

SUDBURY SELECT BOARD

TUESDAY, JULY 26, 2022

(Meeting can be viewed at www.sudburytv.org)

Present: Chair Charles Russo, Vice-Chair Janie Dretler, Select Board Member Daniel Carty, Select Board Member Lisa Kouchakdjian, Select Board Member Jennifer Roberts, Interim Town Manager Maryanne Bilodeau

The statutory requirements as to notice having been compiled with, the meeting was convened at 7:02 P.M. via Zoom telecommunication mode.

Chair Russo announced the recording of the meeting and other procedural aspects included in the meeting.

Call to Order/Roll Call

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

Opening Remarks by Chair

- State Vote Acts passed to allow for mail-in voting
- Virtual meeting extension approved on July 17th to be granted until March 23, 2023 with focus on hybrid meetings
- July is Disability Pride Month
- Roadway projects and general Town construction; more information on Town website
- Sudbury Housing Trust is continuing with the Mortgage Assistance Program; information on Town website
- The Diversity, Equity & Inclusion (DEI) Commission is extending the “Lived Experience” through August

Reports from Interim Town Manager

- Construction taking place regarding drainage on Pratt’s Mill Road between Peakham and Dutton Roads
- SPS School Committee is seeking a new member; additional information on Town webpage with applications being accepted until 5:00 PM Tuesday, August 2
- Real Estate and Personal Property taxes due on Monday, August 1, 2022
- Fairbank Community Center ground breaking ceremony to take place Monday August 1 at 3:30 PM

Reports from Select Board

Vice-Chair Dretler:

- Extended her appreciation to the Sudbury Fire Department and other local fire departments for assisting with the six-alarm fire which occurred in Concord on Sunday night during very hot weather. A firefighter was taken to the hospital for heat exhaustion

Board Member Carty:

- SPS School Committee conducted an in-person meeting recently and will resume with full remote Zoom meetings until further notice
- Modifications to the Transportation Program will go into effect on August 1 increasing the eligible ride age from 50 years of age to 60 and over, capping the number of rides per ride, and slightly increasing the co-pays for Uber rides. Additional information can be found on the Town website

Board Member Roberts:

No Reports to share

Board Member Kouchakdjian:

- Saturday completed her Select Board Member training with the MA Municipal Association – great session and looking forward to additional professional training
- Watched the last Permanent Building Committee (PBC) meeting and congratulated the PBC members for all the work they have done regarding the Fairbank Community Center
- Thanked Chair Russo for recognizing the 32nd anniversary of The Americans with Disabilities Act. Thirty-two years ago today President George H. Bush passed the landmark legislation to advance the rights of persons living with disabilities in the United States. The Town of Sudbury voted twenty-nine years ago to establish the Commission on Disability. Referred to Town website for those who wish to learn more.

Public Comment

Resident Manish Sharma, 77 Colonial Road, thanked members for conducting a successful forum last week. He mentioned solar and wind considerations.

Resident Kay Bell, 348 Old Lancaster, stated she had just returned from a public event in Framingham regarding Commission of Disability dedication, with state officials including Gov. Baker, Lt. Gov. Polito and others. She noted much related work has been accomplished in Sudbury and thanked the community.

Discussion and possible vote whether to approve petition by Celco Partnership, d/b/a Verizon Wireless, for the installation of a small cell wireless antenna, and the necessary sustaining and protecting fixtures, on an unmarked utility pole on Boston Post Road, as shown on plans included herewith.

Present: Paula Foley, Verizon Representative; Stanley Usovicz, Verizon Representative; Michael Pattison, Celco Representative; Brian Riley, KP Law/Town Counsel

Ms. Foley summarized the petition to improve wireless signals in areas of Sudbury without ground equipment or disturbance.

Chair Russo mentioned that Fire Chief Whalen had questions about disturbance aspects. Ms. Foley stated there would be no interference with public safety frequencies.

Vice-Chair Dretler and Board Member Carty recommended that additional review was necessary before approving the petition; they expressed concern about abutters not being notified, and related zoning jurisdiction.

Attorney Riley queried about the wireless overlay districts, and if Planning would be required to grant a Special Permit.

Resident Dan Moye, 53 Highland Avenue, indicated his concern that this approval would grant provision to other wireless companies.

Resident and abutter Beverly Carlon, 53 Highland Avenue, stated she had been a Verizon customer over 30 years and never had issues with coverage in this area. She questioned the need for installation; she stressed that once Verizon installs, no other cable companies can be denied.

Board Member Kouchakdjian concurred that she never had problems with her service, and asked that Ms. Foley look at alternative areas in Town.

Resident Diana Warren, 32 Old Framingham Road, cautioned the Board to be very careful about approving such petitions. She stated that the provided information was “materially incomplete.”

Resident Paul Bisson, 55 Highland Avenue, stated such installation would be very close to his home. He confirmed he had changed carriers several years ago and ended his contract with Verizon, and has no cable or wireless difficulties.

Resident Karen Brady, 648 Boston Post Road, stated the 341 pole sits a couple of feet from her property line, and was strongly opposed to such installation.

Resident Leslie Frodema, 32 Moran Circle, stated that as a nurse, the question of safety associated with such installations has increased in medical circles. She mentioned significant studies regarding health risks, DNA damage and mortality rates. She asked the Board to seriously consider the effects of such installation.

Board Member Kouchakdjian asked Ms. Frodema to forward related medical studies to the Select Board.

Board Member Roberts requested that Interim Town Manager Bilodeau contact an independent expert to help advise the Board. Ms. Bilodeau agreed to search for such an expert.

Attorney Riley agreed to provide the Board with additional zoning/bylaw information.

Chair Russo confirmed that consideration and inclusion of the topic would continue at an upcoming Select Board meeting.

Discussion and vote whether to approve petition by Cellco Partnership, d/b/a Verizon Wireless, for the installation of a small cell wireless antenna, and the necessary sustaining and protecting fixtures, on utility pole number #119S on Boston Post Road, as shown on plans included herewith

Chair Russo confirmed that continued consideration of the agenda item would take place.

Acknowledge and discuss Open Meeting Law Complaint against the Select Board, and Lisa Kouchakdjian, filed by Mr. John Baranowsky and dated July 15, 2022; review and discuss response to complaint; votes may be taken

Present: Town Counsel Brian Riley

Attorney Riley mentioned the complaint involving conversations outside of a Select Board agenda at the previous Select Board meeting. He confirmed that Attorney Brone of KP Law concluded in his letter to the Attorney General, there was no violations to the Open Meeting Law.

Board Members agreed there were no violations to the Open Meeting Laws.

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

It was on motion 5-0; Dretler-aye, Carty-aye, Roberts-aye, Kouchakdjian-aye, Russ-aye

VOTED: To approve the letter drafted by Attorney Brone, and empower Chair Russo to make minor spelling changes and release the letter

Discussion on Diversity, Equity & Inclusion (DEI) Commission and possible vote to make it a permanent Commission

Board Members supported the DEI Commission becoming a permanent Commission.

Board Member Carty suggested staggering Commission membership terms. He noted the Commission was established by the Select Board and therefore the Commission serves as an advisory group to the Select Board. Board Member Carty commented that periodic Commission updates provided to the Select Board would be beneficial. Board Members were in agreement.

Vice-Chair Dretler stressed the importance of a Commission action plan at the 18-month anniversary of the Commission. She stressed the importance of Code of Conduct and Open Meeting Law training, and recommended a Select Board member act in an advisory capacity, and not a liaison.

Board Member Roberts presented DEI Commission Recommendations to the Select Board:

- Extend the Commission to permanent Commission status
- Appointing 13 members to the DEI Commission.
- The DEI Commission recommends quarterly updates be provided to the Select Board
- About five members are interested in continuing their membership terms
- DEI Commission appointed Nuha E. Muntasser and Janine Taylor to work with the Select Board to redraft the DEI Mission Statement

Board Member Roberts offered to work with Ms. Muntasser and Ms. Taylor regarding the Mission Statement. Board Members agreed.

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

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

VOTED: That the Diversity, Equity & Inclusion (DEI) Commission be a permanent Commission, beginning December 1, 2022

Discussion and possible vote on whether to continue the use of chat & Q&A functions in Town committee Zoom meetings

Chair Russo stated that Town Counsel confirmed there was no problem with eliminating the chat and Q & A functions.

Board Members discussed aspects of the two functions.

Diana Warren commented that all methods affecting public engagement were important and recommended the Board vote to retain both functions.

Board Members concurred the possibility of eliminating chat and Q & A functions was being considered due to recent intolerable comments made via such functions.

Vice-Chair Dretler motioned to turn off the Chat feature with Select Board meetings until March 31, 2023. The motion was seconded by Board Member Kouchakdjian.

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

VOTED: To turn off the Chat feature with Select Board meetings until March 31, 2023

Board Member Carty motioned to disable the Q & A functionality. The motion was seconded by Board Member Kouchakdjian.

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

The motion was not passed.

Board Member Roberts stated that any Q&A must be read aloud.

Vote that the Select Board delegate the authority given to them in Section 13 of Chapter 92 of the Acts of 2022 to detail a sufficient number of police officers for each building that contains the polling places for one or more precincts at every election therein to preserve order and to protect the election officers and supervisors from interference with their duties and to aid in enforcing the laws relating to elections to the Chief of Police or a police department designee for all future elections

Present: Town Clerk Beth Klein

Ms. Klein explained that recent changes to voting law provided Select Board authority to choose the security details (assignment of number of Police officers). She noted that the Chief of Police could be designated by the Select Board to determine the number of Police Officers, with at least one officer at the voting sites.

Board Member Dretler asked about enforcement by Police and what that entails. Ms. Klein responded the handling of violations at the polling location should an individual not comply with regulations, a Police Officer would have the authority to remove the individual.

Chair Russo moved in the words of the motion. Vice-chair Dretler moved in the words of the Chair. Board Member Carty seconded the motion.

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

VOTED: To delegate the authority given to them in Section 13 of Chapter 92 of the Acts of 2022 to detail a sufficient number of police officers for each building that contains the polling places for one or more precincts at every election therein to preserve order and to protect the election officers and supervisors from interference with their duties and to aid in enforcing the laws relating to elections to the Chief of Police or a police department designee for all future elections.

Recess

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

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

VOTED: To recess for five minutes

Discussion on Town Manager Search Firm process and Select Board August and September meeting schedule

Interim Town Manager Bilodeau outlined next steps in the Town Manager Search Firm process. She recommended that each Select Board Member gather references from communities that have contracted with Municipal Resources, Inc. and Community Paradigm Associates.

Board Members discussed the Town Manager Search Firm schedule.

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

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

VOTED: To interview Municipal Resources, Inc. and Community Paradigm Associates representatives at the August 2, 2022 Select Board Meeting

Interim Town Manager Bilodeau confirmed that the Town Manager Search Firm would be selected at the August 3, 2022 Select Board Meeting.

Chair Russo acknowledged the Town Manager Search process was a month ahead when compared to the last time a Town Manager Search Firm was selected. He thanked Interim Town Manager Bilodeau and Senior Administrative Assistant to Town Manager Patty Golden for their tireless efforts.

Review the Select Board Summer 2022 Newsletter articles and approve for distribution

Board Member Roberts left the meeting at 10:57 PM.

Board Members discussed several minor editing aspects.

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

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

VOTED: To approve the Select Board Summer 2022 Newsletter articles for distribution, as edited.

Vote to review and possibly approve the open session minutes of 5/31/22

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

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

VOTED: To approve the open session minutes of 5/31/22, as edited

Public Comments (cont.)

None

Upcoming Agenda Items

Previously mentioned Town Manager Search Firm Selection dates

Consent Calendar

Vote to grant a special permit to Bikes Not Bombs to hold the “35th Annual Bike-A-Thon” on Sunday, Sunday September 11, 2022, from 11:00 A.M. through approximately 3:00 P.M., with a rain date of Sunday, September 27, 2022, subject to Police Department safety requirements, proof of insurance coverage and the assurance that any litter will be removed at the race’s conclusion.

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

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

VOTED: To grant a special permit to Bikes Not Bombs to hold the “35th Annual Bike-A-Thon” on Sunday, Sunday September 11, 2022, from 11:00 A.M. through approximately 3:00 P.M., with a rain date of Sunday, September 27, 2022, subject to Police Department safety requirements, proof of insurance coverage and the assurance that any litter will be removed at the race’s conclusion.

Vote to grant a special permit to Myke Farricker, Committee Co-Chair, to hold a “Ride to Defeat ALS” bike ride on Sunday, September 18, 2022, from 7:00 a.m. through approximately 3:00 p.m., following the same route as in previous years, subject to Police Department safety requirements, proof of insurance coverage and the assurance that any litter will be removed at the race’s conclusion.

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

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

VOTED: To grant a special permit to Myke Farricker, Committee Co-Chair, to hold a “Ride to Defeat ALS” bike ride on Sunday, September 18, 2022, from 7:00 a.m. through approximately 3:00 p.m., following the same route as in previous years, subject to Police Department safety requirements, proof of insurance coverage and the assurance that any litter will be removed at the race’s conclusion.

To approve execution by the Interim Town Manager of a Charter Transportation Agreement between the Town and First Student, Inc. for Sudbury student transportation services to and from vocational schools for the period September 1, 2022 through June 23, 2023, with extensions as may be agreed by the parties.

Board Member Carty requested an update regarding the Charter Transportation Agreement. Interim Town Manager Bilodeau detailed that the Town of Sudbury would be partnering with the Town of Lincoln for use of a second school bus, which was budgeted for.

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

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

VOTED: To approve execution by the Interim Town Manager of a Charter Transportation Agreement between the Town and First Student, Inc. for Sudbury student transportation services to and from vocational schools for the period September 1, 2022 through June 23, 2023, with extensions as may be agreed by the parties.

That the Board vote to accept a deed to “Parcel A” being land off Brimstone Lane, to be held under the care, custody, management and control of the Conservation Commission, and to convey “Lot 8” being land off Brimstone Lane, both as shown on an Approval Not Required Plan dated April 8, 2022, and that the Chair be authorized to execute any documents or instruments necessary to effectuate the exchange of land.

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

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

VOTED: To accept a deed to “Parcel A” being land off Brimstone Lane, to be held under the care, custody, management and control of the Conservation Commission, and to convey “Lot 8” being land off Brimstone Lane, both as shown on an Approval Not Required Plan dated April 8, 2022, and that the Chair be authorized to execute any documents or instruments necessary to effectuate the exchange of land.

Adjourn

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

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

VOTED: To adjourn the Select Board Meeting

There being no further business, the meeting was adjourned at 11:04 PM.

7/26/22 SB Meeting - Documents & Exhibits

1. Discussion and possible vote whether to approve petition by Cellco Partnership, d/b/a Verizon Wireless, for the installation of a small cell wireless antenna, and the necessary sustaining and protecting fixtures, on an unmarked utility pole on Boston Post Road, as shown on plans included herewith.

Attachments:

- 1.a Verizon Petition for Pole Attachment
- 1.b Verizon Petition for Pole Attachment Plans
- 1.c Verizon Wirelss Memo
- 1.d Dept_feedback_Verizon
- 1.e PCD_dept_feedback_7.25_verizon
- 1.f Verizon_response_Fire_Chief
- 1.g FW_Verizon's Petitions_KP_response
- 1.h Whalen_email_7.26

2. Discussion and vote whether to approve petition by Cellco Partnership, d/b/a Verizon Wireless, for the installation of a small cell wireless antenna, and the necessary sustaining and protecting fixtures, on utility pole number #119S on Boston Post Road, as shown on plans included herewith.

Attachments:

- 2.a Scanned_petition2
- 2.b Verizon Wirelss Memo
- 2.c Dept_feedback_Verizon
- 2.d PCD_dept_feedback_7.25_verizon
- 2.e Verizon_response_Fire_Chief
- 2.f FW_Verizon's Petitions_KP_response
- 2.g Whalen_email_7.26

3. Discussion on Diversity, Equity & Inclusion (DEI) Commission and possible vote to make it a permanent commission.

Attachments:

- 3.a Sudbury-Diversity-Equity-Inclusion-Commission

4. Discussion and possible vote on whether to continue the use of chat & Q&A functions in Town committee Zoom meetings.

Attachments:

- 4.a Disabling Chat in Zoom_all_emails
- 4.b Brian_Riley_Time Sensitive RE_ More Questions RE_ Zoom Chat Function

5. Acknowledge and discuss Open Meeting Law Complaint against the Select Board, and Lisa Kouchakdjian, filed by Mr. John Baranowsky and dated July 15, 2022; review and discuss response to complaint; votes may be taken.

Attachments:

- 5.a OML complaint-Baranowsky-SB
- 5.b SUDB - response to oml complaint (baranowsky)

6. Discussion on Town Manager Search Firm process and Select Board August and September meeting schedule

Attachments:

6.a 2022 TM Search Timeline for Executive Search Firm 7-25-22

7. Review the Select Board Summer 2022 Newsletter articles and approve for distribution.

Attachments:

7.a Sudbury Newsletter Summer 2022_SB2

9. Vote to review and possibly approve the open session minutes of 5/31/22.

Attachments:

9.a SB_draft1_5.31.22_min_for_review

11. Upcoming agenda items

Attachments:

11.a Upcoming items 07.26.22

12. Vote to grant a special permit to Bikes Not Bombs to hold the “35th Annual Bike-A-Thon” on Sunday, Sunday September 11, 2022, from 11:00 A.M. through approximately 3:00 P.M., with a rain date of Sunday, September 27, 2022, subject to Police Department safety requirements, proof of insurance coverage and the assurance that any litter will be removed at the race’s conclusion.

Attachments:

12.a Bikes Not Bombs 2022 Application_sb

13. Vote to grant a special permit to Myke Farricker, Committee Co-Chair, to hold a “Ride to Defeat ALS” bike ride on Sunday, September 18, 2022, from 7:00 a.m. through approximately 3:00 p.m., following the same route as in previous years, subject to Police Department safety requirements, proof of insurance coverage and the assurance that any litter will be removed at the race’s conclusion.

Attachments:

13.a Ride to Defeat ALS 2022 Application_sb

14. To approve execution by the Interim Town Manager of a Charter Transportation Agreement between the Town and First Student, Inc. for Sudbury student transportation services to and from vocational schools for the period September 1, 2022 through June 23, 2023, with extensions as may be agreed by the parties.

Attachments:

14.a MA - Town of Sudbury Assabet and Other Agmt 2022-2023 revised 7-25-22
FINAL

15. That the Board vote to accept a deed to “Parcel A” being land off Brimstone Lane, to be held under the care, custody, management and control of the Conservation Commission, and to convey “Lot 8” being land off Brimstone Lane, both as shown on an Approval Not Required Plan dated April 8, 2022, and that the Chair be authorized to execute any documents or instruments necessary to effectuate the exchange of land.

Attachments:

15.a Session Law - Acts of 2022 Chapter 40
15.b KP-#793099-v1-SUDB-_Brimstone_Lane_Acceptance_of_Deed_from_Aronson
15.c KP-#822720-v1-SUDB-_137_Brimstone_Lane_Deed_From_Town
15.d KP-#822728-v1-137_Brimstone_Lane_-_ANR_Plan_Signed_
15.e KP-#822738-v1-137_Brimstone_Lane_Approved_Con_Comm_Minutes_