

## SUDBURY SELECT BOARD

TUESDAY, MARCH 1, 2022

(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 L. Hayes, Jr.

The statutory requirements as to notice having been compiled with, the meeting was convened at 7:09 PM 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: Russo-present, Schineller-present, Dretler-present, Carty-present, Roberts-present

### **Opening Remarks by Chair**

- ARPA Listening Session on March 24 at 7:00 PM, information on Town website
- Town Mask Mandate will change to Mask Advisory on March 7
- EEC guidelines for children 2 to 4 years
- IPCC (Intergovernmental Panel on Climate Change) released report confirming global concerns – confirms Select Board goal for fighting climate change in the community

### **Reports from Town Manager**

- Town Manager Office Hours March 14<sup>th</sup> at 3:00 PM
- Excise Tax abatement information on Town website
- Municipal Remote Meeting schedule has been extended to July 15, 2022
- Town Election March 28, 2022
- Park & Recreation Aquatics at Atkinson Pool and Summer Camp Registration for 2022 now on Town website; go to [www.Sudburyrec.com](http://www.Sudburyrec.com)

### **Reports from Select Board**

Vice-Chair Russo

- The Bruce Freeman Rail Trail project received a Stormwater Permit from the Planning Board and a Notice of Intent (NOI) Permit from the Conservation Commission.
- Sudbury native, Jared Nicholson, now the Mayor of Lynn
- Sudbury Historic Preservation community survey being circulated
- Ukraine situation; thankful for the democratic government in the US

Board Member Carty

- March 15 Office Hours with he and Board Member Dretler at 12 Noon
- Good luck to Lincoln-Sudbury teams participating in their State Tournaments

Board Member Schineller

- Mentioned Sudbury residents and colleagues at his workplace who are directly affected by attacks in Ukraine
- Sudbury Historic Commission upcoming meeting with the USACE (US Army Corp of Engineers) regarding the Eversource project permitting regarding historical preservation
- Read aloud the Sudbury Land Acknowledgement
- Cited the Pledge of Allegiance and asked Board Members to join him

Board Member Dretler had no reports to share this evening.

**Citizen's Comments on items not on agenda**

No 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 install approximately 60± feet conduit at pole #78/142. This work is necessary to provide new electric service at #36 North Road (Cold Brook Crossing Development).**

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

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

VOTED: To immediately continue the 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 install approximately 60± feet conduit at pole #78/142. This work is necessary to provide new electric service at #36 North Road (Cold Brook Crossing Development), to March 8, 2022 at the next Select Board meeting via Zoom, at 7:15 PM.

**Consent Calendar**

**Vote to accept the resignation of Sandy Lasky from the Council on Aging (COA) effective 2/9/22, and send a thank you letter for her years of service to the Town**

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

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

VOTED: To accept the resignation of Sandy Lasky from the Council on Aging (COA) effective 2/9/22, and send a thank you letter for her years of service to the Town

**Upcoming Agenda Items**

March 8:

- Continuation of Eversource Energy and Verizon New England, Inc. hearing
- Review and take action on Town Meeting Warrant Articles
- CIAC presentation regarding Warrant Articles
- CPC Articles
- Sewataro Agreement Negotiations – per Vice-Chair Russo
- Collective Bargaining Agreement/Executive Session – per Board Member Dretler
- Board Meeting flow aspects – per Board Member Carty
- Timeframe regarding resuming live Select Board meetings – per Board Member Carty
- Discuss the membership/mission of the Select Board School District Administrative Subcommittee - per Chair Roberts
- Update regarding aspects of LSRHS Agreement – per Chair Roberts
- Annual Town Meeting Review – per Board Member Carty
- Discussion on Town Counsel opinions regarding subcommittees and Town Manager hiring authority – per Chair Roberts

March 22:

- Transportation Go Sudbury! Update – per Board Member Carty
- Executive Session on Eversource – Transportation Docket/MBTA matter – per Board Member Schineller

Date to be determined:

- DEI Update (sometime in April) - per Board Member Carty
- KPI – per Board Member Russo

**Sewataro/Liberty Ledge Property Manager/Camp Operator Agreement negotiation update**

Vice-Chair Russo confirmed that he discussed several Agreement aspects with Sewataro Camp operator Scott Brody. He explained to the Board that he was awaiting related guidance from Town Counsel.

Vice-Chair Russo expects to share additional information with the Board at the next Select Board meeting on March 8, 2022.

**Vote to open a joint meeting with the Planning Board to discuss Housing Choice/MA Bay Transportation Authority (MBTA) regulations**

Present: Adam Duchesneau, Direct of Planning and Community Development, Planning Board

Members: Steve Garvin, Chair; Anuraj Shah, Julie Zelermyer Perlman, John Sugrue, Justin Finnicum

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

VOTED: Vote to open a joint meeting with the Planning Board to discuss Housing Choice/MA Bay Transportation Authority (MBTA) regulations

Mr. Garvin motioned to open in remote joint session. Roll call was taken: Finnicum-present, Sugrue-present, Shah-present, Perlman-present, Garvin-present

VOTED: To open in joint session

Mr. Duchesneau highlighted related aspects regarding MBTA Communities Guidelines, which he previously presented to the Select Board and the Planning Board. He reiterated that the deadline for approval was March 31, 2022.

Chair Roberts inquired about possible penalties associated with not submitting documentation by March 31, 2022. Mr. Duchesneau responded the primary penalties would reflect the Town being ineligible for particular grant opportunities, and DHCD aspects.

Mr. Garvin queried about local towns utilizing a Community Choice Grant. Board Member Dretler recognized that many local communities including Action, Chelmsford, and Framingham have applied for such grant funds.

Re-zoning aspects were mentioned.

Mr. Sugrue noted that proposed MBTA Housing Choice land coverage would meet the same requirements for those communities directly abutting the railroads, and those that are many miles away from the railroads; which is problematic.

Mr. Finnicum mentioned the possibility of unintended consequences, such as additional traffic and the train parking areas in Natick, Framingham, Concord or Weston would have to be enlarged to accommodate train passengers from other participating towns.

Board Member Schineller mentioned guaranteed parking for Sudbury residents at certain MBTA train stations. Board Member Dretler suggested possible shuttle services from towns such as Sudbury.

Vice-Chair Russo mentioned the sewer aspect in consideration of increased housing density. Board Member Carty agreed that an important consideration involves the fact that Sudbury is not a sewered community, which does not allow for density in housing.

Mr. Garvin suggested that towns with existing 40R zoning, such as Sudbury, should receive credit. Board Member Dretler agreed.

Mr. Duchesneau recommended the Planning Board would review comments made at this joint meeting, and would subsequently share those compiled considerations/comments with Select Board. Chair Roberts confirmed the Select Board Members would review that documentation at the March 22, 2022 Select Board meeting.

**Vote to close joint meeting with Planning Board and resume Select Board meeting**

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

VOTED: To close the joint meeting with the Planning Board and resume the Select Board meeting

At 8:34 P.M., Mr. Garvin closed the Planning Board meeting.

### **Comments**

Christine Cosby of Eversource sent communication that she was waiting at the Eversource public hearing earlier in the meeting, but due to technical difficulties, could not unmute herself during the Zoom. Board Member Dretler suggested that Ms. Cosby connect with Town Manager Hayes at the next Board meeting to ensure a Zoom connection.

### **Discussion and possible vote on citizen petition to reduce speed limit on Peakham Road (between Old Lancaster Road and Hudson Road)**

Present: Chief Scott Nix, Attorney Brian Riley, KP Law; Gerry Borovick, Petitioner/Resident

Chair Roberts acknowledged the citizen petition to reduce the speed limit at Peakham Road to 25 mph.

Mr. Borovick, 384 Peakham Road, advocated for reducing the speed limit to 25 mph along a short section of Peakham Road. He confirmed he has lived on Peakham Road for 25+ years, and stated that speeding and related traffic has steadily increased. He added that many children walk on this roadway, from the Noyes School and the Curtis Middle School, as well as neighbors crossing the street to access their mailboxes. Mr. Borovick noted conditions can be worsened with sun glare. Mr. Borovick read several resident comments aloud.

Chair Roberts confirmed that Attorney Riley released legal opinion and related documents from Chief Nix.

Attorney Riley acknowledged in 2008, the Select Board adopted special speed regulations with DOT to ensure 25 mph sections on Peakham Road. He stated that speed regulation could be rescinded by the Board, and request a decreased speed limit which would require a certified traffic engineering study be submitted to MassDOT (Department of Transportation). Attorney Riley recommended that MassDOT be contacted before any rescinding action was considered as the speed limit could possibly be increased.

Chief Nix concurred that taking further action might actually increase the speed along Peakham Road. He cited some 25 more-recent accidents on Peakham Road and none of those accidents were related to speeding.

Vice-Chair Russo confirmed he had tested the route several times recently, and discovered the existing 25 mph speed limit actually encouraged other types of accidents.

Mr. Borovick recommended the Select Board consider having an engineering study to determine what the other reasons might be regarding the accident rate on Peakham Road.

Chair Roberts recommended that Attorney Riley explore this aspect further, and contact MassDOT. Attorney Riley agreed to contact MassDOT regarding thickly settled areas and possible applicability with that standard.

**Recess**

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

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

VOTED: To recess for five minutes, and resume the meeting at 9:45 PM

The Select Board meeting resumed at 9:45 PM.

**Select Board FY23 budget presentation by Town Manager Hayes**

Present: Finance Director Dennis Keohane, Assistant Town Manager Maryanne Bilodeau

Town Manager Hayes provided details regarding the PowerPoint presentation titled: "Town Budget Presentation Fiscal Year 2023," which highlighted:

- GFOA (Government Finance Officers' Associations) Budget standards being met with the proposed Town Budget for FY23
- Town Manager's Budget – Total Revenues & Available Funds Budgeted at \$108,195,984 for FY22 and a proposed \$111,332,008 budgeted for FY23
- Total Operating Budget for FY22 at \$107,093,804, and proposed \$110,291,427 for FY23
- Change in LS Assessment for FY23 – 87.59% compared to 87.85% for TY22
- Budget Changes – General Government
- Budget Changes – Vocational Education
- Budget Changes – Public Works
- Budget Changes – Culture and Recreation
- Budget Changes – Public Safety
- Budget Changes – Town Wide-Operating and Transfers
- Budget Changes – Employee Benefits
- Budget Changes – OPEB Trust Contribution
- Budget Changes – Debt
- Full Time Head Count – at 181 for the last three years

Town Manager Hayes addressed related questions/comments from Board Members.

Resident Kevin Lahaise, 195 Horse Pond, requested explanation regarding combined facilities expense.

**Discussion on Lincoln-Sudbury Regional High School Agreement including update from Member Carty**

Board Member Carty provided update regarding the scheduling of another joint meeting with the Lincoln Select Board in regard to the Agreement. He indicated an LSRHS Regional Agreement subcommittee would likely be formed and approved at tonight's School Committee meeting.

Board Member Carty stated he would review the LS School Committee meeting on SudburyTV, and report back to the Board at the next meeting.

**Discussion on membership and mission of the Select Board School District Administrative and Structural Options Subcommittee**

Chair Roberts asked if the Select Board School District Administrative and Structural Options Subcommittee was still relevant. Chair Roberts suggested changing the mission of the Subcommittee or disbanding it.

Vice-Chair Russo recommended that any action be postponed until after the Board has reviewed or received information regarding the concurrent LS School Committee meeting be covered tonight.

Chair Roberts recommended the Board would continue this topic at next week's Select Board meeting.

Board Member Dretler suggested that Structural Options Subcommittee minutes be reviewed by the Board. Board Member Carty stated he would check for the old Subcommittee minutes.

Resident and Commission on Disability (COD) Chair Kay Bell, 348 Old Lancaster Road, asked about possible increase in Town services.

**Possible vote and discussion on Town Counsel opinions requested by Select Board Member Carty regarding subcommittees (and impact on liaison assignments) and Town hiring authority**

Chair Roberts postponed the discussion to the next Select Board meeting.

**Discussion and possible vote on comment letter for the Comprehensive Wastewater Management Project (CWMP) to the Massachusetts Environmental Policy Act (MEPA) Office**

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

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

VOTED: To approve the comment letter for the Comprehensive Wastewater Management Project (CWMP) to the Massachusetts Environmental Policy Act (MEPA) Office.

**Discussion on process for Town Manager appointments**

Board Member Schineller, as liaison to the Sudbury Historical Commission, asked about the interview process for long-standing full-time Commissioners, and approved associate members who have been through the interview process previously. He also inquired about the process for those full-time

Commissioners who wish to become associate members. Board Member Schineller commented that consistency would be important.

Vice-Chair Russo mentioned similar occurrences with Conservation Commission members.

Chair Roberts recommended that Board Member Schineller provide related background/specifics to the Board at next week's Board meeting. Board Member Schineller agreed to provide update at next week's Board meeting.

Board Member Schineller left the meeting due to an early morning schedule.

**Review open session minutes of 1/10/22 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 Carty seconded the motion.

It was on motion 4-0; Russo-aye, Dretler-aye, Carty-aye, Roberts-aye

VOTED: To approve the open session minutes of 1/10/22, as edited

**Citizen's Comments**

No additional Citizen's Comments

**Adjourn**

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 4-0; Carty-aye, Dretler-aye, Russo-aye, Roberts-aye

VOTED: To adjourn the meeting

There being no further business, the meeting adjourned at 12:23 AM, Wednesday, March 2, 2022.



## **SB Meeting 3/1/22 - Documents & Exhibits**

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

### **Attachments:**

- 1.a BOS Executive Session 1-08-19\_APPROVED\_not\_release
- 1.b BOS\_Executive  
Session.12\_3\_19\_APPROVED\_BUT\_NOT\_TO\_BE\_RELEASED
- 1.c BOS Executive Session 9-22-20\_not\_release

2. Continue executive session to conduct strategy session in preparation for negotiations with nonunion personnel and/or to conduct contract negotiations with nonunion personnel (Town Manager) pursuant to General Laws chapter 30A, §21(a)(exception 2).

### **Attachments:**

- 2.a Memo Regarding Agenda Item 2
- 2.b H Hayes Signed Contract 3-3-20

4. 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 install approximately 60± feet conduit at pole #78/142. This work is necessary to provide new electric service at #36 North Road (Cold Brook Crossing Development). (~20 min.)

### **Attachments:**

- 4.a Public hearing notice - utility hearing Mar\_1\_2022
- 4.b North Rd Letter - UG WO 5678578 (Cold Brook Dr)
- 4.c North Rd Order UG WO 5678578 (Cold Brook Dr)
- 4.d North Rd Petition UG WO 5678578 (Cold Brook Dr) (2)
- 4.e SUD-NORTHAB-5678578 PART2
- 4.f Lewis input
- 4.g ORourke\_input
- 4.h Nason\_input

8. Discussion and possible vote on citizen petition to reduce speed limit on Peakham Road (between Old Lancaster Road and Hudson Road). (~30 min.)

### **Attachments:**

- 8.a Sudbury Select Board Petition to reduce Peakham Rd 35 MPH speed zone
- 8.b Gerry\_Borovick\_Peakham\_Rd\_speed\_limit\_redact
- 8.c Nix\_email
- 8.d KP-#780554-v1-SUDB\_Opinion\_re\_peakham\_road\_speed\_limit
- 8.e Borovick\_email\_12.1.21

9. Select Board FY23 budget presentation by Town Manager Hayes. Finance Director Dennis Keohane and Assistant Town Manager Maryanne Bilodeau will be in attendance. (~45 min.)

### **Attachments:**

- 9.a Article 3 - FY23 - Budget Presentation for packets 2-24-22

11. Discussion on membership and mission of the Select Board School District Administrative and Structural Options Subcommittee. (~15 min.)

**Attachments:**

11.a Oct.24.2017.vote

11.b School District Administrative and Structural Options » Sudbury Massachusetts

**13.** Possible vote and discussion on Town Counsel opinions requested by Select Board Member Carty regarding subcommittees (and impact on liaison assignments) and Town hiring authority. (~15 min.)

**Attachments:**

13.a SUDB opl re\_ sustainability director

13.b TM\_email\_2.9.22

**14.** Discussion and possible vote on comment letter for the Comprehensive Wastewater Management Project (CWMP) to the Massachusetts Environmental Policy Act (MEPA) Office. (~20 min.)

**Attachments:**

14.a 2022.02.10\_Template Letter for SB Comment to MEPA

**15.** Discussion on process for Town Manager appointments. (~15 min.)

**Attachments:**

15.a Appointments Policy Final 06.29.21\_

**17.** Review open session minutes of 1/10/22 and possibly vote to approve minutes.

**Attachments:**

17.a SB\_draft1\_1.10.22\_min\_for\_review

**18.** Upcoming agenda items

**Attachments:**

18.a Upcoming items 03.01.22

**19.** Vote to accept the resignation of Sandy Lasky from the Council on Aging (COA) effective 2/9/22, and send a thank you letter for her years of service to the Town.

**Attachments:**

19.a Lasky\_resignation\_COA