

SUDBURY SELECT BOARD

TUESDAY, OCTOBER 5, 2021

(Meeting can be viewed at 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, Finance Director Dennis Keohane

The statutory requirements as to notice having been complied with, the meeting was convened at 7:03 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: Dretler-present, Russo-present, Schineller-present, Carty-present, Roberts-present

Opening remarks by Chair

- Policies and Procedures Review Subcommittee (she and Board Member Schineller) met last Thursday; reviewed non-financial policies, and also reviewed the remote meeting policy
- CIAC, FinCom, and other departments are expected to provide feedback soon, regarding the Financial Policies Document
- Month of October is Disability Awareness Month, recognizing that she and others were wearing the disability awareness pin at tonight's Board meeting
- Scarecrow Spectacular at Sewataro to take place on October 21, 2021

Select Board Member Carty:

- Thanked COD for the disability awareness pins
- Indicated he was encouraged by the decreasing COVID numbers and mentioned the State COVID dashboard; he noted that Sudbury had a very low positivity rate

Vice-Chair Russo:

- Thanked COD for the disability awareness pins
- He and Select Board Member Schineller conducted office hours last week, which included interesting conversations with several residents
- Stated the Sewataro Assessment and Recommendation Subcommittee (he and Select Board Member Schineller) met with the Park & Recreation Commission last night
- Announced the Town Forum - Master Plan Action/Implementation Plan to take place on Thursday, October 21, 2021
- Extended well wishes to all Boston Marathon runners

Board Member Schineller:

- Commented about many meetings since the Board last met

- Stated that Town Manager Hayes was attending the International MMA (MA Municipal Association) conference with Assistant Town Manager/HR Director Maryanne Bilodeau

Board Member Dretler:

- Thanked COD for sharing the disability awareness pins with everyone
- Announced October is Domestic Violence Prevention Month, and a light vigil was taking place tonight at the First Parish Church in Wayland
- Announced the Great Pumpkin Carving Walk Through at the Park & Recreation site on October 28, 2021
- Stated that she attended the MAGIC meeting this morning where the ARPA was discussed; SPS and the Park & Recreation Commission also discussed ARPA funding at their meetings

Finance Director Dennis Keohane:

- Confirmed he was acting as Town Manager at this meeting
- Mentioned several volunteer opportunities in Town, including an opening on the Finance Committee (FinCom), and the Permanent Building Committee (PBC).

Citizen's Comments on items not on agenda

Resident and COD Member Lisa Kouchakdjian, 30 Meadowbrook Circle, thanked Board members for wearing the COD pins at tonight's meeting, and expressed her appreciation regarding related comments and support by the Board.

Ms. Kouchakdjian announced that the pins would be sold to the general public, at the Loring Parsonage gift shop, for \$5.00. She added that proceeds would go to the Sudbury Historical Society.

Resident Doug Blowers, 48 Mary Kathryn Lane, stated that a new housing project was being built on his street, which has resulted in the flooding of his property. Chair Roberts suggested that Mr. Blowers submit his documentation.

Discussion and possible vote regarding Bruce Freeman Rail Trail (BFRT) update from Town Counsel related to draft lease agreement

Present: Lee Smith, Town Counsel

Mr. Smith confirmed that he presented lease-clause Board edits to MassDOT, and such amendments to that clause were rejected. MassDOT indicated they did not want to set precedence in this area.

Board Member Carty stated he was concerned about the number of times the phrase "without limitation" was used in the lease clause, and stressed that proposed restrictions to that clause must be included.

Vice-Chair Russo stated that the clause as written did not provide MassDOT with additional rights. He indicated that the best way to protect the corridor was to build the BFRT.

Board Member Dretler stated that MassDOT always had these opportunities, and residents want the project to go forward.

Board Member Schineller recommended that Mr. Smith continue work on amending the clause.

Chair Roberts indicated she would have preferred that the language of the clause be amended but acknowledged that the clause as presented was consistent with other communities.

Chair Roberts directed Mr. Smith to proceed with negotiations.

Resident Pat Brown, 34 Whispering Pine Road, requested that the BFRT title search be released to the public for consideration.

Discussion on solar power options for the future at several Town locations and possible vote to authorize the Town Manager to sign Letter of Intent to express the desire to enter into a Power Purchase Agreement (PPA) and Lease Agreement or grant of Easement (“Site Control”) for electricity to be produced by a solar power electric generating project, potentially including energy storage

Present: Bill Barletta, Facilities Manager; Rami Alwan, Member – Energy and Sustainability Committee; Walter Grey - Power Options; Byron Woodman – Solect Energy

Mr. Barletta provided background information regarding proposed installation of solar roofing at Town buildings. He explained that next steps involved Board Members signing Letters of Intent (LOI) for each Town building to be considered.

Mr. Grey explained the procurement process. He reviewed solar roofing proposals for the Noyes School, Curtis Middle School, and the DPW building.

Mr. Alwan indicated that proposed plans had been thoroughly vetted, and the Town could move forward.

Mr. Woodman presented “Town of Sudbury Solar Energy Presentation” by Solect Energy. Mr. Woodman confirmed that the next steps would require endorsement of a Letter of Intent (LOI). Mr. Barletta acknowledged that Town Counsel had been reviewing agreement language, and the proposals had been presented to the Town Manager, the Finance Director, School Superintendents, and others.

Vice-Chair Russo voiced strong endorsement for solar installation on Town buildings.

Board Member Dretler asked about roofing for the Haynes School. Mr. Barletta explained the roofing considerations regarding the Haynes School.

Board Member Carty expressed strong support for solar roofing on Town buildings, and suggested solar charging stations. He stated that the Sudbury Public School Committee had additional questions, and confirmed they needed more time to consider the proposed agreements.

Board Member Schineller acknowledged the sustainability and financial benefits associated with solar roofing for Sudbury.

Chair Roberts confirmed that she was interested in conserving energy, and asked why the Nixon School was not being considered for solar roofing. Mr. Woodward explained that the Nixon School would not support a solar installation at this time.

Chair Roberts suggested further review of the topic be included on the October 19th Board meeting agenda.

Manish Sharma, 77 Colonial Road, stated there was no resident revenue share incentives, and suggested that the Board review all sustainable energy options before signing the LOI.

Fairbank discussion with Permanent Building Committee

Present: Craig Blake and Jennifer Pincus, Permanent Building Committee Members (PBC); Bill Barletta, Facilities Director; Chris Eberly, Project Manager – Compass; Jeff D’Amico - Compass

Mr. Eberly provided a summary presentation, which included:

Overview of the Process

- Design Development stage
- Feasibility Study – developing a cost estimate
- Schematic Design – Testing the results of the feasibility study and confirm the budget, based on enhanced design
- Construction Documents

Mr. D’Amico addressed the related areas of:

- Sustainability with an integrated design
- Availability of energy rebates; meeting with Eversource to determine if standards for eligibility might be met
- Use of Heat Pump System, mounting of solar panels, and creation of balance in consideration of fossil fuels to be used for the pool

Mr. Eberly commented that the building would remain open to the greatest extent possible. He noted that additional efficiencies can be realized with decreasing some of the original sizing of the building.

Vice-Chair Russo mentioned the supply situation and related pressures. He asked if the Select Board could assist in any way, and opined about the balance between time, cost and quality. He mentioned that he wanted to learn more about the original vision being compromised.

Vice-Chair Russo asked about a proposed planning deadline. Mr. Eberly responded that changes could be made at any time, though such changes might affect cost.

Board Member Carty inquired about the basketball court. Mr. Barletta responded that the original intention was to replicate what was on the site, and relocate the court.

Board Member Carty asked Mr. Eberly to elaborate on their process of decreasing space, gaining efficiencies, and satisfying all needs. Mr. Eberly detailed that in consideration of some reduced space, efficiency levels would increase.

Board Member Dretler expressed her concern regarding reduced community space. Mr. Eberly spoke of added flexible space for multi-purposing, such as areas for parents to observe games. Ms. Pincus confirmed there would be some seating around vending machines.

Board Member Dretler commented about lack of public seating space in Town. Ms. Pincus responded that the team was working on that aspect. Board Member Dretler inquired about interior lighting/windows. Ms. Pincus mentioned the inclusion of side lights and many windows looking into the gym.

Board Member Schineller asked if the following would be included in the proposed plan:

- Improved locker rooms
- Family changing room
- Grandstand for swim meets
- COA life-long learning space to accommodate 150 people
- COA game room/lunch room
- COA billiards
- COA private offices for consultation purposes
- COA space for lending equipment
- SPS offices that don't leak
- SPS offices sound barriers
- Emergency shelter with sufficient capacity, including storage
- Energy efficient to realize utility savings
- Engagement/inclusion of the Energy and Sustainability Committee
- Council on Disability included as a stakeholder

Board Member Schineller was pleased to receive affirmative responses to his questions.

Chair Roberts asked if user groups are satisfied. Mr. Eberly responded in the affirmative, and noted that tough decisions have been made due to the supply shortages and the climate of the economy.

Chair Roberts reiterated that if the planning becomes compromised in any way, the team should inform the Select Board immediately. Mr. D'Amico acknowledged the request presented by Chair Roberts.

Chair Roberts suggested that several Board Members might consider exploring ARPA funding aspects.

Recess

Chair Roberts read in the words of the motion. Vice-Chair Russo moved in the words of the Chair. Board Member Schineller seconded the motion. It was on motion 5-0; Dretler-aye, Schineller-aye, Carty-aye, Russo-aye, Roberts-aye

VOTED: To recess until 10:02 p.m.

FY21 Financial Recap

Present: Finance Director Dennis Keohane

Mr. Keohane provided a FY21 financial recap.

Board Member Carty commented that payroll numbers had not changed much. Mr. Keohane commented that some open positions had not been filled.

Board Member Schineller acknowledged that the Town was appropriately conservative with financing last year. Mr. Keohane noted that most additional costs were covered by COVID assistance grants.

Board Member Dretler asked for a listing of COVID fund allocations. Mr. Keohane responded that such itemization would be available soon.

Vice-Chair Russo commented that enhanced unemployment benefits would be expiring soon, which could have financial implications for property tax payments. Mr. Keohane was in agreement.

Chair Roberts inquired about DPW appropriations. Mr. Keohane detailed that such funding was primarily allocated to snow and ice removal and roadwork.

Board Member Dretler recommended that a Financial recap be presented to the Board on an annual basis.

Discussion on Sewataro Use Policy Document and discussion on other Sewataro goals

Board Member Schineller stated that the Sewataro Assessment and Recommendation Subcommittee (he and Vice-Chair Russo) were awaiting additional information regarding the Sewataro use policy. Chair Roberts commented the use policy topic could be discussed at the next Board meeting on October 19, 2021.

Vice-Chair Russo provided comment concerning aspects of the long-term Sewataro goals, which were laid out last year.

Increased Public Swimming

Vice-Chair Russo stated that Scott Brody might have more to add in the next month or so.

Chair Roberts asked if Mr. Brody would be conferring with the Board of Health. Board Member Schineller responded affirmatively.

Increase documentation of activities and uses

Vice-Chair Russo stated that Kristen Drummey of Camp Sewataro will be forwarding such documentation.

Safeguard Property

Board Member Schineller acknowledged that Facilities Director Bill Barletta provided a safety list.

Vice-Chair Russo confirmed the property had been secured for colder weather, and security cameras were installed in areas around the main entrance. Board Member Dretler asked if security signs were visible. Board Member Schineller responded that he saw the signs.

User Fees

Both Vice-Chair Russo and Board Member Schineller noted the user fee schedule was being worked on.

Consideration of tax-exempt debt option

Mr. Keohane shared that terms were very favorable at this time, and the wait period was ten years away.

Longer-term considerations

Board Member Schineller confirmed that he and Vice-Chair Russo had been comparing data from other communities, and noted that Mr. Brody's management role at the camp in Sharon was a long-term arrangement. Chair Roberts asked if the camp in Sharon permitted greater public access. Board Member Schineller responded positively, but stated that he did not know about the swimming aspect and would further research that point.

Chair Roberts indicated that she wanted to review the latest Sewataro financials before addressing all considerations.

Board Member Dretler suggested that a community survey on this topic might be beneficial. Vice-Chair Russo offered to assist with such a survey and mentioned consideration of a Flashvote process.

Discussion on Town Counsel Policy and use of Town Counsel

Board Member Carty stated that he was familiar with the Town Counsel Policy, and indicated that such consultations had increased. He asked if services requested by the Board were on budget. Mr. Keohane responded that he did not have a chart for pre-2020 legal services, but could research that aspect. Mr. Keohane added that he would follow-up with Ms. Jones.

Mr. Keohane acknowledged that for the last three years Town Counsel services had been considerably over budget, noting that counsel litigation fees were also set at a higher rate.

Board Member Dretler stated that other Boards/Committees previously had been allowed to confer with Town Counsel as well.

Discussion and vote whether to approve the Select Board office hours schedule for remainder of 2021

Vice-Chair Russo suggested that Select Board office hours be scheduled three months in advance. Board Members supported the schedule for the remainder of 2021.

Discuss topics to be assigned for Fall 2021 - Select Board newsletter

- Board Member Dretler chose the ARPA topic, as did Vice-Chair Russo.
- Board Member Schineller chose the Master Plan Action Plan topic.
- Board Member Carty and Chair Roberts did not select topics at this time.

Citizen's Comments

There were no comments.

Review open session minutes of 9/13/21 and possibly vote to approve minutes

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

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

VOTED: To approve the open session minutes of 9/13/21, as edited

Upcoming Agenda Items

October 19, 2021 meeting:

- Transportation Committee discussion
- BFRT update
- Solar panel discussion – additional information from School Committee

November 30, 2021 meeting:

- Sewataro Financial Review

Consent Calendar

Vote to approve execution by the Town Manager of an Agreement between the Town of Sudbury and Kimley-Horn and Associates, Inc. for professional consulting services for development of a pavement management program, and any documents relative thereto

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

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

VOTED: To approve execution by the Town Manager of an Agreement between the Town of Sudbury and Kimley-Horn and Associates, Inc. for professional consulting services for development of a pavement management program, and any documents relative thereto.

Vote to extend the Town's Uber For Business Dashboard Access Agreement with Uber Technologies, Inc. for one (1) year per the terms of the existing agreement

Board Member Dretler asked if the agreement was a renewable agreement. Board Member Carty affirmed it was.

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

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

VOTED: To extend the Town's Uber For Business Dashboard Access Agreement with Uber Technologies, Inc. for one (1) year per the terms of the existing agreement.

Adjourn

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

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

VOTED: To adjourn the meeting

There being no further business, the meeting was adjourned at 11:31 p.m.

SB 10/5/21 - Documents & Exhibits

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

Attachments:

1.a SB-Baker-DRAFT-20210930

3. Discussion and possible vote regarding Bruce Freeman Rail Trail (BFRT) update from Town Counsel related to draft lease agreement. (~25 min.)

Attachments:

3.a KP-#781071-v1-BFRT_Utility_Easement_Clause

4. Discussion on solar power options for the future at several Town locations and possible vote to authorize the Town Manager to sign Letter of Intent to express the desire to enter into a Power Purchase Agreement (PPA) and Lease Agreement or grant of Easement (“Site Control”) for electricity to be produced by a solar power electric generating project, potentially including energy storage. (~20 min.)

Attachments:

4.a Solect Energy Sudbury Solar PPA Presentation 9.30.21

4.b Solect PO PPA LOI Sudbury Nixon School (Canopy) - 9-13-21

5. Fairbank discussion with Permanent Building Committee. Attending will be Craig Blake and Jennifer Pincus from PBC, and Bill Barletta Facilities Director. (~45 min.)

Attachments:

5.a 2021-0922-PBC Sheets Transmitted

5.b KPI - Fairbank SB Project Status Update 21-08-04

5.c Roberts_email

5.d Sustainability Funding Request (Fairbank and SD) to Rep. Gentile

5.e VE Log Sudbury FCC log updated Sep 9 2021

5.f Select Board Presentation 10-5-21 CPM

6. FY21 Financial Recap by Finance Director Dennis Keohane. (~35 min.)

Attachments:

6.a FY21 General Fund Budgetary Results 9-20-2021

7. Discussion on Sewataro Use Policy Document and discussion on other Sewataro goals. (~40 min.)

Attachments:

7.a Sewataro Policy - use & fees Draft 08.19.2021

7.b BOS Goals 2021

7.c KP_Sewataro_email

7.d KP-#780813-v2-SUDB_-_Sewataro_Policy_-_use__fees_Draft_08_19_2021

7.e Sewataro Options Table_10.05.2021

8. Discussion on Town Counsel Policy and use of Town Counsel (~20 min.)

Attachments:

8.a Policy-on-Access-to-Town-Counsel-9.8.15_final

8.b FY2021 BUDGET LEGAL EXPENSE SUMMARY

9. Discussion and vote whether to approve the Select Board office hours schedule for remainder of 2021. (~10 min.)

Attachments:

9.a Sudbury Select Board Office Hours Schedule

10. Discuss topics to be assigned for Fall 2021 - Select Board newsletter (~10 min).

Attachments:

10.a SB Newsletter Previous Topics_9.20.21

12. Review open session minutes of 9/13/21 and possibly vote to approve minutes.

Attachments:

12.a SB_draft1_9.13.21_min_for_review

13. Upcoming Agenda Items

Attachments:

13.a Upcoming items 10.05.21

14. Vote to approve execution by the Town Manager of an Agreement between the Town of Sudbury and Kimley-Horn and Associates, Inc. for professional consulting services for development of a pavement management program, and any documents relative thereto.

Attachments:

14.a Kimley-Horn PMP Proposal for Town of Sudbury 2021-09-10

15. Vote to extend the Town's Uber For Business Dashboard Access Agreement with Uber Technologies, Inc. for one (1) year per the terms of the existing agreement.

Attachments:

15.a Dashboard Agreement 201015 Signed