

## SUDBURY SELECT BOARD

TUESDAY, MARCH 8, 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, Assistant Town Manager/HR Director Maryanne Bilodeau

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

### **Opening remarks by Chair**

- ARPA (American Rescue Plan Act) Listening Session to be held March 24 – opportunity for residents and others to present
- Attended Chamber of Commerce event with legislators and Town Manager Hayes; topics included funding aspects to help local businesses
- Mask Mandate no longer applicable in Sudbury – currently Mask Advisory status

### **Reports from Town Manager**

- Hazardous Waste Day scheduled for Saturday, April 9
- Political signs on Town property are not authorized in conversation with Town Counsel regarding political signage, etc. at the Transfer Station location

### **Reports from Select Board**

#### **Board Member Dretler**

- No comments

#### **Vice-Chair Russo**

- Happy International Women's Day to all
- Thanked Town departments and staff for moving ahead with budget reviews/processes
- E-mails received by the Select Board regarding dangerous driving – stressed keeping the Sudbury streets safe

#### **Board Member Carty**

- Select Board Office Hours on Tuesday, February 15<sup>th</sup>, with Board Member Dretler and himself
- Flags at half-staff in honor of State Trooper Tamara Bucci who died while on duty

- Regarding combined Facilities Director position, an MOU (Memorandum of Understanding) between the Town and the Sudbury Public Schools was discussed at the School Committee meeting last night
- LSRHS School Committee met to consider the LSRHS Agreement
- Transportation Committee information to present later in the meeting/upcoming agenda items

Board Member Schineller

- Spoke with Senator Eldridge who confirmed he would provide an earmark for a Sustainability Director for Sudbury, and would endorse Article 97 – MA conservation lands
- He read the Sudbury Land Acknowledgement statement
- He led the Pledge of Allegiance to the flag

**Citizen comments on items not on agenda**

Resident Len Simon, 40 Meadowbrook Circle, opined if hiring a Sustainability Director would further preserve and protect the lands protected by the indigenous people.

Resident Henry Sorett, 58 Longfellow Road, requested Town budget and Town payroll be included on the Town website.

**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).**

Present: Christine Cosby, Eversource Representative; Chris Claussen, Developer – Cold Brook Crossing

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

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

VOTED: To continue the public hearing on whether or not to approve the 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).

Ms. Cosby explained aspects involved in the Grant of Location request for provision of electric service at Cold Brook Crossing.

Board Member Dretler suggested that identifying language in the document as listed, pole numbering be corrected. Ms. Cosby acknowledged the oversight, and said it would be amended.

Vice-Chair Russo asked if the roadway would be closed during the installation process. Ms. Cosby responded the road would likely be closed for a day.

Board Member Dretler asked if service would be interrupted during installation. Ms. Cosby responded not.

Resident Hank Sorett, asked if boring underground could be an option to be less disruptive. Ms. Cosby stated she would explore the mentioned boring approach. Town Manager Hayes commented that he had no awareness of a boring proposal.

Chair Roberts read aloud the comments from Town Engineer Bill O'Rourke regarding Eversource permitting.

Chair Roberts motioned to withdraw her previous motion.

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

VOTED: To approve the petition of NSTAR Electric Company d/b/a Eversource Energy and Verizon New England, Inc. for the purposes of obtaining a Grant of Location to install approximately 60 (+)(-) feet of conduit at pole #78/142, as shown on plan dated September 28, 2021; to include the requirements as listed by Deputy Director Bill O'Rourke of the DPW Department, on page 21 of the 3/8/22 Select Board Packet.

**Vote to close public hearing and resume Select Board meeting**

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

VOTED: To close public hearing and resume Select Board meeting.

**Report from Capital Improvement Advisory Committee (CIAC) on 2022 Annual Town Meeting capital articles. CIAC Chair Susan Ciaffi to update Select Board**

Present: Susan Ciaffi, CIAC Chair

Ms. Ciaffi presented an overview reflecting CIAC vote of Capital Items over \$100,000:

Articles 36, 37, 38, 41	DPW Rolling Stock Replacement	VOTED: 6-0
Article 25	SPS HVAC Repairs & Replacements	VOTED: 6-0
Article 26	Noyes Elementary School – Sinks	VOTED: 6-0
Article 27	LSRHS Fence Replacement	VOTED: 5-0-1
Article 35	Fire Station – Phase 1	VOTED: 5-0-1
Article 32	Atkinson Pool Filtration Systems	VOTED: 6-0
Article 42	Town wide Drainage & Road Construction	VOTED: 4-0
(Ms. Ciaffi noted several members were not present at the second CIAC meeting)		
Article 47	BFRT Design and Construction (North)	VOTED: Tabled
(Chair Roberts confirmed additional information will be presented at the April CPC meeting)		

Article 48                      BFRT Design and Construction (South)                      VOTED: 4-0  
Pending amended language (Ms. Ciaffi stated CIAC did not recommend the expenditure of \$125,000 to explore the BFRT south of Route 20 prior to Framingham's commitment on the project)

Article 17                      Fairbank Audi-Visual Equipment Funding                      VOTED: 4-0

Article 18                      Fairbank Fixtures, Equipment Funding                      VOTED: 4-0

Article 45                      Old Framingham Road/Nobscot Road Walk                      VOTED: 3-0-1

Article 33                      Architectural & Engineering House Doctor                      VOTED: No vote  
(Ms. Ciaffi stated CIAC choose to take no position at this time in consideration of Facilities Director position)

Article 31                      ADA Transition Plan Recommendation                      VOTED: 4-0

Resident and COD Chair Kay Bell, 348 Old Lancaster Road, mentioned that the COD was not included in discussions regarding Article 31 and wanted to hear more detail regarding the funding amount of \$200,000.

Resident Len Simon, 40 Meadowbrook Circle, questioned the voting results.

Chair Roberts confirmed the Board would get clarification on this aspect.

Vice-Chair Russo recommended that detailed funding calculations be examined regarding Article 31.

**Discussion and possible vote on potential Select Board/Town actions to demonstrate support for the people of Ukraine during the invasion by Russia**

Board Members discussed the current Ukraine situation and community support.

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 authorize Town Manager Hayes to procure lighting equipment to shine the lights of the Ukraine flag on Sudbury Town Hall.

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

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

VOTED: To release Town Counsel opinion regarding subcommittees (and impact on Select Board assignments) and post on such opinion on Town website on 3/9/22.

Board Members discussed the liaison function as well as the open meeting laws in regard to subcommittee and the Select Board Office Hours meetings as well as the authority of the Town Manager to hire staff. Chair Roberts stated she would be consulting with the Town Manager on this aspect, and suggested guidance from Town Counsel.

Resident Len Simon recommended in the future when Town Counsel opinion is discussed, it should be made available to the public as well. Chair Roberts responded that such opinion must first be voted by the Select Board before release.

**Sewataro/Liberty Ledge Property Manager/Camp Operator Agreement Negotiation Update and possible vote**

Vice-Chair Russo confirmed that Town Staff was reviewing related aspects at this time, and more would be shared with the Select Board at the March 22<sup>nd</sup> meeting.

Vice-Chair Russo mentioned related areas discussed with Camp Operator Scott Brody:

- Time of Contract
- Base Payment
- Revenue Share
- Public Access

**Discussion on 2022 Annual Town Meeting: logistics; order and consent calendar; positions on articles**

Town Manager Hayes stated that the 2022 Annual Town Meeting would be held at Lincoln-Sudbury Regional High School (LSRHS) indoors per current COVID trends commencing on Monday, May 2, 2022, 7:30 PM.

Chair Roberts recommended that Town Manager Hayes continue to communicate with the Health Department regarding the COVID conditions as May 2 gets closer.

Select Board Members discussed various Town Meeting Articles.

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

VOTED: To support Annual Town Meeting Articles 10, 11, 12, 13, 14, 27, 34, 36, 37, 38, 41, 42, 45, 50, 51, 52, 53, 54, 55, and 56.

Board Members agreed on Article presentation assignments:

- Board Member Carty – Article 14 – Go Sudbury! Taxi and Uber Transportation Programs for FY23; Article 11 – Stabilization Fund
- Board Member Dretler – Article 18 – Fairbank Community Center Furniture, Fixtures, Equipment Funding (FF&E)
- Chair Roberts – Article 17 – Fairbank Community Center Audio-Visual Equipment Funding
- Vice-Chair Russo – Article 16 – Funding of a Land Use Consultant for the Sewataro/Liberty Ledge Property
- Board Member Schineller - In Memoriam Resolution
- Town Manager Hayes – Article 2 – FY22 Budget Adjustments, Article 15 – Funding of Operations for Passive Recreation Requirements of the Sewataro/Liberty Ledge Property, Article 19 – 24 Hudson Road – Release of Easement

**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, Russo-aye, Schineller-aye, Roberts-aye

VOTED: To take a five-minute recess and return at 10:33 PM

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

Board Member Carty confirmed that a subcommittee composed of three LSRHS School Committee members (Kevin Matthews from Sudbury and Heather Cowap and Harold Engstrom of Lincoln) met on March 1, the same night of the Select Board meeting. Board Member Carty indicated that the newly formed subcommittee would address the LSRHS Agreement, though the charge of the subcommittee appears not to be so clearly defined. He stated that he would reach out to that subcommittee.

Board Members agreed the subcommittee should be directed to documentation/information regarding best practices for MA regional school systems. Board Member Dretler suggested that the related letter from Lampke Law also be provided to the subcommittee. Board Member Carty agreed to send the Lampke Law Letter and to also send links regarding regional high school practices along to the subcommittee.

Resident Kevin LaHaise, 195 Horse Pond, noted he had read the Lampke letter, and expressed concern regarding mention of Sudbury or Lincoln withdrawing from the current regional school agreement.

Board Member Carty stressed no one was considering such withdrawal, and the Select Board was just trying to do the right thing and keep the LSRHS Agreement up-to-date.

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

Chair Roberts opined if the Board would consider re-organizing the existing Select Board School District Administrative and Structural Options Subcommittee, and analyze the vocational education aspect as well; or officially disband the Subcommittee.

Board Member Dretler requested old minutes from the Select Board Subcommittee. Board Member Carty reiterated that because the other member of the Subcommittee had left the State, he did not have copies of the minutes, and suggested that IT be contacted.

Chair Roberts suggested the discussion continue to the Select Board meeting on March 22.

**Discussion on 2022 Town Manager review process and timeline**

Chair Roberts provided overview of the Town Manager review process. Board Members discussed aspects of the 360 evaluation reports.

Board Member Schineller motioned that nine (9) 360 Town Manager Evaluations (including superintendent's review) be performed in this review cycle. Board Member Carty seconded the motion.

It was on motion 3-2; Schineller-aye, Dretler-no, Russo-aye, Carty-aye, Roberts-no

VOTED: That nine (9) 360 Town Manager Evaluations (including superintendent's review) be performed in this review cycle.

Chair Roberts and Board Member Dretler preferred that additional 360 Evaluations be included in this review cycle.

Board Members refined several questions within the 360-evaluation document.

**Discuss Community Preservation Committee 2022 Annual Town Meeting articles**

Chair Roberts presented summary of the CPC Articles. She noted that the Finance Committee (FinCom) had questions regarding Article 49 – Community Preservation Act Fund – Historic Districts Commission Design Guidelines. Mr. Eric Poch, Chair of FinCom, indicated there was not an immediate need to address Article 49.

Board Members discussed various Town-owned assets such as the Town-owned clock housed at First Parish Church, and insurance implications.

**Discussion on Select Board approach to remote/hybrid/in-person meetings**

Chair Roberts recommended that a more in-depth discussion take place at the next Select Board Meeting on March 22.

**Discussion on American Rescue Plan Act (ARPA) funds and public Listening Session**

Board discussion regarding the scheduled ARPA listening session took place.

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

Resident Manish Sharma, 77 Colonial Road, asked about an ARPA asset manager, and inquired how ARPA funds would be dispersed.

Town Manager Hayes confirmed that an asset manager was not established, and such allocated was under the direction of the Select Board.

Chair Roberts noted that \$4 million remained in the fund. She added that disbursement of such funding would take place in the summer.

**Vote to review and possibly approve the open session minutes of 1/18/22, 1/24/22, and 2/1/22**

**January 18, 2022**

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 open session minutes of 1/18/22, as edited

**January 24, 2022**

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

VOTED: To approve open session minutes of 1/24/22, as edited

February 1, 2022

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

VOTED: To approve open session minutes of 2/1/22, as edited

**Upcoming agenda items**

March 22

- Town Meeting preparations and voting on Warrant Articles
- Sewataro Agreement Negotiations
- Hybrid Meeting Discussion
- MBTA Communities Letter
- Executive Session regarding Eversource

April 5

- Deadline for ATM Warrant approval
- Town Manager Evaluation

**Consent Calendar**

**Vote to accept a \$105 donation from the Sudbury Historical Society to Sept. 11 Memorial Garden Fund**

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 accept a \$105 donation from the Sudbury Historical Society to Sept. 11 Memorial Garden Fund

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

VOTED: To adjourn the Select Board Meeting

There being no further business, the meeting was adjourned at 12:12 a.m., Wednesday, March 9, 2022.



## **SB Meeting 3/8/22 - Documents & Exhibits**

1. Open in regular session and immediately vote to enter Executive Session to discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares (exception 3).

### **Attachments:**

1.a SB Info - Union CBA update - Meeting 2022 Mar 8

2. Continue 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:**

2.a SB Executive Session 1-24-22\_for\_review

2.b SB Executive Session 2-01-22\_for\_review

2.c SB Executive Session 3-1-22\_min\_for\_review

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 Lewis input

4.f ORourke\_input

4.g Nason\_input

4.h SUD-NORTHAB-5678578 PART2

6. Report from Capital Improvement Advisory Committee (CIAC) on 2022 Annual Town Meeting capital articles. CIAC Chair Susan Ciaffi to update Select Board (~25 min.)

### **Attachments:**

6.a CIAC Report 03012022

7. Discussion and possible vote on potential Select Board/Town actions to demonstrate support for the people of Ukraine during the invasion by Russia. (~15 min.)

### **Attachments:**

7.a Vivitsky\_email

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

### **Attachments:**

8.a SUDB opl re\_ sustainability director

8.b Hayes\_email\_2.9.22

8.c RE\_ Question re Working Groups for Master Plan Implementation

**10.** Discussion on 2022 Annual Town Meeting: logistics; order and consent calendar; positions on articles; other (~35 min.)

**Attachments:**

10.a ATM ARTICLES UPDATE FOR 2022 - 3-8-22

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

**Attachments:**

12.a Oct.24.2017.vote

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

**13.** Discussion on 2022 Town Manager review process and timeline (~20 min.)

**Attachments:**

13.a Town Manager Annual Review 2022 Timeline

13.b 041421 JD\_Town Manager Evaluation Timeline 2021

13.c Town Manager 360 Assessment (Annual Evaluation - 2021)

**15.** Discussion on Select Board approach to remote/hybrid/in-person meetings. (~15 min.)

**Attachments:**

15.a Updated guidance on holding meetings pursuant to the Act Extending Certain COVID-19 Measures \_ Mass.gov

**16.** Discussion on American Rescue Plan Act (ARPA) funds and public Listening Session. (~10 min.)

**Attachments:**

16.a ARPA Listening Session\_v2

**18.** Vote to review and possibly approve the open session minutes of 1/18/22, 1/24/22, and 2/1/22.

**Attachments:**

18.a SB\_draft1\_1.18.22\_min\_for\_review

18.b SB\_draft1\_1.24.22\_min\_for\_review

18.c SB\_draft1\_02.01.22\_min\_for\_review

**19.** Upcoming agenda items

**Attachments:**

19.a Upcoming items 03.08.22

**20.** Vote to accept a \$105 donation from the Sudbury Historical Society to Sept 11 memorial garden fund

**Attachments:**

20.a Memorial Garden gift