

SUDBURY SELECT BOARD

TUESDAY, NOVEMBER 16, 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, Town Manager Henry Hayes, Jr.

The statutory requirements as to notice having been complied with, the meeting was convened at 7:02 PM via Zoom.

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, Carty-present, Russo-present, Schineller-aye, Roberts -aye

Opening remarks by Chair

- Yesterday the Select Board held the annual Goal Setting Session with senior staff and a representative/moderator from the UMass Collins Center; follow-up session to take place soon
- Attended the Sudbury Board of Health meeting today; reported COVID surge initiated with children primarily
- COVID vaccines for school children at this time
- Finance Committee met last night and discussed upcoming budget season; inquired about scheduling joint finance meeting with Select Board and upcoming discussion on drafting of financial policies

Reports from Town Manager:

- Town employment opportunities: Snow Plow Truck Contractors, Senior Center Van Driver, Administrative Assistant to Director of Veteran's Services, DPW Light Equipment Operator
- Sudbury Sweater Throwdown contest – entries due by Friday, December 3
- Town Office Closings for Thanksgiving holiday, November 24-26, 2021
- Installation of bottle fillers at Feeley and Featherland Fields has started
- Town Hall – Painting of white trim areas has been completed
- Sewataro – Camp operator has completed installation of permanent fencing as agreed. Focus now on winterizing buildings, closing irrigation system, planning for plowing and salting, finishing outdoor projects
- Loring School Playground – play tasks completed; play surface installation will be done in the spring due to weather conditions
- Preparations for inclement weather – communication with Seniors, emergency shelter preparations
- All vital records can be ordered and paid for online from the Town Clerk's Office

Reports from Select Board Members:

Select Board Member Schineller:

- “No Comments – let’s get to business”

Select Board Member Dretler:

- Wished all a safe, happy and healthy holiday season
- Attended a portion of the Permanent Building Committee meeting today with discussion on Fire Station 2 and related constraints – hopes to learn more about this from the Town Manager at the next meeting; also discussed the Fairbank Community Center and planning a public information session after the holidays
- Attended the Conservation Commission meeting last night – initial discussion regarding Sewataro issues related to the fishing and swimming pond
- Will attend a state-wide conference for municipal officials regarding “investing in recovery,” ways to support local public health, systems, housing, strengthening of infrastructure, increase/improve resident engagement and Federal recovery fund opportunities

Vice-Chair Russo:

- In last several weeks attended Planning Board and Conservation Commission meetings – will hear more regarding outcomes of those meetings
- Expressed Happy Thanksgiving wishes to all

Board Member Carty:

- Extended thanks to Council on Aging for approving the \$35,000 Meadow Walk mitigation money for GoSudbury! Uber and taxi program, which is on tonight’s Consent Calendar
- The Transportation Committee submitted a request to the Select Board for ARPA money for several requests
- At the SPS meeting last night, the mobile vaccination clinic was discussed, and expanded to 120 slots – booked in less than one hour, and expanded those slots to 200, and will petition the state for additional slots should they be required
- The SPS meeting conducted a robust ARPA discussion; Superintendent Crozier will be meeting with Town Manager Hayes to discuss budget pressures
- Looking forward to MA DLS (Division of Local Services) and MAPC (Metropolitan Area Planning Council) conference tomorrow conference – “Investing in Recovery 2021 Statewide Conference for Municipal Officials and Staff”
- Thanked Town Manager Hayes and staff for the creative Sudbury Sweater Throwdown contest
- Congratulated HOPEsudbury for conducting another successful auction November 6
- Wished all a Happy Thanksgiving

Citizen’s Comments not on the Agenda

No Citizen’s Comments

Vote to open Public Hearing on whether to approve petition of NStar Electric Company d/b/a/ Eversource Energy and Verizon New England, Inc. for the purpose of obtaining a Grant of Location to remove one (1) pole #13/10X and to install one (1) new pole #13/10A. This work is necessary to provide safe access for driveway at #66 Puffer Lane. Richard M. Schifone, Eversource Rights and Permits Supervisor, to attend

Present: Richard M. Schifone, Eversource; Shaunna Kyle, Eversource

Mr. Schifone provided description about the project, emphasizing that the Grant of Location was needed in order to provide safe access for the private residence driveway at 66 Puffer Lane.

Board Members asked several related questions.

Chair Roberts moved 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, Carty-aye, Schineller-aye, Dretler-aye, Roberts-aye

VOTED: To approve petition of NStar Electric Company d/b/a/ Eversource Energy and Verizon New England, Inc. for the purpose of obtaining a Grant of Location to remove one (1) pole #13/10X and to install one (1) new pole #13/10A

Vote to close the Public Hearing and resume Select Board Meeting

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

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

VOTED: To close the Public Hearing and resume Select Board Meeting.

Pre-briefing for upcoming annual Tax Classification hearing. Cynthia Gerry, Director of Assessing to provide an overview of the process

Present: Cynthia Gerry, Director of Assessing

Town Manager Hayes stated the Tax Classification hearing would take place on November 30, 2021.

Ms. Gerry explained the split tax rate between the residential tax and the commercial tax base. Ms. Gerry reviewed the Tax Classification process, with step 6 being the hearing with Assessors and the Select Board, and the final step in the process would reflect MA Department of Revenue approval of tax rates. She outlined the areas to be considered:

- Residential Exception
- Small Commercial Exception
- Open Space Exemption
- Senior Means Tax Exemption

Board Members presented related inquiries.

Sewataro Discussion on Public Access and Contract Renewal/ Property Next Steps:

Update on outstanding Sewataro questions list; Update on MA Department of Environmental Protection/Department of Public Health feedback on swimming and fishing ponds; Town Manager Hayes to report.

Update on public education document to be drafted by Subcommittee; Vote to release Town Counsel opinions related to Sewataro Use Policy and Swimming; Sewataro Use Policy discussion; Other Outstanding Sewataro items

Present: Lori Capone, Conservation Coordinator; Bill Murphy, Health Director, Board of Health (BOH); Scott Brody, Operator, Camp Sewataro

Board Member Schineller confirmed that the Sewataro Subcommittee (he and Vice-Chair Russo) did not meet this week. Vice-Chair Russo mentioned that the Subcommittee was hoping to meet on Friday, November 19.

Town Manager Hayes confirmed that Select Board question/comment list was received, and indicated that answers would be provided by the 22nd of November.

Board Member Carty asked if Select Board questions were the only questions to be considered. Chair Roberts responded that several resident questions were also included.

Board Member Schineller inquired about results of the Flash Vote survey.

Town Manager Hayes provided an update regarding MA Department of Environmental Protection and MA Department of Health feedback regarding swimming and fishponds at Sewataro. He added the State did not determine the water mass to be a pool, based on the water not being filtered or circulated; Scott Brady will register the Bathing Beach. He noted that chlorine would not be used.

Vice-Chair Russo commented that the Conservation Commission (ConCom) met last night and concluded that adjustments would be needed with timeline planning, as well. Town Manager Hayes stated that timelines or associated costs were not available at this time.

Board Member Dretler stated she appreciated Mr. Brody's inquires, and when the Sewataro Purchase & Sale Agreement was signed, she believed the water was not tested. She spoke of the chlorination process, noting that water was being directed into Pantry Brook. She stressed that the Select Board must perform due diligence, and understand how this issue relates to the Massachusetts Wetland Protection Act and Sudbury Wetland bylaw.

Ms. Capone stated that the current related process was not permitted under the current Wetlands Protection Act, and the Town was looking forward to a proposed treatment plan from Mr. Brody.

Mr. Murphy stated that water-related issues were mentioned before the property was sold to the Town.

Mr. Brody confirmed that water testing has been performed on a weekly basis, with no negative results. He confirmed that he would work with ConCom, BOH, and the State agencies.

Board Member Dretler suggested that related information regarding treatment be written in report form by BOH and ConCom. Chair Roberts indicated that such documentation would be preferable; not necessarily in report form.

Resident and ConCom member Dave Henkels, 17 Twin Pond Lane, inquired about a mitigation plan.

Resident Manish Sharma, 77 Colonial Way, asked if water testing was mentioned in the contract between the Town and Mr. Brody, and inquired about accountability.

Resident Pat Brown, 24 Whispering Pine Road, asked about public inquiry being received at this time.

Resident Len Simon, 40 Meadowbrook Circle, stated that an upcoming report should include current problems and violations which need to be corrected.

Ms. Capone stated that there have not been any reported violations.

Mr. Murphy commented there have been no camp or water violations.

Resident John Baranowsky, 103 Belcher Drive, commented that a de-chloritization process may be a solution.

Resident Dan Brock, 388 Willis Road, asked if all submitted questions could be made available to the public. Chair Roberts responded that submitted questions could be shared with the public.

Chair Roberts confirmed that a Sewataro Use Policy draft was reviewed by Town Counsel.

Board Member Dretler motioned to release Town Counsel Sewataro Use Policy opinion dated September 10, 2021. Vice-Chair Russo seconded the motion.

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

VOTED: To release Town Counsel opinion regarding Sewataro Use Policy dated September 10, 2021.

Board Member Schineller stated that additional information was added to the September 10, 2021 Sewataro Use Policy draft, and the consolidated document dated November 16, 2021 was also reviewed by Town Counsel. 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, Dretler-aye, Russo-aye, Roberts-aye

VOTED: To release Town Counsel opinion regarding Sewataro Use Policy draft, dated November 16, 2021.

Chair Roberts recommended including this item on the November 30th agenda.

Recess

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

VOTED: That the Board recess for five minutes, and return at 9:44 P.M.

Discussion on American Rescue Plan Act (ARPA) funds status and project request/prioritization process

Town Manager Hayes presented aspects of the “American Rescue Plan Act (ARPA)”:

- Main categories of funding for municipal allocation and county allocation and related obligatory dates
- Eligible uses of local fiscal recovery funds
- Ineligible for uses of local fiscal recovery funds
- Suggested CSLFRF (Coronavirus State and Local Fiscal Recovery Funds) allocation for discussion purposes
- Outreach and input from staff, Boards and Committees, Water District, Chamber of Commerce and residents with Flash Vote and comment opportunity
- ICMA (International City/County Management Association) Fact Sheet: American Rescue Plan
- American Rescue Plan Key Provisions
- ICMA Summary of Spending Priorities - Survey Results – October 2021
- Flash Vote results (815 participated) from October 26 -29, and available on Town website. Results included (Strengths of the Town, Aspects of Sudbury, Quality of Schools, Physical Safety/Security, Historical Preservation, and Environmental Conservation

Town Manager Hayes suggested that people signup for topic Flash Votes, as the vote would end on November 30. He explained that 37 comments were gathered thus far, with the top priority category being public health and the second voting priority reflected infrastructure, water and sewer.

Discussion regarding ARPA Public Meetings – suggested timeline, what to consider (grant administrator, financial consultant for use of ARPA funds) took place at this time. Members agreed that all presented topics were worthy of further discussion.

Chair Roberts suggested continuing discussion of this topic at the November 30 meeting.

Resident Manish Sharma, 77 Colonial Road, expressed his interest with the ARPA presentation. He asked if this ARPA money could make interest. Town Manager Hayes responded likely not.

Discussion on Remote Participation Policy. Subcommittee members Roberts and Schineller to present

Chair Roberts commented that the remote participation policy was formed when remote meetings were the exception and not the norm. Member Carty asked what problem we are trying to fix tonight. Vice-Chair Russo suggested this topic be reviewed by the Board in April 2022 when Governor Baker addresses the remote meeting topic again.

Board Members discussed categories within the Policy, and reviewed edits made by Chair Roberts and Board Member Schineller.

Vice-Chair Russo motioned to approve the Select Board Remote Participation Policy as edited tonight, subject to approval of Town Counsel. Board Member Schineller seconded the motion.

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

VOTED: To approve the Select Board Remote Participation Policy as edited tonight, subject to approval of Town Counsel.

Review and possible vote to support signature of Arlington Town Manager letter on Energy Stretch Codes

It was noted that the Sudbury Planning Board and the Sudbury Energy and Sustainability Committee communicated approval of the letter on Energy Stretch Codes as initiated by the Arlington Town Manager.

Board Member Schineller commented that signing the letter represented an approval of sustainability concept, rather than setting sustainable Town standards at this time.

Member Carty noted that we are about to build two buildings, Fire Station 2 and Fairbank, neither of which would comply with these codes and thus felt it would be hypocritical for us to support.

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 4-1; Schineller-aye, Russo-aye, Carty-no, Dretler-aye, Roberts-aye

VOTED: To support signature of Arlington Town Manager letter on Energy Stretch Codes.

Review open session minutes of 1/15/21 and 10/5/21, and possibly vote to approve minutes

1/15/21 Open Session Minutes

Chair Roberts moved 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; Russo-aye, Schineller-aye, Carty-aye, Roberts-aye, Roberts-aye

VOTED: To approve the 1/15/21 minutes

10/5/21 Open Session Minutes

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

VOTED: To approve the 10/5/21 minutes, as edited

Citizen's Comments

No citizen comments

Upcoming Agenda items

November 30:

- Tax Classification Hearing
- Financial Policies
- ARPA Discussion; Superintendent Crozier to speak on ARPA funding
- Review unspent funding monies
- Bylaw change on Sudbury Housing Trust – Board Member Dretler suggested the Planning staff draft such bylaw change

- DEI quarterly update
- Petition for Speed Limit change on Peakham Road with legal opinion
- Meadow Walk left turn traffic signal situation

Consent Calendar

Direct the Town Clerk to place the vacancy for Sudbury School Committee member on the March 28, 2022 Annual Town Election ballot for a one-year term expiring May 31, 2023

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

VOTED: To direct the Town Clerk to place the vacancy for Sudbury School Committee member on the March 28, 2022 Annual Town Election ballot for a one-year term expiring May 31, 2023.

Accept Emergency Management Performance Grant (EMPT) funds in the amount of \$4,600 for the purchase of mass casualty equipment to be used by the Fire Department

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

VOTED: To accept Emergency Management Performance Grant (EMPT) funds in the amount of \$4,600 for the purchase of mass casualty equipment to be used by the Fire Department.

Allocate \$35,000 of the remaining mitigation funds listed in item 4.2.c. of the Meadow Walk Development Agreement to any and all aspects of the Go Sudbury! Microtransit Pilot Program to be administered by the Transportation Committee.

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

VOTED: To allocate \$35,000 of the remaining mitigation funds listed in item 4.2.c. of the Meadow Walk Development Agreement to any and all aspects of the Go Sudbury! Microtransit Pilot Program to be administered by the Transportation Committee.

Approve a one-hour extension of the licensed closing hour and serving of alcoholic beverages for licensees who make application in advance to the Town Manager's Office: Franco's Trattoria, 365 Boston Post Road; Fugakyu Cafe, 621 Boston Post Road; Lavender, 519A Boston Post Road (1AM to 2AM) and Max and Leo's Artisan Pizza, 470 North Road on Wednesday, November 24, 2021 (Thanksgiving eve) and Friday, December 31, 2021 (New Year's Eve), on the condition that the kitchen remains open and food is served.

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

VOTED: To approve a one-hour extension of the licensed closing hour and serving of alcoholic beverages for licensees who make application in advance to the Town Manager's Office: Franco's Trattoria, 365 Boston Post Road; Fugakyu Cafe, 621 Boston Post Road; Lavender, 519A Boston Post Road (1AM to 2AM) and Max and Leo's Artisan Pizza, 470 North Road on Wednesday, November 24, 2021 (Thanksgiving eve) and Friday, December 31, 2021 (New Year's Eve), on the condition that the kitchen remains open and food is served.

Adjourn:

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

VOTED: To adjourn the Select Board meeting.

There being no further business, the meeting was adjourned at 11:50 PM.

SB Meeting Documents & Exhibits – 11/16/21

1. Vote to open Public Hearing on whether to approve petition of NStar Electric Company d/b/a/ Eversource Energy and Verizon New England, Inc. for the purpose of obtaining a Grant of Location to remove one (1) pole #13/10X and to install one (1) new pole #13/10A. This work is necessary to provide safe access for driveway at #66 Puffer Lane. Richard M. Schifone, Eversource Rights and Permits Supervisor, to attend. (~20 min.)

Attachments:

1.a combined docs

3. Pre-briefing for upcoming annual Tax Classification hearing. Cynthia Gerry, Director of Assessing to provide an overview of the process (~20 min.)

Attachments:

3.a Pre Classification Hearing Review Select Board Meeting 11 16 2021

4. Sewataro Discussion on Public Access and Contract Renewal/Property next Steps: ·Update on outstanding Sewataro questions list ·Update on MA Department of Environmental Protection/Department of Public Health feedback on swimming and fishing ponds. Town Manager Hayes to report. ·Update on public education document to be drafted by Subcommittee ·Vote to release Town Counsel opinions related to Sewataro Use Policy and Swimming ·Sewataro Use Policy discussion ·Other Outstanding Sewataro items (~45 min.)

Attachments:

- 4.a Sewataro_email_Hayes
- 4.b Sewataro Policy - Use Policy & Fees Draft 11.03.2021
- 4.c Sewataro_email_10.29
- 4.d 2021 Camp Sewataro Issued Financials
- 4.e Resident Access Enhancements Proposal
- 4.f KP-#787874-v2-SUDB-_Consolidated_Memo-_Sewatro
- 4.g KP-#787874-v3-SUDB-_Consolidated_Memo-_Sewatro
- 4.h Sewataro options table_landscape

5. Discussion on American Rescue Plan Act (ARPA) funds status and project request/prioritization process. Town Manager Hayes to report. (~30 min.)

Attachments:

- 5.a Dretler_ARPA Slides for Select Board 092821 (updated)
- 5.b ARPA list of TM considerations for Select Board (2)
- 5.c American Rescue Plan Act - 2021 Nov 16
- 5.d community-priorities-10-21_filter_local

6. Discussion on Remote Participation Policy. Subcommittee members Roberts and Schineller to present (~40 min.)

Attachments:

- 6.a Remote Participation Policy 10.29.21
- 6.b Remote Policy Draft with Edits 11.12.21

7. Review and possible vote to support signature of Arlington Town Manager letter on Energy Stretch Codes. (~15 min.)

Attachments:

- 7.a Net_Zero_Stretch_Code_Letter_Munis_Oct_2021
- 7.b Municipal Advocacy Letter Net Zero_email
- 7.c Net_Zero_email_Plng_Bd
- 7.d Net_Zero_email_Energy_Comm

8. Review open session minutes of 1/15/21 and 10/5/21, and possibly vote to approve minutes.

Attachments:

- 8.a SB_draft1_1.15.21_min_for_review
- 8.b SB_draft1_10.05.21_min_for_review

10. Upcoming Agenda Items

Attachments:

- 10.a Upcoming items 11.16.21

11. Vote to direct the Town Clerk to place the vacancy for Sudbury School Committee member on the March 28, 2022 Annual Town Election ballot for a one-year term expiring May 31, 2023.

Attachments:

- 11.a memo to BOS-add vacant office to ballot-school

12. Vote to accept Emergency Management Performance Grant (EMPT) funds in the amount of \$4,600 for the purchase of mass casualty equipment to be used by the Fire Department.

Attachments:

- 12.a EMPG Grant 2021 - Select Board

13. Vote to allocate \$35,000 of the remaining mitigation funds listed in item 4.2.c. of the Meadow Walk Development Agreement to any and all aspects of the Go Sudbury! Microtransit Pilot Program to be administered by the Transportation Committee.

Attachments:

- 13.a SB Agenda Request - Go Sudbury! Allocation 211116
- 13.b select board letter re COA recommendation on Meadow Walk Mitigation Funds

14. Vote to approve a one-hour extension of the licensed closing hour and serving of alcoholic beverages for licensees who make application in advance to the Town Manager's Office: Franco's Trattoria, 365 Boston Post Road; Fugakyu Cafe, 621 Boston Post Road; Lavender, 519A Boston Post Road (1AM to 2AM) and Max and Leo's Artisan Pizza, 470 North Road on Wednesday, November 24, 2021 (Thanksgiving eve) and Friday, December 31, 2021 (New Year's Eve), on the condition that the kitchen remains open and food is served.

Attachments:

- 14.a 2021 Hour Extensions Apps_SB