

SUDBURY SELECT BOARD

TUESDAY, FEBRAURY 1, 2022

(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 compiled with, the meeting was convened at 7:02 p.m., via Zoom telecommunication mode.

Chair Roberts announced the recording of the meeting and other procedural aspects included in the meeting. She acknowledged that the Board had just adjourned in Executive Session.

Call to Order/Roll Call

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

Opening remarks by Chair:

- Thanked all in the community who assisted during the snow storm, especially DPW
- Joined The League of Women Voters roundtable event with Sudbury Diversity, Equality, Inclusion Commission (DEI), the Council on Disability (COD), and the Sudbury Racial and Social Justice Groups
- Comprehensive Wastewater Management Plan Virtual Forum on Thursday, February 3rd at 7:00 p.m.

Reports from Town Manager:

- Real estate and personal property taxes due today – information is on website
- Information regarding working at Polls on Election Day to be found on the Town website
- Sudbury Rent Relief Program information can be found on the Town website; application deadline is February 3 at 5:00 p.m.
- Town Manager Office Hours to be held on Saturday, February 12 at 11:00 a.m.
- Historic Preservation Plan Public Forum schedule for February 16 at 7:00 p.m.
- Today marks the start of the Chinese New Year 2022 – Happy Lunar New Year
- Today marks the start of African American Heritage Month
- Kudos to DPW team and worked 40 hours straight and office contributions as well

Reports from Select Board:

Board Member Carty

- Great job by DPW and Public Safety officials during the recent snow storm
- Thanked for staying off the roads during the storm

Board Member Schineller

- Thanks to the League of Women Voters for sponsoring the event on Sunday; informative event
- Read aloud the “Sudbury Land Acknowledgement statement/reflection

Vice-Chair Russo

- Thanked DPW for help during the storm, and thanked Town office staff for getting Warrant Articles out in a timely fashion

Board Member Dretler

- Great effort in by Town workers during the recent storm
- Attended the League of Women Voters DEI Roundtable on Sunday
- Attended MMA Annual Meeting sessions this past week; municipal law update, with mention of Sudbury regarding the ESB Decision; Municipal Strategies for online and in-person engagement
- Earlier today attended the MAGIC and MetroWest special session on MBTA Communities and Housing Choice

Citizen comments on items not on agenda

None

Vote to accept 2022 Annual Town Meeting articles submitted by 1/31/22. Also possibly vote on order of articles and designate articles for the consent calendar. Also vote to refer any Zoning Bylaw amendments and street acceptance articles to the Planning Board.

Present: Adam Duchesneau, Director of Planning and Community Development

Mr. Duchesneau presented community development/zoning bylaw amendments and street acceptance articles.

Chair Roberts inquired about draft capital plan and funding sources. Town Manager confirmed the articles presented at this meeting do not necessarily detail the funding aspect, and such funding will be included as time approaches closer to Annual Town Meeting.

Vice-Chair Russo commented it would be beneficial to see where possible funding sources might be coming from. Town Manager Hayes acknowledged that there was only one debt item within the presented draft itemization.

Members reviewed the Annual Town Meeting Articles, which included Select Board Articles (13), Town Manager Articles (7), Combined Facilities Director (4), Fire Chief Article (1), Public Works Director (12), Town Clerk Article (1), Town Accountant Article (1), Finance Director (1), Sudbury Public Schools (2), Lincoln-Sudbury Regional High School (1), Historic Districts Commission (1), Planning and Community Development Director (2), Community Preservation Committee (10), Petition Articles (2) – Climate Emergency/Sustainability Director; submitted by Alex Vai; and the Sewataro/Liberty Ledge Petition, submitted by Len Simon and Bob May.

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, Russo-aye, Carty-aye, Dretler-aye, Roberts-aye

VOTED: To accept 2022 Annual Town Meeting articles submitted by 1/31/22; as well as vote to refer the Fencing Bylaw Amendment to the Planning Board.

Update on Housing Choice/MA Bay Transportation Authority (MBTA) Communities regulations

Present: Adam Duchesneau, Director of Planning and Community Development

Mr. Duchesneau provided an update regarding Housing Choice MBTA Communities regulations. He confirmed some 175 communities would be considered in these regulations. Mr. Duchesneau commented that Sudbury was regarded as an adjourning town. This is not a mandate to require a certain amount of housing, but rather an allocation of considering acreage to comply to the bylaw.

Mr. Duchesneau provided related links to the Board, adding that comments would be received until March 31, 2022; and the described regulatory form would have to be submitted by the Select Board before May 2, 2022.

Mr. Duchesneau confirmed if the regulatory documentation was not submitted by May 2, 2022, housing choice grants would not be permitted, and noted full compliance must take place by December 2024.

Board Members expressed interest with continuing this discussion. Members opined if acreage at Cold Brook Crossing, Meadow Walk, and Coolidge could be considered. Chair Roberts recommended this item be included on the March 1st Select Board agenda in joint session with the Planning Board. Mr. Duchesneau agreed.

Discussion and possible vote to update Diversity, Equity, and Inclusion (DEI) Commission mission statement

Chair Roberts referred to the recently edited draft of the Town of Sudbury Diversity, Equity, and Inclusion Commission, as amended February 1, 2022.

Chair Roberts reviewed several edits as presented within the topic sections:

- “Mission” Section included related language change, “Within the first *eighteen months*, the commission will present an action plan to move the Town toward the following goals.”
- “Goals” Section included related language change, “The Commission will meet at least monthly to hear testimony from Town’s people, deliberate on those discussions and submit a report within the first *eighteen months*...”
- “Membership” Section included related language change, “All appointments shall expire on *November 30, 2022*, but may be extended..” and “Commission members will be initially appointed to serve until *November 30, 2022*,” and *Commission on Disability Member....(1)* was added as an Advisory (non-voting member), and “The Select Board shall determine by *September 30, 2022*, whether to modify the mission statement..”
- “Compliance with State and Local Laws and Town Policies” Section did not include any edits or additions.

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, Schineller-aye, Dretler-aye, Roberts-aye

VOTED: To approve the Diversity, Equity, and Inclusion (DEI) Commission mission statement with edits.

Update on Fairbank Community Center water main discussion with Sudbury Water District

Chair Roberts shared that at a meeting between she, Town Manager Hayes, Vincent Roy and Bob Sheldon, both of the Sudbury Water District Commission, the Water District representatives offered to cover \$50,000 for pipe main modifications located at the Fairbank Community Center, assume the related construction oversight, and MassDEP permitting considerations involved with aspects regarding the existing piping.

Board Member Carty provided detail about the piping, noting that some of the existing piping could perhaps exist another 50 years.

Town Manager Hayes stated a hydraulic study would be considered this week, and information regarding mitigation and pipe removal aspects would follow in hopes that related funding can be provided within the current fiscal year.

Q&A comment from Bethany Hadvab was received; she mentioned state funding opportunities.

Sewataro/Liberty Ledge Camp Operator/Property Manager Contract Negotiation update, and possible vote to dissolve Negotiation Subcommittee

Vice-Chair Russo detailed that the meeting with the Sewataro Camp operator was delayed due to weather and commitments of Mr. Scott Brody. Vice-Chair Russo indicated the meeting would likely take place this week.

Chair Roberts suggested Vice-Chair Russo provide update at the next Board meeting of February 9.

Town Manager Henry Hayes stated that KP Law said such discussion did not need to be conducted in Executive Session.

Resident Len Simon mentioned the swim pond at Liberty Ledge had many associated issues, adding that there was no assurance that any proposed solutions would fix the situation. He referenced the Swim Pond at Liberty Ledge – Known Dangers – Unproven Fixes. Mr. Simon requested the Board perform due diligence

Sewataro Camp Operator Scott Brody, 1 Liberty Ledge, stated that in regarding to the extensive water testing done, the Conservation Commission, the Health Department, and the Water District indicated that sanitary problems or conditions that would prevent swimming, did not exist. He noted the e-coli counts were well below questionable measures, and stressed that nitrate presence was not unusual in swimming waters.

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 to dissolve the subcommittee.

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

VOTED: To dissolve the Liberty Ledge/Sewataro Negotiation Subcommittee

Interview candidate for Earth Removal Board (ERB). Following interview, vote whether to appoint Bryan Gammons, to the ERB for a term ending 5/31/23.

Present: Bryan Gammons

Mr. Gammons spoke of his related professional background, and his experience with soil management plans and such engineering.

Mr. Gammons confirmed that Eversource was one of his clients, and therefore, he could not address anything related to the Eversource project.

Board Members thanked Mr. Gammons for his willingness to join the Earth Board and share his expertise.

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

VOTED: To appoint Bryan Gammons, 20 Butler Place, to the Earth Removal Board for a term ending 5/31/23

American Rescue Plan Act (ARPA) project submissions review status and next steps discussion

Chair Roberts referred to the Sudbury American Rescue Plan Act Project Decision Process as of 02.01.22 document, noting that the Board had previously approved approximately \$2 million of ARPA funds for time-sensitive requests.

Town Manager Hayes provided information about time-sensitive ARPA-funding allocations, leaving a funding balance of \$3,834,013.

Board Member Dretler recommended a ARPA Press Release be finalized.

Vice-Chair Russo his draft titled “And then What?” AKA Consideration of how the use of one-time funds for ongoing expenses leads to structural deficits, dated January 26, 2022. He opined about how to address additional ARPA requests. Vice-Chair Russo suggested the Board further consider the ARPA process/framework, including goals. Related Board discussion took place.

Chair Roberts suggested ARPA listening sessions. Board Member Dretler supported the listening session idea. Board Member Schineller commented he was not convinced about scheduling such sessions. Board Member Carty mentioned such listening sessions could delay the process. Vice-Chair Russo commented that residents had requested input opportunities. Chair Roberts suggested that a two-hour listening session take place at the March 9th Select Board meeting.

Chair Roberts recommended that Board Member Dretler investigate the ARPA listening sessions in the City of Newton, and discuss her findings at the next Board meeting.

Resident Kevin Lahaise, 195 Horse Pond Road, inquired about one-time funding. Chair Roberts responded that such needs were unique to COVID, and temporary Town services might be needed for a short period of time.

Town Social Worker Bethany Hadvab stressed the critical need for emergency housing for Sudbury residents.

Resident Manish Sharma, 77 Colonial Road, wished everyone a happy Lunar Celebration and Black History Month. Asked if Mr. Russo and Ms. Dretler received any MBTA communities written information to be shared with the public. He inquired about the Fairbank water pipe testing and related soil testing. He expressed his kudos on a well-planned Select Board meeting tonight.

Vice-Chair Russo directed Mr. Sharma to the MMA seminar website.

Recess

Chair Roberts read 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, Carty-aye, Russo-aye, Schineller-aye, Roberts-aye

VOTED: To recess for five minutes, and resume the meeting at 9:51 p.m.

The Select Board meeting resumed at 9:51 p.m.

Review and possible vote on 2021 Select Board/Town Manager Annual Town Report submission

Chair Roberts recommended that additional information be included regarding the Eversource Project and Select Board Goals.

Board Member Schineller offered to edit the Report and bring it back to the Board at the next meeting for finalization.

Chair Roberts stated that any Board edits should be forwarded to Town Manager Hayes by 1:00 p.m. tomorrow in order to then forward to Board Member Schineller.

Review and vote on Select Board Winter 2022 Municipal Update articles and approve for distribution

Board Members discussed various alterations and edits to the Select Board articles.

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

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

VOTED: To release the Select Board Winter 2022 Municipal Articles, as edited, and approved for distribution.

Resident Kevin Lahaise mentioned that Board Member Schineller's article was justified.

Review minutes of 11/30/21, 12/13/21 and 12/21/21, and possible vote to approve minutes

Minutes of 11/30/21

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

VOTED: To approve the Select Board minutes of 11/30/21, as edited

Minutes of 12/13/21

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

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

VOTED: To approve the Select Board minutes of 12/13/21, as edited

Minutes of 12/21/21

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, Russo-aye, Dretler-aye, Carty-aye, Roberts-aye

VOTED: To approve the Select Board minutes of 12/21/21

Citizen's Comments (cont.)

None

Upcoming Agenda Items

February 9, 2022:

- Discuss goal setting and deliverables
- Sewataro update
- Discuss ARPA – Values, criteria, listening session, etc.; suggested by Board Member Dretler
- Three-year Financial Forecast presentation, suggested by Board Member Dretler
- Historic Commission Interviews, Town Manager Appointments/Re-appointments, Interviews by Select Board, suggested by Board Member Schineller
- Sudbury Water District ARPA Presentation, suggested by Chair Roberts
- 2021 Select Board/Town Manager Annual Town Report finalization, suggested by Board Member Schineller
- Standing agenda items - take positions on Town Meeting warrant articles, suggested by Chair Roberts and Town Manager Hayes
- Release of approved Executive Session minutes (dating back to 2018), suggested by Board Member Dretler

February 15, 2022:

- Capital Night joint meeting with Finance Committee and CIAC

March 1, 2022:

- Huckleberry Lane hearing preparation, suggested by Board Member Carty
- Discussion regarding Housing Choice Legislation, suggested by Board Member Carty
- MBTA Housing Choice discussion, suggested by Board Member Carty

Future:

- DEI Review - by 9/30/22, suggested by Board Member Carty
- BFRF Easements, suggested by Board Member Carty
- Town Charter, suggested by Board Member Carty
- Sudbury Housing Trust Bylaw, suggested by Board Member Carty

Consent Calendar

Vote to Grant a Special Permit to the National Brain Tumor Society, to hold the "National Brain Tumor Society Ride" on Sunday, May 15, 2022, from 7:00 A.M. through approximately 2:00 P.M., subject to compliance with conditions outlined by the Police and Fire Departments, DPW and Park and Recreation, subject to receipt of a certificate of liability.

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

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

VOTED: To Grant a Special Permit to the National Brain Tumor Society, to hold the "National Brain Tumor Society Ride" on Sunday, May 15, 2022, from 7:00 A.M. through approximately 2:00 P.M., subject to compliance with conditions outlined by the Police and Fire Departments, DPW and Park and Recreation, subject to receipt of a certificate of liability

Discussion and vote whether to grant a Special Permit to the Sudbury Companies of Minute and Militia, to hold the annual Parade to Commemorate Patriot's Day on Tuesday, April 19, 2022, from 5:30 A.M. through approximately 12:30 P.M., subject to Police Department safety requirements, Proof of Insurance Coverage and the assurance that any litter will be removed at the parade's conclusion.

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

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

VOTED: to grant a Special Permit to the Sudbury Companies of Minute and Militia, to hold the annual Parade to Commemorate Patriot's Day on Tuesday, April 19, 2022, from 5:30 A.M. through approximately 12:30 P.M., subject to Police Department safety requirements, Proof of Insurance Coverage and the assurance that any litter will be removed at the parade's conclusion.

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, Dretler-aye, Schineller-aye, Russo-aye, Roberts-aye

VOTED: To adjourn the meeting

There being no further business, the meeting was adjourned at 10:54 pm.

SB Meeting 2/1/21 - Documents & Exhibits

1. Open in regular session and immediately vote to enter executive session to review and approve 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:

- 1.a SB draft Executive Session 10-26-21_for_review
- 1.b SB Executive Session 1-04-22_for_review

3. Vote to accept 2022 Annual Town Meeting articles submitted by 1/31/22. Also possibly vote on order of articles and designate articles for the consent calendar. Also vote to refer any Zoning Bylaw amendments and street acceptance articles to the Planning Board. (~40 min.)

Attachments:

- 3.a ARTICLE LISTINGS BY DEPARTMENTS
- 3.b 2022ATM Articles1 SB thru DPW
- 3.c 2022ATM Articles2 T.Clerk thru Petitions

5. Discussion and possible vote to update Diversity, Equity, and Inclusion (DEI) Commission mission statement. (~15 min.)

Attachments:

- 5.a Diversity Equity Inclusion Commission Mission Statement Roberts edits 01.28.22

6. Interview candidate for Earth Removal Board. Following interview, vote whether to appoint Bryan Gammons, 20 Butler Place, to the ERB for a term ending 5/31/23. (~15 min.)

Attachments:

- 6.a 2021 Bryan Gammons - Earth Removal Board 211203
- 6.b SB Recommendation Letter ERB - Gammons 210111

7. American Rescue Plan Act (ARPA) project submissions review status and next steps discussion. (~20 min.)

Attachments:

- 7.a Sudbury ARPA Project Decision Process 02.01.22
- 7.b SB Info - ARPA Fund authorized expenditures - Meeting 2022 Feb 1
- 7.c Structural Deficit Agenda Item

8. Update on Fairbank Community Center water main discussion with Sudbury Water District. (~10 min.)

Attachments:

- 8.a GIS Map
- 8.b GIS Ortho Map

10. Review and possible vote on 2021 Select Board/Town Manager Annual Town Report submission. (~15 min.)

Attachments:

- 10.a Select Board and Town Manager Report 2021 - Draft

11. Review and vote on Select Board Winter 2022 Municipal Update articles and approve for distribution. (~10 min.)

Attachments:

11.a Sudbury Newsletter Winter 2022_SB

12. Review minutes of 11/30/21, 12/13/21 and 12/21/21, and possible vote to approve minutes.

Attachments:

12.a SB_draft1_11.30.21_min_for_review

12.b SB_draft1_12.21.21_min_for_review

12.c SB_draft_12.13.21_min_for_review

14. Upcoming agenda items

Attachments:

14.a Upcoming items 02.01.22

15. Vote to Grant a Special Permit to the National Brain Tumor Society, to hold the "National Brain Tumor Society Ride" on Sunday, May 15, 2022, from 7:00 A.M. through approximately 2:00 P.M., subject to compliance with conditions outlined by the Police and Fire Departments, DPW and Park and Recreation, subject to receipt of a certificate of liability.

Attachments:

15.a Brain Tumor Ride 2022_SB

15.b Brain Tumor Ride Feedback 2022

16. Discussion and vote whether to grant a Special Permit to the Sudbury Companies of Minute and Militia, to hold the annual Parade to Commemorate Patriot's Day on Tuesday, April 19, 2022, from 5:30 A.M. through approximately 12:30 P.M., subject to Police Department safety requirements, Proof of Insurance Coverage and the assurance that any litter will be removed at the parade's conclusion.

Attachments:

16.a 2022 Patriots Day Request_SB

16.b 2022 Patriots Day Parade Feedback_vu