

## SUDBURY SELECT BOARD

TUESDAY, SEPTEMBER 14, 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 7:12 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: Schineller-present, Russo-present, Dretler-present, Carty-present, Roberts-present

### **Opening remarks by Chair**

- Select Board and Planning Board met in joint open session and agreed upon a plan for the virtual Master Plan Annual Town Forum, to be held on October 21 at 7:00 p.m. Vice-Chair Russo to be coordinating the Forum with the Planning Board
- The 9/11 Memorial Committee conducted a moving ceremony with good turnout on Saturday; thanked all for participating, including Vice-Chair Russo and Town Manager Hayes
- BOH meeting was held today; COVID focus and mask mandate updated in consideration of increased incident rate in Town
- BOH announced incident of the West Nile virus in both human and animals in Middlesex County; the public is advised to take precautions - use bug spray, eliminate standing water, wear long-sleeved shirts, and avoid being outside during dusk

### **Reports from Town Manager**

- 9/11 Remembrance Event sponsored by the 9/11 Memorial Committee was special; included on the Town website
- Thanked Fire, EMS, and Police for saving a residents' life recently. The resident extended his gratitude
- Thanked EMS for assisting with a tragic fire incident recently, and expressed his gratitude for their efforts
- Thanked Planning and Community Development, Conservation, Accounting and Town Finance offices for their amazing efforts and continue to sustain a safe, secure, serviced and strong Sudbury!

### **Reports from Select Board**

Board Member Schineller:

- Recognized that 9/11 will never be forgotten
- Select Board voted to proclaim November 6 as Hope Sudbury Day; Hope Sudbury was formed in response to 9/11 and to bring the community together

- November 6 will mark the twentieth anniversary of Hope Sudbury and the Telethon raises monies to help those within and outside the Sudbury community

Board Member Dretler:

- As member, attended the MAGIC Regional Meeting this morning, which voted to support the regional work plan for fiscal year 2021; topics to be discussed this year include: Racial Justice, ARPA funding, EV Infrastructure, Legislative incentives, housing, and climate resiliency via hybrid meeting format
- Thanked Planning and Community Development Director Adam Duchesneau for his leadership involvement with MAGIC
- Happy New Year to those celebrating the Jewish holidays
- She and Vice-Chair Russo recently attended the monthly BFRT meeting, and looking forward to the next meeting
- Attended the “IHCD World for Everyone” session, which focused on an ADA accessibility and transition plan, in which Sudbury has been actively involved
- PBC is moving forward with the Fire Station and Fairbank Community Center projects. She stressed the importance of the two buildings, and recommended that residents view the progress of those projects on SudburyTV
- Sudbury Wayland Lincoln Domestic Violence Roundtable to be held September 20<sup>th</sup> to September 30, all donations go to survivors of domestic violence.

Vice-Chair Russo:

- Seconded comments by other Board members
- Happy to see the Town Master Plan Forum information can be found on the Town webpage and social media, which was posted immediately after the Planning Board and Select Board meeting last night. Encouraged public turnout for the Forum
- Recent auto accident at the Rte. 117/Mossman intersection; recommended the Select Board discuss this intersection and the Dakin/117 Intersection, at an upcoming Board meeting

Board Member Carty:

- Recognized Saturday’s 9/11 Memorial Celebration, and thanked Kirsten Roopenian, Vice-Chair Russo, and Town Manager Hayes for their excellent presentations, including the opening prayer presentation by Steven Milley, and Stuart Beeby incorporated a moving 20-minute presentation
- Goodnow Library Trustees met in person last week, Library of Things project being planned; residents can borrow items in addition to books

**Discussion and vote whether to ratify the vote taken in Executive Session on 9/14/21, regarding collective bargaining matters related to negotiations between the Town of Sudbury and the Sudbury Association of Engineering, Architects and Draftsmen IFPTE Local 105 dated 9/9/21.**

Chair Roberts summarized the collective bargaining agreement between the Town of Sudbury and the Sudbury Association of Engineering, Architects and Draftsmen IFPTE Local 105 dated 9/9/21

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

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

VOTED: To ratify the vote taken in Executive Session on 9/14/21, regarding collective bargaining matters related to negotiations between the Town of Sudbury and the Sudbury Association of Engineering, Architects and Draftsmen IFPTE Local 105 dated 9/9//21.

**Lincoln-Sudbury Regional High School regional agreement review and next steps**

Chair Roberts summarized that the Board received assistance from Lampke Law, met with the Lincoln Select Board in 2021, and would like to revisit the topic.

Member Carty stated that seven primary areas were identified when the Sudbury and Lincoln Select Boards met in joint session in March. He indicated Vocational Education was a focus topic at that meeting.

Vice-Chair Russo mentioned several regional agreement documents.

Member Schineller noted the LS Agreement was ranked second on the Select Board goal list. He stated that many aspects/policies with the Agreement, are now obsolete, and should be addressed. Member Schineller suggested that the Chair Roberts might coordinate a future meeting date with the Lincoln Select Board Chair, and member Carty could coordinate a session with the LS School Committees. Member Carty indicated he would be happy to reach out to the Chair of the LS School Committee, to arrange a joint meeting with those two Committees.

Member Dretler suggested that such joint meeting could also include the Chairs of the two Select Boards.

**Town Manager Hayes to review ARPA program, funds, timeline, and possible uses**

Town Manager Hayes reviewed the ARPA program, related time parameters and possible uses.

Board Member Schineller spoke about related essential workers in the Town Health Department and Sudbury School employees. He asked when ARPA funding projects had to be finalized. Town Manager Hayes responded through the 2025 calendar year.

Board Member Carty inquired about current funding. Town Manager Hayes responded that approximately \$1,000,000 had already been received by the Town and would go into a general fund as did Cares Act funding. Board Member Carty stressed that the funding must be spent wisely. He asked about the sewer aspect, and hoped such funding would be directed to the Health Department for future need.

Vice-Chair Russo commented he wanted to see a potential list for funding relatively soon. He agreed about being smart about funding usage.

Board Member Dretler agreed with all comments made by Board Members. She confirmed that she wanted to see the plan in advance, and noted that other communities had strong Select Board involvement. Member Dretler expressed her hope that the Sudbury Select Board would have a role in such planning. Member Dretler requested at the last MAGIC meeting to have a discussion about ARPA at the October meeting.

Chair Roberts mentioned possible funding for the Fairbank Community Center. Town Manager Hayes indicated that buildings, vehicles, and related projects; would likely not qualify for such funding.

Board Member Carty recommended putting the funds into a COVID stabilization fund. Town Manager Hayes confirmed he would be having related discussions with Finance Director Dennis Keohane, this week.

Board Member Schineller indicated that a transportation initiative might qualify for ARPA funding, and culverts might fit into the transportation aspect.

Town Manager Hayes stated that he would provide update to the Board.

**Discussion and vote on whether to retain the rights and ownership (or not) of the U.S.A.; Reg. No. 4,826,540 and U.S.A.; Reg. No. 4,826,543 relative to the intellectual property Declarations for “Sewataro” and “Summer as it should be.”**

Town Manager Hayes provided update regarding the intellectual property Declarations for “Sewataro” and “Summer as it should be,” and logo. He recommended retaining the rights to those aspects, so that no other party could use them.

Vice-Chair Russo asked about associated costs. Town Manager Hayes stated that \$1,200 (or less) would be required for filing, which was supported by Town Counsel.

Board Member Dretler stated, per the agreement, that if the Town chose to sell the rights that the current Camp Manager had the right of first refusal.

Chair Roberts read in the words of the motion. Board Member Carty read in the words of the Chair, and moved to amend “registration,” language within the words of the motion. Board Member Dretler seconded the motion.

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

VOTED: To retain the rights and ownership of the U.S.A.; Reg. No. 4,826,540 and U.S.A.; Reg. No. 4,826,543 relative to the intellectual property Declarations for “Sewataro” and “Summer as it should be,” and to amend “registration,” language within the words of the motion.

**Discussion on Sewataro Use Policy Document and other Sewataro goals. Includes discussion and possible vote to release Town Counsel Opinion related to the Town offering swimming and charging fees at Sewataro. Vice-Chair Russo and Member Schineller to present.**

Chair Roberts moved 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 5-0; Schineller-aye, Carty-aye, Russo-aye, Dretler-aye, Roberts-aye

VOTED: To release Town Counsel Opinion related to the Town offering swimming and charging fees at Sewataro.

Board Member Schineller provided an overview of possible fee structure. Vice-Chair Russo noted that Town Counsel reviewed the suggested swimming and associated fee matrix.

Vice-Chair Russo and Board Member Schineller presented the draft document “Town of Sudbury – Sewataro Use Policy;” updated August 19, 2021; which they put together, and confirmed they now sought to receive member feedback. They detailed that suggested fees were similar to Park & Recreation fee structures and such fee structures of other neighboring communities.

Other categories included in the Sewataro Use Policy included:

- Intent
- Public Access Times
- Permitting Authority
- Facility Reservations
- Reservation Priority
- Available Spaces and Fees
- Insurance Requirements

Board members discussed interaction with Park & Recreation. Board Member Dretler recommended that all members consider each other’s thoughts and ideas on this matter.

Board Member Dretler asked if the draft reflected an interim/COVID plan. Vice-Chair Russo indicated that draft was reflective of an iterative plan. Discussion regarding aspects of non-profits took place.

Resident and Sewataro representative Kristen Drummey, 66 Mossman Road, confirmed that Sewataro rentals to large groups had been restricted due to COVID.

Board Member Schineller continued his mention of other areas within the use policy draft:

- Restrictions
- Exclusive Use
- Emergency Contact
- Postings
- Restrooms
- Traffic Management
- Parking Spaces
- Park and Recreation Coordination
- Hold Harmless Individual User Agreements
- Hold Harmless Group User Agreements
- Accessibility

Board Members provided comments/edits, and agreed with the overall content of the draft.

Chair Roberts suggested the draft be submitted to Town Counsel for comments. Town Manager Hayes suggested members submit related questions to him by Sunday, so he could present all questions/comments to Town Counsel on Monday.

Board Member Schineller stated that camp operator Scott Brody, agreed to submit a Sewataro swimming plan by end of September.

Chair Roberts suggested that the Sewataro discussion be continued at the September 28<sup>th</sup> meeting.

**Recess**

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

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

VOTED: To take a five-minute recess

The meeting resumed at 10:01 p.m.

**Discussion on Sudbury Trust Program policy document**

Chair Roberts stated that she noticed some inconsistencies and outdated policies when she reviewed the Sudbury Trust Program policy documentation regarding the Girl Scout bench gift. She suggested that the Select Board Policies Subcommittee review this document.

Board Members agreed that updating of the document was needed.

Board Member Carty noted that it would be helpful to research this document, and understand its origins and history. Board Member Dretler commented that some revision might help shape the document with an eye to the future.

Chair Roberts stated that she would review the minutes around the time the document was used and implemented. Town Manager Hayes recommended that Board Members be cautious about eliminating all policies.

Chair Roberts suggested that some areas be updated:

- E-mail addresses
- Restrictive Gift Accounts
- Senior Tax Work-off Program
- Conservation Program
- Prices for trees and bench
- Priority projects – gift listings

Board Member Dretler suggested that links to charitable donation site be reviewed.

**CPC discussion regarding presentation of CPC articles to Select Board. Select Board Chair/CPC member Roberts to present.**

Chair Roberts referred to the request from CPC Chair Sherri Cline, which questioned the need for repeated CPC article presentations. Ms. Cline asked if the repeated presentation process could be streamlined.

Chair Roberts strongly favored the recommendation made by Town Manager Hayes, of having a Capital Night, where all capital items (including CPC articles) would be presented at one meeting.

Vice-Chair Russo suggested formulating a plan to address presentations of non-finance CPC articles. Chair Roberts suggested that she and Jean Nam, present the non-finance articles.

Board Member Dretler opined about articles being presented by those other than CPC members.

**Discussion and possible vote whether or not to dissolve the Budget Strategies Task Force**

Board Member Schineller noted that the Budget Strategies Task Force had been inactive for a long time. Board Member Carty mentioned that he was a member of the Task Force, which was a very active group. He stressed that the communication between the cost centers is much improved now, and agreed with the decommissioning of that Task Force.

Board Member Schineller motioned to dissolve the Budget Strategies Task Force. Board Member Dretler seconded the motion.

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

VOTED: To dissolve the Budget Strategies Task Force.

Board Member Carty suggested sending letters of thanks to former members of the Budget Strategies Task Force.

**Review open session minutes of 7/27/21 and 8/10/21, and possibly vote to approve minutes**

7/27/21 Minutes

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

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

VOTED: To approve the open session minutes of 7/27/21 as edited.

8/10/21 Minutes

Board Member Dretler motioned to approve the open session minutes of 8/10/21, as edited. Board Member Schineller seconded the motion.

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

VOTED: To approve the open session minutes of 8/10/21 as edited.

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

No citizen comments

**Upcoming Agenda Items**

September 28<sup>th</sup> Meeting:

- ADA Program Policy
- The re-precinct process
- Mitigation Funds for Rte. 117 Mossman and Dakin
- Proposed Office Hours Schedule
- ARPA listing

- Consideration of DEI addition of COD member
- Headstone transfer to another town

Future Meetings:

- BFRT Update
- ARPA Update
- Goal Planning Session
- Legal Services and Budgets

Resident and SHC Chair Chris Hagger, 233 Nobscot Road, mentioned the headstones would be transferred to Natick from Sudbury, and require a vote by the Select Board

**Consent Calendar**

**Vote to approve the award of a contract by the Town Manager for a Town-Wide Historic Preservation Plan upon the recommendation of the Director of Planning and Community Development and pursuant to Article 31 of the May 22, 2021 Annual Town Meeting; and further, to execute any documents relative to said contract.**

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; Carty-aye, Dretler-aye, Schineller-aye, Russo-aye, Roberts-aye

VOTED: To approve the award of a contract by the Town Manager for a Town-Wide Historic Preservation Plan upon the recommendation of the Director of Planning and Community Development and pursuant to Article 31 of the May 22, 2021 Annual Town Meeting; and further, to execute any documents relative to said contract.

**Vote to accept and execute the Conservation Restriction from Bryan and Paula Coffey to the Town of Sudbury, acting by and through its Conservation Commission, pursuant to M.G.L. Ch. 184 Sec. 32 for a 1+/- acre portion of the property located at 24 Tippling Rock, shown as a portion of Assessor's Map L06, Parcel 0101, to maintain the Premises predominantly in its natural state in perpetuity.**

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; Carty-aye, Dretler-aye, Schineller-aye, Russo-aye, Roberts-aye

VOTED: To accept and execute the Conservation Restriction from Bryan and Paula Coffey to the Town of Sudbury, acting by and through its Conservation Commission, pursuant to M.G.L. Ch. 184 Sec. 32 for a 1+/- acre portion of the property located at 24 Tippling Rock, shown as a portion of Assessor's Map L06, Parcel 0101, to maintain the Premises predominantly in its natural state in perpetuity.

**Vote to approve the Town Manager appointment of Christopher Durall, 144 Hayden Circle, as an alternate member to the Historical Commission, for a term expiring 5/31/24.**



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; Carty-aye, Dretler-aye, Schineller-aye, Russo-aye, Roberts-aye

VOTED: To approve the Town Manager appointment of Christopher Durall, 144 Hayden Circle, as an alternate member to the Historical Commission, for a term expiring 5/31/24.

**Vote to accept donation in the amount of \$610 from the Sudbury United Methodist Church to the Town Social Worker to be used to counsel Lincoln-Sudbury Regional High School students**

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; Carty-aye, Dretler-aye, Schineller-aye, Russo-aye, Roberts-aye

VOTED: To accept donation in the amount of \$610 from the Sudbury United Methodist Church to the Town Social Worker to be used to counsel Lincoln-Sudbury Regional High School students.

**Adjourn**

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 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 11:28 p.m.

## **SB meeting 9/14/21 - Documents & Exhibits**

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

### **Attachments:**

1.a NITU Request to STB for MCRT 2021

**3.** Continue Executive Session pursuant to Exemption 3 (G.L. c. 30A, §21(a)(3)) - To discuss and possibly vote on strategy with respect to litigation (National Prescription Opioids Litigation Consortium).

### **Attachments:**

3.a re\_IMPORTANT Mallinckrodt Bankruptcy Update - PROTECTED - CONFIDENTIAL - ATTORNEY CLIENT PRIVILEGED

**4.** Vote to close executive session and resume open session.

**6.** Lincoln-Sudbury Regional High School regional agreement review and next steps (~20 min).

### **Attachments:**

- 6.a LS Agreement May 1988 Searchable Format
- 6.b 20200908 Response Memo to Questions\_Concerns with LS Regional Agreement - Town of Sudbury
- 6.c 3 D-R Regl Agree as amended - RAATF - 20171010
- 6.d Gateway Amended Agreement
- 6.e MARS Regional Agreement Update
- 6.f summary handout 19-05-24 (1)

**7.** Town Manager Hayes to review ARPA program, funds, timeline, and possible uses (~30 min.)

### **Attachments:**

- 7.a ARPA notes for Select Board
- 7.b US Treasury Initial Program Summary 0621

**8.** Discussion on Sewataro Use Policy Document and other Sewataro goals. Includes discussion and possible vote to release Town Counsel Opinion related to the Town offering swimming and charging fees at Sewataro. Vice-Chair Russo and Member Schineller to present (~45 min)

### **Attachments:**

- 8.a Sewataro Policy - use & fees Draft 08.19.2021
- 8.b BOS Goals 2021

**9.** Discussion and vote on whether to retain the rights and ownership (or not) of the U.S.A.; Reg. No. 4,826,540 and U.S.A.; Reg. No. 4,826,543 relative to the intellectual property Declarations for “Sewataro” and “Summer as it should be.” (~15 min)

### **Attachments:**

- 9.a T0847.20000US00 Dec
- 9.b T0847.20002US00 Dec

**10.** Discussion on Sudbury Trust Program policy document (~15 min.)

### **Attachments:**

- 10.a SudburyTrust

**11.** CPC discussion regarding presentation of CPC articles to Select Board. Select Board Chair/CPC member Roberts to present. (~10 min.)

**Attachments:**

11.a CPC email Cline

**12.** Discussion and possible vote whether or not to dissolve the Budget Strategies Task Force (~15 min.)

**Attachments:**

12.a Budget-Strategies-Task-Force-Mission-Statement

12.b Members » Budget Strategies Task Force

**13.** Review open session minutes of 7/27/21 and 8/10/21, and possibly vote to approve minutes.

**Attachments:**

13.a SB\_draft1\_7.27.21\_min for review

13.b SB\_draft\_8.10.21\_min\_for\_review

**15.** Upcoming Agenda Items

**Attachments:**

15.a POTENTIAL UPCOMING AGENDA ITEMS\_9.14.21

**16.** Vote to approve the award of a contract by the Town Manager for a Town-Wide Historic Preservation Plan upon the recommendation of the Director of Planning and Community Development and pursuant to Article 31 of the May 22, 2021 Annual Town Meeting; and further, to execute any documents relative to said contract.

**Attachments:**

16.a Historic Preservation Plan Contract 210831

**17.** Vote to accept and execute the Conservation Restriction from Bryan and Paula Coffey to the Town of Sudbury, acting by and through its Conservation Commission, pursuant to M.G.L. Ch. 184 Sec. 32 for a 1+/- acre portion of the property located at 24 Tippling Rock, shown as a portion of Assessor's Map L06, Parcel 0101, to maintain the Premises predominantly in its natural state in perpetuity.

**Attachments:**

17.a Sudbury CR 125 Ref 16998 EEA Approved for Local Signatures 8.25.2021

**18.** Vote to approve the Town Manager appointment of Christopher Durall, 144 Hayden Circle, as an alternate member to the Historical Commission, for a term expiring 5/31/24.

**Attachments:**

18.a Email\_Duvall\_SHC

18.b Chris Durall Application\_redact

**19.** Vote to accept donation in the amount of \$610 from the Sudbury United Methodist Church to the Town Social Worker to be used to counsel Lincoln-Sudbury Regional High School students.

**Attachments:**

19.a SUMC\_donation\_social\_worker