

SUDBURY SELECT BOARD

TUESDAY, APRIL 25, 2023

(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, Town Manager Andrew Sheehan

The statutory requirements as to notice having been compiled with, the meeting was convened at 7:26 PM, 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: Dretler-present, Carty-present, Kouchakdjian-present, Roberts-present, Russo-present

Opening Remarks by Chair

- Hoped everyone had a good school vacation week
- Town Meeting to begin May 1st at LSRHS at 7:00 PM
- Electronic voting a new addition to Town Meeting – Town Manager Sheehan presented a “Municipal Minute” on SudburyTV, and provided additional electronic voting information
- Sudbury had its first Earth Day Celebration on April 22nd at the Goodnow Library, which he attended and stated there was much to learn at the event
- Thanked all who participated in the Sudbury Clean-up Day 2023
- Recycling Drive to take place this Saturday at Curtis Middle School

Remarks from Town Manager

- Presented the Sudbury Clean-Up Day map, which highlighted areas in Town that were included in the Clean-Up Day event, and thanked all the volunteers who participated
- Thanked all who participated in the Flash Vote regarding Town Meeting; almost 800 participants (5.8% of registered voters in Town).
- Town Manager Office Hours scheduled for Thursday, April 27, 2:00 PM at the Flynn Building

Reports from Select Board

Vice-Chair Dretler

- She was looking forward to Town Meeting because she loves the event

Board Member Carty

- Welcomed everyone back after a good break
- Announced 8th graders at Curtis Middle School are participating in the second annual trip to Washington, DC next week

- Great Earth Day event at the Goodnow Library and looking forward to the “Fabulous Fifteen” event at the Library on May 5
- Congratulated 29 Sudbury residents who ran and completed the Boston Marathon
- Reiterated that Town Meeting will start on May 1; decisions are made by residents who come to Town Meeting and vote

Board Member Kouchakdjian

- Looking forward to Town Meeting and hoped to see many residents at Town Meeting, which is the “purest form of democracy”

Board Member Roberts

- Hoped all had a good school vacation week
- Earth Day was great and thanked all those involved, and thanked Leila Frank in the Select Board Office for her efforts
- Sustainable Sudbury distributed rain barrels at the Earth Day event, and her family received a barrel which was full of rain water from the downspout the day after Earth Day
- FinCom voted for several Town Meeting Articles at the FinCom meeting last night, and agreed to detail those articles later at this meeting

Public Comment on items not on agenda

Resident Manish Sharma, 77 Colonial Drive, noted on April 13th the spring/harvest festival took place in India; on April 16th - a somber event. He mentioned Sakar on April 21st and wished all Muslim neighbors well. He thanked Chair Russo and Town Manager Sheehan for helping him donate chairs to the Noyes school where his children attended. He explained the tradition of when leaving a place, the expectation is to give something back and thanked Chair Russo for helping to make that happen.

Resident and Finance Committee Member Susan Berry, 4 Dawson Drive, spoke on behalf of the Planning Committee of Sudbury Racial and Social Justice in response to articles about the increase in antisemitism and antisemitic incidents in MA. She read aloud the statement drafted by the Planning Committee of Sudbury Racial and Social Justice regarding the article in the Boston Globe detailing the increase in such incidents in MA in 2022, and that the State places 6th within the top six states with antisemitic incidence. She noted there have been many antisemitic incidents in Sudbury. Ms. Berry emphasized that on June 14, 2022 the Select Board voted to adopt the International Holocaust Remembrance Alliance definition of antisemitism, which can be found on the Town of Sudbury website. She suggested that this document be used to example current examples of antisemitism so the Town can stop it when it is encountered. She asked all residents to be aware and recognized the Planning Committee of Sudbury Racial and Social Justice members: Sue Abrams, Tricia Brunner, Nell Fracus, Debbie Howell, Donna Moy-Bruno, Sue Rushfirth, Ellie Stern and herself. She requested that this statement be posted on the Town website.

Interview Conservation Commission associate member Luke Faust. Following interview, vote whether to appoint Mr. Faust as a full member, for a term expiring 5/31/23, to fill the unexpired term of Richard Morse who resigned.

Present: Resident Luke Faust

Mr. Faust confirmed he has been an associate member for two years and has a special interest in bird and plant conservation.

Board Member Carty confirmed this appointment was a Town Manager appointment. Town Manager Sheehan detailed that Mr. Faust's initial appointment was short-term, and agreed with the appointment with the assumption the term would be renewed.

Board Member Kouchakdjian motioned to appoint Luke Faust as a full member of the Conservation Commission, for a term expiring 5/31/23, to fill the unexpired term of Richard Morse who resigned. Board Member Roberts seconded the motion.

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

VOTED: To appoint Luke Faust as a full member of the Conservation Commission, for a term expiring 5/31/23, to fill the unexpired term of Richard Morse who resigned

As the Licensing Authority for the Town of Sudbury, vote to approve a new Common Victualler License for Town Square Pizza (formerly CJ's), 29 Hudson Road, as requested in an application dated April 5, 2023, subject to conditions put forth by the Health Department, Fire Department and Building Department.

Chair Russo noted this agenda item was postponed.

Discussion/vote on First Parish License

Present: Sherril Cline, Chair of Board of Trustees - First Parish; Dennis Keohane, Finance Director

Town Manager Sheehan confirmed the Town was striving to restore the agreement with First Parish. He reviewed insurance coverage aspects.

Ms. Cline confirmed that no party could build on the subject property, which would renew every five years, unless cancelled.

Chair Russo mentioned that the signage aspect has been in force for decades, and there has never been an issue. Ms. Cline stated that the Town has the benefit of using the property and does post voting and event-type signage. Town Manager Sheehan mentioned the 150-foot rule.

Board Member Carty noted that the agreement concerned the private property and the public right-of-way on that property. He expressed concern about the Town providing funding for private property.

Board Member Kouchakdjian asked if Town Counsel agreed with the insurance coverage language. Town Manager Sheehan confirmed that Town Counsel was fine with Section 9 of the Agreement; adding that insurance coverage could always be increased, and termination could always be considered with 90-day notice.

Board Member Kouchakdjian motioned to approve the License of real property between the First Parish Church and the Town of Sudbury. Board Member Roberts seconded the motion.

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

VOTED: To approve the License of real property between the First Parish Church and the Town of Sudbury

FY22 Audit Presentation by Renee Davis of Powers & Sullivan, LLC

Present: Renee Davis, Powers & Sullivan

Ms. Davis presented the PowerPoint “Powers & Sullivan LLC Presentation to the Town of Sudbury, Massachusetts” and reviewed the results of the FY22 Audit:

- Town Financial Audit Objectives
- (Risk Based Audit – sample test of transactions)
- Audit Process
- Audit Results No findings/violations
- Annual Comprehensible Financial Report, with Financial Section
- Financial Position Highlights – (no overspending) strong stabilization fund
- Single Audit compliance regarding grants, such as the Children Nutrition Cluster
- Management Responsibilities
- P&S (Powers & Sullivan) Responsibilities
- Areas of Audit Emphasis

Board Members presented related questions/comments. Resident Mr. Sharma presented several questions including inquiries about the free lunch program in the schools. Chair Russo stated that Mr. Sharma’s questions were more policy-oriented.

Ms. Davis provided further detail regarding the risk assessment process, which follows “Yellow Book” standards, and that Town retirement plans were the oversight of the State.

Discussion and vote of Town Counsel services renewal with KP Law

Town Manager Sheehan confirmed that he had presented KP Law with a one-year term renewal agreement, with the option of a three-year term agreement. Town Manager Sheehan commented that he had successful working relationships with KP Law since 2000, and indicated that the contract as presented was reasonable and Sudbury has a good relationship with KP Law.

Vice-Chair Dretler motioned to approve a new contract with KP Law as outlined in the letter dated April 11, 2023 regarding the terms of engagement for Town Counsel services and authorize Town Manager Sheehan to sign. Board Member Carty seconded the motion.

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

VOTED: To approve a new contract with KP Law as outlined in the letter dated April 11, 2023 regarding the terms of engagement for Town Counsel services and authorize Town Manager Sheehan to sign

Discussion on 2023 Annual Town Meeting articles: consent calendar; positions on articles; other

Present: Finance Director Dennis Keohane

Board Member Roberts confirmed that at their last meeting, FinCom voted 6-0 to support Article 12. – FY24 Revolving Fund Spending Limits.

Article 12 – FY24 Revolving Fund Spending Limits

Board Member Roberts confirmed that at their last meeting, FinCom voted 6-0 to support Article 12. – FY24 Revolving Fund Spending Limits.

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

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

VOTED: To support Article 12 – FY24 Revolving Fund Spending Limits, as reported in the Warrant

Article 8 – FY23 Snow & Ice Transfer

Town Manager Sheehan noted that DPW transfer funding would be considered at the end of the year.

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

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

VOTED: To indefinitely postpone Article 8 – FY23 Snow & Ice Transfer

Petition Article – Article 55 – Control of Firearms Zoning

Board Members agreed not to vote on this item at this time. Town Manager Sheehan confirmed that Town Counsel Lee Smith would be present at Town Meeting.

Article 2 – FY23 Budget Adjustments

Board Member Carty moved to indefinitely postpone Article 2 – FY23 Budget Adjustments. Board Member Kouchakdjian seconded the motion.

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

VOTED: To indefinitely postpone Article 2 – FY23 Budget Adjustments

Board Member Roberts made several corrections to the “ATM 2023 Articles” chart, to reflect votes taken by the Finance Committee.

Resident and COD Chair Kay Bell, 348 Old Lancaster Road asked about availability of assisted listening devices during Town Meeting. Town Manager Sheehan suggested that anyone needing such devices for Town Meeting should contact the Select Board Office, adding that close captioning would also be provided at Town Meeting.

Review ATM Article 14 Presentation - GOSudbury!

Board Member Carty presented PowerPoint slides for Article 14 – Funding of GOSudbury! Taxi and Uber Transportation Programs for FY24.

Board Members provided comments and agreed the presentation was well done and effective.

Review ATM Article 15 presentation on Fairbank AV Equipment and Associated Funding

Present: Jennifer Pincus, PBC; Sandra Duran, Combined Facilities Director

Board Member Kouchakdjian presented PowerPoint slides for Article 15 – “Audio-Visual Package Fairbank Community Center.”

Ms. Duran detailed aspects of the original cost estimate and provided detail regarding equipment enhancements.

Board Members agreed with the \$150,000 requested funding amount.

Recess

Board Member Roberts motioned to recess and return at 10:36 PM. Board Member Carty seconded the motion.

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

VOTED: To recess and return at 10:36 PM

Select Board and Town Manager review of the Town Manager onboarding process and discussion of priorities

In consideration of lateness of the hour, Board Members and Town Manager Sheehan agreed to discuss this item at the May 16, 2023 meeting.

Vote decision on Sudbury Sundries from meeting of March 21, 2023

Vice-Chair Dretler motioned to authorize the Chair to sign the “Notice of Decision” for the application for new package store license – Wine and Malt Beverages, dated April 25, 2023. Board Member Roberts seconded the motion.

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

VOTED: To authorize the Chair to sign the “Notice of Decision” for the application for new package store license – Wine and Malt Beverages, dated April 25, 2023

Acknowledge and discuss Open Meeting Law complaint against Select Board Chair Charles Russo dated April 6, 2023, and against the Sudbury Select Board dated April 8, 2023, both filed by resident Manish Sharma; and review and discuss responses to complaints.

The Board Members agreed to modify the related language and include signatures of the five Board Members, including language that the Board denies the complaints.

Vice-Chair Dretler motioned to approve and authorize the letter dated April 25, 2023 regarding Town of Sudbury Select Board Open Meeting filed complaint from Manish Sharma, received April 6, 2023 and the letter dated

April 25, 2023 regarding Town of Sudbury Select Board Open Meeting filed complaint from Manish Sharma, received April 8, 2023, as edited. Board Member Kouchakdjian seconded the motion.

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

VOTED: To approve and authorize the letter dated April 25, 2023 regarding Town of Sudbury Select Board Open Meeting filed complaint from Manish Sharma, received April 6, 2023 and the letter dated April 25, 2023 regarding Town of Sudbury Select Board Open Meeting filed complaint from Manish Sharma, received April 8, 2023, as edited

Vote to review and possibly approve the open session minutes of 10/24/22, 11/12/22 and 11/15/22

Board Members agreed to postpone review of minutes.

Public Comment

None

Upcoming agenda items

May 16, 2023:

- Town Manager 90-day onboarding process

Future:

- Curtis School Civics Project Plan – Carty
- Transportation Committee terms - Carty
- In person/hybrid meetings - Carty
- Discussion of liaison role - Carty
- Remote meeting participation policy – Roberts

Consent Calendar

On behalf of the Historical Commission, vote to accept return of the 19th Century garden plow originally belonging to the Hosmer family to be utilized by the Commission for continuing educational purposes.

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

VOTED: To accept return of the 19th Century garden plow originally belonging to the Hosmer family to be utilized by the Commission for continuing educational purposes.

Vote to accept a \$200 donation from Middlesex Savings Bank for the purposes of the Sudbury Spring Slam Pickleball Tournament on May 20, 2023

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

VOTED: To accept a \$200 donation from Middlesex Savings Bank for the purposes of the Sudbury Spring Slam Pickleball Tournament on May 20, 2023, as requested by Tricia Sardagnola, Sudbury Park and Recreation Program Coordinator

Vote to accept a \$500 donation from Roche Bros. Supermarket towards the 2023 Summer Concert Series

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

VOTED: To accept a \$500 donation from Roche Bros. Supermarket towards the 2023 Summer Concert Series, as requested by Tricia Sardagnola, Park and Recreation Program Director

Vote to accept a \$15,000 grant from the Sudbury Foundation to the Goodnow Library for the purposes of adding adaptive services offerings to the Library of Things, book collections, and programming

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

VOTED: To accept a \$15,000 grant from the Sudbury Foundation to the Goodnow Library for the purposes of adding adaptive services offerings to the Library of Things, book collections, and programming, as requested by Esme Green, Library Director

Vote to enter into the Town record and congratulate Ryan Coyne Warzynski of Scout Troop 63 for having achieved the high honor of Eagle Scout

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

VOTED: To enter into the Town record and congratulate Ryan Coyne Warzynski of Scout Troop 63 for having achieved the high honor of Eagle Scout

In accordance with Article VII, Section 8 "OBEDIANCE TO ISOLATED STOP SIGNS" of the Town of Sudbury Traffic Rules and Regulations and M.G.L. Chapter 89, Section 9, VOTE to approve the installation of "STOP" signs across the eastbound and westbound King Philip Road approaches

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

VOTED: In accordance with Article VII, Section 8 "OBEDIANCE TO ISOLATED STOP SIGNS" of the Town of Sudbury Traffic Rules and Regulations and M.G.L. Chapter 89, Section 9, VOTE to approve

the installation of “STOP” signs across the eastbound and westbound King Philip Road approaches, as requested by DPW Director Dan Nason

Adjourn

Vice-Chair Dretler motioned to adjourn the Select Board Meeting. Board Member Kouchakdjian seconded the motion.

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

VOTED: To adjourn the meeting.

There being no further business, the meeting was adjourned at 10:58 PM.

SB Meeting 4/25/23 - Documents & Exhibits

1. Vote to immediately enter Executive Session to discuss strategy with respect to collective bargaining (Civilian Dispatchers and Police Sergeants) if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares pursuant to General Laws chapter 30A, §21(a)(3).

Attachments:

- 1.a Regionalization Presentation 3-17-23
- 1.b scan

3. Interview Conservation Commission associate member Luke Faust. Following interview, vote whether to appoint Mr. Faust as a full member, for a term expiring 5/31/23, to fill the unexpired term of Richard Morse who resigned.

Attachments:

- 3.a Recommendation to Appoint Letter - Luke Faust - ConCom 2023
- 3.b Application-for-Appointment - Luke Faust.redact

4. As the Licensing Authority for the Town of Sudbury, vote to approve a new Common Victualler License for Town Square Pizza (formerly CJ's), 29 Hudson Road, as requested in an application dated April 5, 2023, subject to conditions put forth by the Health Department, Fire Department and Building Department.

Attachments:

- 4.a CV application complete
- 4.b Town Square Pizza CV Staff Feedback

5. Discussion/vote on First Parish License. Resident Sherrill Cline to attend.

Attachments:

- 5.a KP-#855699-v1-KP-#855144-v1-SUDB-_First_Parish_License_Agreement_3-17-23
- 5.b KP-#855699-v2-KP-#855144-v1-SUDB-_First_Parish_License_Agreement_3-17-23
- 5.c KP-#855198-v1-SUDB-_First_Parish_Church_License_Ex_A

6. FY22 Audit Presentation by Renee Davis and Jessica Greene of Powers & Sullivan, LLC.

Attachments:

- 6.a Audit Presentation
- 6.b Sudbury FY2022 SEFA
- 6.c Sudbury FY2022 ACFR

7. Discussion and vote of Town Counsel services renewal with KP Law

Attachments:

- 7.a Sudbury_2023_engagement_letter_-_Town_Counsel_Services

8. Discussion on 2023 Annual Town Meeting articles: consent calendar; positions on articles; other.

Attachments:

- 8.a 2023 ATM_Articles_AJS 4.4.23

9. Review ATM Art 14 presentation Go Sudbury. Discussion led by Board Member Carty.

Attachments:

9.a ATM2023_Article_14_GoSudbury_DRAFT_04212023_SB

10. Review ATM Article 15 presentation on Fairbank AV Equipment and Associated Funding. Discussion led by Board Member Kouchakdjian.

Attachments:

10.a Article 15 TM Presentation

11. Select Board and Town Manager review of the Town Manager onboarding process and discussion of priorities.

Attachments:

11.a TM onboarding

12. Vote decision on Sudbury Sundries from meeting of March 21, 2023.

Attachments:

12.a Decision 100 Boston Post Road Sudbury Sundries 2023-04-25.formatted

13. Acknowledge and discuss Open Meeting Law complaint against Select Board Chair Charles Russo dated April 6, 2023, and against the Sudbury Select Board dated April 8, 2023, both filed by resident Manish Sharma; and review and discuss responses to complaints.

Attachments:

- 13.a Response to Sharma OML 2023-04-06
- 13.b 040623OML
- 13.c Response to Sharma OML 2023-04-08
- 13.d OML Violation for 032123

14. Vote to review and possibly approve the open session minutes of 10/24/22, 11/12/22 and 11/15/22.

Attachments:

- 14.a SB_draft1_10.24.22_goal_min_for_review
- 14.b SB_draft1_11.12.22_min_for_review
- 14.c SB_draft1_11.15.22_min_for_review

16. Upcoming agenda items

Attachments:

16.a Upcoming items 04.25.23

17. On behalf of the Historical Commission, vote to accept return of the 19th Century garden plow originally belonging to the Hosmer family to be utilized by the Commission for continuing educational purposes.

Attachments:

17.a Plow return- Cutting letter 3-28-23

20. Vote to accept a \$15,000 grant from the Sudbury Foundation to the Goodnow Library for the purposes of adding adaptive services offerings to the Library of Things, book collections, and programming, as requested by Esme Green, Library Director.

Attachments:

- 20.a Sudbury Foundation_ Goodnow Library grant for Adaptive Services
- 20.b Sud Foundation Grant - Adaptive Services 2023

22. In accordance with Article VII, Section 8 “OBEDIANCE TO ISOLATED STOP SIGNS” of the Town of Sudbury Traffic Rules and Regulations and M.G.L. Chapter 89, Section 9, VOTE to approve the installation of “STOP” signs across the eastbound and westbound King Philip Road approaches, as requested by DPW Director Dan Nason.

Attachments:

- 22.a T0922.06_Technical Memo summary pg 1-10
- 22.b T0922.06 Concept Plan-Figure 1