capone, Finance Director Dennis Keohane

Mr. Winston stated that the Town of Sudbury had not contributed to OARS, whose mission is water control in Sudbury and the neighboring communities, particularly the Hop Brook.

Ms. Capone stated that Hop Brook contained phosphorous levels, and OARS has helped to control and monitor this level. She recommended that OARS representatives meet with the Select Board.

Mr. Winston recommended that Sudbury officials approve contributions to OARS, including a 2021 contribution.

Mr. Russo confirmed that water quality is the mission of OARS, and the Hop Brook remains problematic. He added that OARS identified where the source of the problem was, and OARS advocates for Sudbury. Mr. Russo indicated that a \$2,000 contribution would be appropriate.

Member Carty questioned the mechanics to do this as well as the precedent this may set with sending tax payer dollars to a 501c3 charitable organization. Discussion ensued, and Dennis Keohane noted a service agreement would be required.

Town Manager Hayes confirmed that he would confirm the agreement status with OARS and the Town. Mr. Keohane noted that if there were a service agreement, contribution would be possible.

Vice-Chair Russo noted that some communities provide contribution through their Health Departments.

Chair Roberts recommended having a discussion with the Health Director, and inquired about how to structure such a contribution.

Board Member Schineller motioned that Vice-Chair Russo assist in pursuing a mechanism for Sudbury to contribute an appropriate share to OARS for services. Board Member Carty seconded the motion.

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

VOTED: That Vice-Chair Russo assist in pursuing a mechanism for Sudbury to contribute an appropriate share to OARS for services.

**Discussion on Financial Policies with Finance Director Dennis Keohane**

Present: Finance Director Dennis Keohane

Chair Roberts acknowledged that she and Board Member Schineller incorporated all related feedback into the Financial Policies Manual Draft, and drafted a template displaying recommended targets, with focus on where the Town is now, and how to meet target goals. Chair Roberts thanked Mr. Keohane for his review, and providing necessary information to the template.

Chair Roberts noted that next steps would include FinCom and Town Departmental review. Board Member Schineller recommended reviewing and visiting the financial targets on a regular basis.

Chair Roberts recommended that policies could be reviewed every three years, to assess related thresholds and targets.

Board Member Schineller referenced several areas of proposed change.

Chair Roberts referred to the spreadsheet, with focus on stabilization funding prepared by Mr. Keohane, which included: General Funding, Actual Debt, and Enterprise Funds.

Chair Roberts mentioned that next steps included a path to building stabilization funding. She asked how the Board felt about sharing the drafted reports. Board Member Carty suggested the Board continue discussion at another Board meeting before sharing the reports.

Resident Manish Sharma, 77 Colonial Road, asked about the expenditure overlay. He questioned some numbers related to and pre-COVID and post-COVID effects. Mr. Keohane detailed that processes were in place to monitor all Town assets.

**Recess**

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

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

VOTED: To recess for five minutes and return to open meeting at 10:05 p.m.

**BFRT Update by Beth Suedmeyer, Environmental Planner**

Present: Environment Planner Beth Suedmeyer

Ms. Suedmeyer confirmed the 75% BFRT design was submitted to MassDOT in May and responding comments from that submittal are in hand. She detailed that Fuss & O'Neill were compiling the MassDOT

comments, which did not warrant change in design and primarily landscape, planting, and fencing type questions.

Board Member Schineller inquired about proposed easements. Ms. Suedmeyer responded that private driveway easement considerations are underway, and the existing agreement from the rail division would be received in a next week or two. She added that Town Counsel had a copy of the lease template.

Vice-Chair Russo asked when the BFRT Advisory Task Force would be providing input. Ms. Suedmeyer responded that such input would be dependent on MassDOT comments, but likely in late August or early September. Ms. Suedmeyer also stated that the consultant has reached out to MA DEP regarding Ch. 91 and that there is a delay. She hopes to hear from them in the next thirty days.

Board Member Carty asked for confirmation that the BFRT project was on schedule, on budget, and no changes had been made. Ms. Suedmeyer agreed with comments made by Town Counsel earlier tonight, that there was no apparent need for a Special Fall Town Meeting.

Board Member Dretler stated the Board could call a Special Town Meeting at any time.

Board Member Dretler asked when the updated project timeline would be provided. Ms. Suedmeyer responded, likely by end of week in consideration of the comments of MassDOT staff regarding the right of way. Board Member Dretler agreed with the mentioned need for fencing to stop people from riding into ditches.

Chair Roberts inquired about temporary and permanent easements. Ms. Suedmeyer responded that six temporary easements would be needed for construction activities, such as extra room for equipment movement. She added that the easements would be itemized on a Town Meeting article. Ms. Suedmeyer explained that permanent easements are on Town properties.

Chair Roberts recommended that easement aspects be started sooner than later.

Member Dretler asked if there was anything regarding the timeline that might be concerning. Ms. Suedmeyer stated that because the Town is assuming a May 2022 Town Meeting the advertising date may slip.

Chair Roberts inquired about Ch. 91 information. Ms. Suedmeyer stated that she would be providing the Board with such updates/information as soon as they are received.

### **"Comprehensive Plan" presentation by Len Simon**

Present: Resident Len Simon, 40 Meadowbrook Circle

Mr. Simon presented the "Comprehensive Plan for the Bruce Freeman Rail Trail, Mass Central Rail Trail, a connection to Route 20, a pocket park, and planned development in Sudbury's commercial district."

Mr. Simon stated that incorporating such a Plan would promote optimal "need and vibrancy of central Sudbury." Several primary areas were included the Comprehensive Plan suggested by Mr. Simon:

- Upgrading of the Town-owned 0.22 mile of the CSX corridor
- Extending the functional design of the BFRT from the diamond to Rte. 20
- Ensuring the trail 100% emergency vehicle accessibility to the BFRT, as well as ADA accessibility

- Acquisition of the former gas station at the corner of Rte. 20 and Nobscot Road to be utilized as a “pocket park.”

Board Member Dretler agreed with the basic Comprehensive Plan proposal, and questioned available funding.

Vice-Chair Russo expressed his interest in the Comprehensive Plan, and acknowledged that various recommendations would need further examination. He mentioned there might be hazardous waste concerns at the former gas station site.

Board Member Carty questioned the source and validity of the statement “construction of the rail trail from the diamond to Rte. 20 will be paid for by federal and state funds.” He inquired about the former gas station being listed for sale. Mr. Simon responded that the former gas station owner was seeking a lease, and the Town could contact the broker.

Resident Pat Brown stated that going forward with the Comprehensive Plan might not be appropriate at this time.

**Update from Sewataro subcommittee - planning for Fall and progress toward Select Board goals**

Board Members agreed to table this item to the 7/27/21 Board Meeting.

**Discussion on Select Board outreach to Anti-Defamation League (ADL) regarding acts of antisemitism and next steps.**

Chair Roberts provided detail regarding a conversation she recently had with a representative from the ADL. She stated that the ADL representative forwarded a list of school programs, and professional development training for staff.

Board Member Schineller stated he would like to see such programs provided to Sudbury residents of all ages.

Board Member Carty suggested that Select Board members receive the professional training as well.

Vice-Chair Russo was in agreement, and commented that consulting with DEI would be beneficial.

Board Member Dretler expressed interest in a community gathering with inclusion of DEI recommendation.

Chair Roberts agreed that Select Board training would be valuable, and offered to gather specifics regarding the training programs.

Resident and FinCom Chair Scott Smigler, 125 Plympton Road, stressed that antisemitism was very complex issue, and profoundly affected children. He thanked the Board for conducting related discussions.

**Discussion and vote whether to approve award of contracts by the Town Manager commencing 7/1/21 through 9/30/21, including, but not limited to; DPW, Senior Center, Facilities and Planning contracts, provided a listing is prepared and submitted to the Select Board for all contracts requiring Board advance approval which are executed by the Town Manager during said period**

Chair Roberts indicated that it would be useful to receive such listing from Town Manager Hayes, before the Board voted to approve such items.

Vice-Chair Russo opined about the purpose of such listings, if the listed items were already built into the budget. He suggested that the contract items continue to be included as Consent Calendar items.

Chair Roberts stated she was interested in reviewing projects, especially those presented in the summer months.

Town Manager Hayes stated he would provide listings as approved.

Board Member Dretler motioned to approve award of contracts by the Town Manager commencing 7/1/21 through 9/30/21, including DPW contracts, provided a listing is prepared and submitted to the Select Board for all contracts, with a listing to be provided at the next Board meeting on July 27, 2021.

Board Member Dretler explained that the motion primarily represented DPW contracts, with a listing provided to the Board members at the next Board meeting. Board Member Dretler retracted her motion.

Board Member Schineller motioned to approve award of contracts by the Town Manager commencing 7/1/21 through 9/30/21, including DPW contracts; providing a listing is provided, prepared, and submitted to the Select Board for all contracts normally requiring Select Board advance approval; which are executed by the Town Manager during said period, and to be presented at future Board meetings, following contract approvals. Board Member Dretler seconded the motion.

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

VOTED: To approve award of contracts by the Town Manager commencing 7/1/21 through 9/30/21, including DPW contracts; providing a listing is provided, prepared, and submitted to the Select Board for all contracts normally requiring Select Board advance approval; which are executed by the Town Manager during said period, and to be presented at future Board meetings, following contract approvals.

Board Member Carty asked why such listings were limited to DPW contracts. Chair Roberts responded that most DPW projects take place in the summer months, and are approved in rapid succession; and she wanted to ensure that nothing was missed or unclear to Board Members.

**Newsletter discussion and potential vote on desired way forward for the Newsletter**

Board members agreed to table this item to the 7/27/21 Board meeting.

**Review open session minutes of 6/15/21 and 6/23/21 and possibly vote to approve minutes**

Board members agreed to table review of 6/15/21 and 6/23/21 minutes to the 7/27/21 Board meeting

**Citizen's Comments (cont.)**

There were no citizen comments.

**Adjourn**

Vice-Chair Russo motioned to adjourn the meeting. Board Member Dretler seconded the motion.

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

VOTED: To adjourn the meeting

There being no further business, the meeting was adjourned at 12:04 a.m. Wednesday, July 14, 2021.



## **7/13/21 SB Meeting Documents & Exhibits**

**1.** Open in regular session and immediately vote to enter Executive Session with the Chief of Police to discuss deployment of security personnel or devices, or strategies with respect thereto (G.L. c. 30A, S21(a) (4)).

### **Attachments:**

- 1.a 75 Hudson Road - Continuance Form to 210805
- 1.b Citiworks Rendition
- 1.c East Fence-Gate Addition 4-19-21
- 1.d HDC-COA-Application-Form-201224
- 1.e IMG\_7341

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

### **Attachments:**

- 2.a SB Executive Session 6-15-21\_for\_review
- 2.b SB Executive Session 6-29-21\_for\_review

**4.** Vote to open public hearing for discussion and vote whether there is a need for a Fall Town Meeting in accordance with Town Bylaw Article 1 Section 3.

### **Attachments:**

- 4.a Email\_Fall\_TM
- 4.b Art1 Sect3 Bylaw
- 4.c MEMO TO MEMBERS OF SELECT BOARD RE BETH EMAIL OF JULY 12 2021.6

**6.** Discussion with Hop Brook Association on potential contribution to OARS.

### **Attachments:**

- 6.a HBPA-OARS\_07082021
- 6.b Hop Brook request OARS

**7.** Discussion on Financial Policies with Finance Director Dennis Keohane.

### **Attachments:**

- 7.a Draft Policy Intro 04.29.21
- 7.b Select Board Financial Policies WORKING DRAFT 2021 07.09.21
- 7.c FinancialPolicyDecisionsTargetsThresholdsForConsideration DJK 7-12-2021
- 7.d DennisQandA-051821

**8.** BFRT update by Beth Suedmeyer, Environmental Planner

### **Attachments:**

- 8.a BFRT Update Select Board Memo 7.9.21-2
- 8.b MEMO TO MEMBERS OF SELECT BOARD RE BETH EMAIL OF JULY 12 2021.6

**9. "Comprehensive Plan" presentation by resident Len Simon**

**Attachments:**

- 9.a BFRT AND CSX COMPREHENSIVE PLAN.14 abbreviated wo filename
- 9.b COMPREHENSIVE PLAN.9 PDF

**10. Update from Sewataro subcommittee - planning for Fall and progress toward Select Board goals**

**Attachments:**

- 10.a Sewataro Policy - use & fees Draft 07.08.2021\_CGR\_BJS
- 10.b SewataroAssessmentAndRecommendations\_2021\_Jul\_08\_supporting\_materials
- 10.c SPS Building Use Request
- 10.d TownofSudburyFacilityusepolicyJune12012update

**11. Discussion on Select Board outreach to Anti-Defamation League (ADL) regarding acts of antisemitism and next steps.**

**Attachments:**

- 11.a ADL email
- 11.b ADL Education Offerings (1)
- 11.c NPFH 2021 Resource Guide NEW ENGLAND

**12. Discussion and vote whether to approve award of contracts by the Town Manager commencing 7/1/21 through 9/30/21, including, but not limited to, DPW, Senior Center, Facilities and Planning contracts, provided a listing is prepared and submitted to the Select Board for all contracts requiring Board advance approval which are executed by the Town Manager during said period.**

**Attachments:**

- 12.a FY20 rpt for Elaine\_July1 to Sept 30 Contracts over \$25k

**14. Review open session minutes of 6/15/21 and 6/23/21 and possibly vote to approve minutes.**

**Attachments:**

- 14.a SB\_draft1\_6.15.21\_min\_for\_review
- 14.b SB\_draft1\_6.23.21\_min\_for\_review

**16. Upcoming Agenda Items**

**Attachments:**

- 16.a POTENTIAL UPCOMING AGENDA ITEMS\_7.13.21

**17. Vote to approve the following Town Manager appointments to the Conservation Commission: Luke Faust as an associate member for a term ending 5/31/24; also appoint Jeremy Cook as a full member for a term ending 5/31/23.**

**Attachments:**

- 17.a Faust\_Luke\_2021\_redact
- 17.b Jeremy Cook\_Concom\_redact
- 17.c Application-for-Appointment\_Cook

**18. Vote to appoint Vice-chair Charlie Russo as liaison to the Bruce Freeman Rail Trail (BFRT) Advisory Task Force.**

**Attachments:**

- 18.a Copy of LIAISON LIST 2021-22