

SUDBURY SELECT BOARD

TUESDAY, FEBRUARY 7, 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 Jennifer Roberts, Select Board Member Lisa Kouchakdjian, Interim Town Manager Maryanne Bilodeau, Finance Director Dennis Keohane

The statutory requirements as to notice having been compiled with, the meeting was convened at 7:16 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: Carty-present, Kouchakdjian-present, Roberts-present, Dretler-present, Russo-present

Opening Remarks by Chair

- February is Black History Month
- Sustainability and Energy Committee added an FAQ document to its webpage, which he encouraged other committees to consider.
- Town Meeting Warrant Articles processes; thanked Dennis Keohane for his presence at tonight's meeting

Vice-Chair Dretler

- Last official meeting with Ms. Bilodeau acting as Interim Town Manager and the Town has benefited from her leadership and availability

Board Member Carty

- Thanked Interim Town Manager Bilodeau for her assistance, and looking forward to the new Town Manager assuming his role
- Provided updates from the SPS meeting last night, including the non-override budget

Board Member Roberts

- DEI Commission met last Thursday; great group of people who will be establishing goal setting at their next meeting
- Attended FinCom meeting last night
- Thanked Interim Town Manager Bilodeau for her dedication

Public Comment

None

Vote to open public hearing for alcohol license

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

VOTED: To open public hearing for alcohol license

As the Licensing Authority for the Town of Sudbury, in accordance with MGL c138, s. 15, vote to approve a Change of Manager for RBSBW, Inc. d/b/a Sudbury Farms, 439 Boston Post Road, from James Kevin McCafferty to Kevin Fry, as requested in an application dated January 12, 2023

Present: Attorney James Soerber, RBSBW, Inc.; Kevin Fry, RBSBW, Inc.

Mr. Keohane stated that the Town had no problems with the application.

There were no public comments presented.

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

VOTED: As the Licensing Authority for the Town of Sudbury, in accordance with MGL c138, s. 15, to approve a Change of Manager for RBSBW, Inc. d/b/a Sudbury Farms, 439 Boston Post Road, from James Kevin McCafferty to Kevin Fry, as requested in an application dated January 12, 2023

Vote to close public hearing

Board Member Roberts motioned to close hearing. Board Member Kouchakdjian seconded the motion.

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

VOTED: To close public hearing for alcohol license

Interview candidate for the Capital Improvement Advisory Committee (CIAC). Following interview, vote whether to appoint Lisa Saklad, 73 Firecut Lane, for a term to expire 05/31/2026

Present: Candidate Lisa Saklad, 73 Firecut Lane

Ms. Saklad stated that she lived in Sudbury for 16 years and wanted to contribute to the Town.

Board Member Roberts motioned to appoint Lisa Saklad to the CIAC. Board Member Kouchakdjian seconded the motion.

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

VOTED: To appoint Lisa Saklad, 73 Firecut Lane, to the Capital Improvement Advisory Committee (CIAC) for a term to expire 05/31/2026

Vote to authorize the Interim Town Manager to sign the contract/agreement with Pare Corporation to conduct environmental compliance monitoring services for the Phase 2D construction of the Bruce Freeman Rail Trail

Present: Adam Duchesneau, Director of Planning and Community Development

Chair Russo recused himself from the discussion.

Vice-Chair Dretler noted that CPC funding was granted at the last Town Meeting. Mr. Duchesneau confirmed that Phase 2D of the plan is now being considered. He referenced the Pare Corporation environmental compliant services contract agreement.

Resident and Permanent Building Committee Member Craig Blake, 300 Old Lancaster Road, asked if there would be a separate construction compliance contract. Mr. Duchesneau confirmed that the consulting company Fuss & O'Neill is already in place.

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

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

VOTED: To authorize the Interim Town Manager to sign the contract/agreement with Pare Corporation to conduct environmental compliance monitoring services for the Phase 2D construction of the Bruce Freeman Rail Trail, as requested by Adam Duchesneau, Director of Planning and Community Development.

Vote to accept 2023 Annual Town Meeting articles submitted by 1/31/23 and to refer all articles to Town Counsel for review and comment as to form. Also 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: Finance Director Dennis Keohane

Mr. Keohane stated that the proposed articles were in the order usually presented.

Vice-Chair Dretler noted that the Fairbank A/V article should be placed next to the Go Sudbury! article as it is also a Select Board Free Cash article.

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 5-0; Kouchakdjian-aye, Dretler-aye, Carty-aye, Roberts-aye, Russo-aye

VOTED: To accept 2023 Annual Town meeting articles final order of articles, as presented tonight, with exceptions of removing Article #16 (SPS Article withdrawn), and to move the A/V-Fairbanks and Plastic Bag Article up with the Go Sudbury Article, changing numbering going forward; to refer street-related zoning articles to Planning Board, with Town Counsel review of form.

Update on issues with Fairbank Pool dive well (possible chlorine leaks, etc.) including potential costs and funding sources. Also possible vote to appropriate a sum of \$275,500 in ARPA funding to address deteriorated and failed piping, valves and fittings at the Atkinson Lap and Dive pools

Present: Sandra Duran, Combined Facilities Director; Dennis Mannone, Park & Recreation Director; Craig Blake, PBC; Jennifer Pincus, PBC

Mr. Blake recommended the Board vote to appropriate funding.

Chair Russo recommended that further discussion and presentation of findings take place at the Select Board meeting of February 28. Board Members were in agreement.

Resident and Conservation Commission Chair Dave Henkels, 17 Twin Pond Lane, stressed the importance of risk management and capital assets considerations.

Ms. Duran detailed the results of extensive pool testing.

Discussion of potential Special Town Election Ballot Timelines/Guidelines

Present: Lauren Goldberg, KP law; Beth Klein, Town Clerk

Chair Russo explained that a potential Special Town Election would be considered for the vote on two articles; SPS funding and purchase of a fire truck.

Ms. Klein mentioned several possible dates for a Special Town Election; one being March 27th – the same day as Town Election. She stressed that such scheduling on March 27 would eliminate extra work and would be less expensive for the Town. Ms. Klein stated that the scheduling decision would have to be made by February 17, 2023.

Chair Russo suggested that the vote not be taken tonight, and that the Select Board could schedule a separate meeting to address this aspect. Board Members agreed that resident education would be critical.

Fire Chief John Whalen concurred that much education would be necessary before such a ballot question could be presented to the voters.

Ms. Goldberg stated it would still be possible to have a Special Election after the articles are presented.

Resident and Finance Committee Member Eric Poch, 28 Ruddick Road, indicated there would not be enough time for public consideration. He added that the Finance Committee had a responsibility to produce a non-override budget; there would not be enough time for that to happen.

Resident and Commission on Disability Member Pat Brown, 34 Whispering Pine Road, stated she was not sure about costs associated with special elections and the timing of such election as segue to the SPS need. She spoke of the “Pro” and “Con” article presentations, and the time that process might involve.

Town Clerk Klein responded that the cost of a Town Election costs approximately \$15,000, none of which would be reimbursed by the State. Ms. Goldberg confirmed that Town Counsel would provide the Pro and Con arguments, if no resident offered to do so.

Resident Manish Sharma inquired about similar processes taking place in Town.

Chair Russo read in the words of the motion, as suggested by Attorney Goldberg. Vice-Chair Dretler moved in the words of the Chair. Board Member C seconded the motion.

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

VOTED: To direct Town Counsel to prepare voting language for review at the Select Board meeting on Thursday night.

Discussion on ATM Fairbank A/V Article, potential funding sources for the A/V design, and which Board Member will present on Capital Night 2/13.

Board Member Kouchakdjian offered to present the Fairbank A/V Article at Select Board Capital Night meeting scheduled for February 13.

Board Members discussed possible funding for the article.

Vice-Chair Dretler, in response to Chair Russo's suggestion to match or split the cost with the Commission on Disability (COD), proposed that ARPA funds of \$13,460 be used, and that the Select Board Chair could ask the Commission on Disability (COD) Chair if the COD would consider contributing to the Fairbank A/V funding request. Board Member Kouchakdjian commented that COD had 12,000 in their account but had zero income over the last couple of years..

Finance Director Keohane stated ARPA funds were immediately available for this request.

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

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

VOTED: To allocate \$13,460 from ARPA funds towards AV design for the future Town Meeting AV Article.

Board Member Carty stated that such a vote would not follow customary process. Board Member Roberts mentioned that related articles were approved at the last Town Meeting.

Recess

Vice-Chair Dretler motioned that the Select Board recess and return to the meeting by 10:01 AM. Board Member Roberts seconded the motion.

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

VOTED: To recess and return to the meeting by 10:01 AM

Vote to reallocate the \$268,568.82 of unspent ARPA funding related to the waterline connection replacement affecting the Fairbank property to the Fairbank Community Center project Owner's Construction Contingency budget to fund unforeseen or previously unknown costs associated with the original (as bid) Fairbank Community Center scope, provided that any unspent funds remaining at the completion of construction of the original scope project would revert back to the Town.

Present: Craig Blake, Permanent Building Committee (PBC); Jennifer Pincus, PBC

Mr. Blake suggested that the Select Board vote to re-allocate a portion of the \$268,568.82 of ARPA funding with such amount to be established at a later date.

Board Members agreed that such a vote required additional information/consideration.

Resident Manish Sharma inquired about related vendors/contractors, licenses, and asked if any State funding could be provided for re-piping of a waterline.

Request to reallocate \$11,542 in ARPA funds originally allocated to purchase a new stretcher to purchase a new Rescue Boat, as requested by Fire Chief John Whalen

Present: Fire Chief John Whalen

Chief Whalen reviewed the project, noting that the Sudbury Foundation provided the funding for the stretcher, and requested that the remaining \$11,542 of ARPA allocation be used to replace the existing Rescue Boat, which is 100% out of service. He added that no repair companies would repair the boat or provide guarantees.

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

VOTED: To reallocate \$11,542 in ARPA funds originally allocated to purchase a new stretcher to purchase a new Rescue Boat, as requested by Fire Chief John Whalen

Chief Whalen mentioned that the Sudbury Fire Department helped with a rescue mission at the hospital in Brockton today.

Vote to allow the balance of \$233,500 of \$1,000,000 ARPA funding allocated to the Boston Post Rd. Fire Station No. 2 project to remain in place for required utilization in current contractual obligations with the balance to be utilized for unknown/unforeseen conditions which may arise during the project duration

Chair Russo tabled this discussion to the February 28th Select Board Meeting

Financial Policies Amendment for Timing of Capital Improvement Advisory Committee (CIAC) Input on Capital Articles

Board Member Roberts provided detail regarding the CIAC request to move the required submission date for their report. Board Member Roberts mentioned that March 19th appeared to be a reasonable date (day after Capital Night Meeting) to enact the policy/report.

Board Members reviewed the related document – “Town of Sudbury Financial Policies Manual, Version 1.0, Approved 01.24.22 Version,” with focus on policy Items 7 and 8, with the last statement in item 7 to be eliminated: “At this joint meeting, the CIAC will present its opinions on capital projects within its scope and will follow-up with a final written report,” and to add item 8: “The CIAC shall, not later than March 19th, submit to the Select Board and Finance Committee its written report with recommendations on capital projects within its scope.”

Board Member Roberts motioned to make the changes to the Financial Policies regarding expectations for the CIAC report and date as described. Vice-Chair Dretler moved in the words of Board Member Roberts. Board Member Carty seconded the motion.

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

VOTED: to make the changes to the Financial Policies regarding expectations for the CIAC report and date as described

Discussion and possible vote on a request from Elevate Youth - a non-Sudbury non-profit organization providing outdoor experiences to urban youth – to conduct a fishing clinic at Camp Sewataro, for which compensation would be provided.

Board Member Roberts asked for additional information, especially in consideration of liability aspects.

Chair Russo recommended discussion be continued, and the Board Members could submit related questions to the Town Manager's office.

MBTA Communities update

Chair Russo explained that Planning and Community Development Director Adam Duchesneau submitted the interim action plan to the State in order to be in compliance with 2024 requirements. He suggested that the Board continue to be presented with related filing requirements.

Chair Russo confirmed that the Planning Director would be presenting updates to the Board going forward.

Public Comments (cont.)

None

Upcoming agenda items

- Update on hybrid meetings technology
- Updating of Town website and have IT contribute
- Remote meeting policy update
- BFRT Task Force update
- Annual Select Board Report
- First Parish License – related discussion took place – right of first refusal presentation

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 21, 2023, 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 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 5-0; Roberts-aye, Dretler-aye, Kouchakdjian-aye, Carty-aye, Russo-aye

VOTED: To Grant a Special Permit to the National Brain Tumor Society, to hold the "National Brain Tumor Society Ride" on Sunday, May 21, 2023, 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

Vote to accept the Executive Office of Public Safety, Department of Fire Service (EOPS/DFS) FY23 Firefighter Safety Equipment Grant in the amount of \$12,382.30. These funds will be used to purchase

replacement firefighting gear for four (4) members of the Fire Department, as requested by Fire Chief John Whalen

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 5-0; Roberts-aye, Dretler-aye, Kouchakdjian-aye, Carty-aye, Russo-aye

VOTED: To accept the Executive Office of Public Safety, Department of Fire Service (EOPS/DFS) FY23 Firefighter Safety Equipment Grant in the amount of \$12,382.30. These funds will be used to purchase replacement firefighting gear for four (4) members of the Fire Department, as requested by Fire Chief John Whalen

Vote to accept the Easement for Pedestrian Access (sidewalk easement) for the sidewalks in the Cold Brook Crossing residential development along North Road/Route 117 and Cold Brook Drive, as requested by Adam Duchesneau, Director of Planning and Community Development.

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 5-0; Roberts-aye, Dretler-aye, Kouchakdjian-aye, Carty-aye, Russo-aye

VOTED: To accept the Easement for Pedestrian Access (sidewalk easement) for the sidewalks in the Cold Brook Crossing residential development along North Road/Route 117 and Cold Brook Drive, as requested by Adam Duchesneau, Director of Planning and Community Development

Adjourn

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

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

VOTED: To adjourn the meeting of the Select Board

There being no further business the meeting ended at 11:07 PM.

SB Meeting 2/7/13 Documents & Exhibits

4. As the Licensing Authority for the Town of Sudbury, in accordance with MGL c138, s. 15, vote to approve a Change of Manager for RBSBW, Inc. d/b/a Sudbury Farms, 439 Boston Post Road, from James Kevin McCafferty to Kevin Fry, as requested in an application dated January 12, 2023. (~15 min.)

Attachments:

- 4.a Sudbury Farms Change of Manager 2023_SB
- 4.b Department Feedback_Sudbury Farms_Change of Manager 2023

6. Interview candidate for the Capital Improvement Advisory Committee (CIAC). Following interview, vote whether to appoint Lisa Saklad, 73 Firecut Lane, for a term to expire 05/31/2026.

Attachments:

- 6.a Saklad_Lisa_CIAC_App_SB
- 6.b Appt Rec Lisa Saklad CIAC

7. Vote to authorize the Interim Town Manager to sign the contract/agreement with Pare Corporation to conduct environmental compliance monitoring services for the Phase 2D construction of the Bruce Freeman Rail Trail, as requested by Adam Duchesneau, Director of Planning and Community Development.

Attachments:

- 7.a Pare Corporation Environmental Monitoring Services Contract
- 7.b Pare Corporation Environmental Monitoring Services Proposal 230127
- 7.c Pare Corporation Environmental Monitoring Services Contract 230203 w TC Redlines

8. Discussion of potential Special Town Election Ballot Timelines/Guidelines. Town Clerk Beth Klein & Lauren Goldberg of KP Law to attend.

Attachments:

- 8.a Ballot-Question-Policy_02.07.17
- 8.b WARRANT SCHEDULE MAY 2023 ATM__ATE_STM_draft1
- 8.c Proposed Special Town Election Schedule for 2023 5.9.2023 if vote on 5-9 1-5-23
- 8.d Proposed STE Schedule for 5.23.23
- 8.e Proposed STE Schedule for 6.6.23
- 8.f SSC Select Board Letter 2.6.2023
- 8.g Sudbury Town Election ballot question deadlines 2023

9. Vote to accept 2023 Annual Town Meeting articles submitted by 1/31/23 and to refer all articles to Town Counsel for review and comment as to form. Also 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.

Attachments:

- 9.a 2023 ATM_Articles_draft 2-2-23 REVISED MB.DK2
- 9.b ATM Articles Submitted_complete

10. Update on issues with Fairbank Pool dive well (possible chlorine leaks, etc.) including potential costs and funding sources. Also possible vote to appropriate a sum of \$275,500 in ARPA funding to address deteriorated and failed piping, valves and fittings at the Atkinson Lap and Dive pools. In attendance will be Sandra Duran, Dennis Mannone, Craig Blake, Jennifer Pincus.

Attachments:

10.a Sudbury Fairbanks_ Report of testing Findings

11. Discussion on ATM Fairbank A/V article, potential funding sources for the A/V design, and which Board Member will present on Capital Night 2/13.

Attachments:

11.a mem-2023-0126 Eberly Fairbank AV additional Services

12. Vote to reallocate the \$268,568.82 of unspent ARPA funding related to the waterline connection replacement affecting the Fairbank property to the Fairbank Community Center project Owner's Construction Contingency budget to fund unforeseen or previously unknown costs associated with the original (as bid) Fairbank Community Center scope, provided that any unspent funds remaining at the completion of construction of the original scope project would revert back to the Town.

Attachments:

12.a Fairbank Community Center - Reservation of ARPA Funding request from Craig Blake 12-14-22

12.b ARPA Status for ARPA Discussion 1-12-23

12.c Copy of ARPA - Sudbury compiled requests listing from Website 6-24-22

13. Request to reallocate \$11,542 in ARPA funds originally allocated to purchase a new stretcher to purchase a new Rescue Boat, as requested by Fire Chief John Whalen.

Attachments:

13.a Rescue Boat Memo

14. Vote to allow the balance of \$233,500 of \$1,000,000 ARPA funding allocated to the Boston Post Rd. Fire Station No. 2 project to remain in place for required utilization in current contractual obligations with the balance to be utilized for unknown/unforeseen conditions which may arise during the project duration.

Attachments:

14.a Request to Maintain ARPA Funding for Fire Station No. 2 Phase 1 Project

15. Financial Policies Amendment for Timing of Capital Improvement Advisory Committee (CIAC) Input on Capital Articles

Attachments:

15.a 02.07.23 Financial Policies Amendment to Capital Night CIAC Requirement

16. Discussion and possible vote on a request from Elevate Youth - a non-Sudbury non-profit organization providing outdoor experiences to urban youth – to conduct a fishing clinic at Camp Sewataro, for which compensation would be provided.

Attachments:

16.a Fishing at Sewataro_email

17. MBTA Communities update

Attachments:

17.a MBTA email

17.b ActionPlanforMBTACommunities_Submission_1063051562

19. Upcoming agenda items

Attachments:

19.a Upcoming items 02.07.23

20. Vote to Grant a Special Permit to the National Brain Tumor Society, to hold the "National Brain Tumor Society Ride" on Sunday, May 21, 2023, 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:

20.a Brain Tumor Soc Ride Application 2023_SB

20.b Brain Tumor Ride Feedback 2023

21. Vote to accept the Executive Office of Public Safety, Department of Fire Service (EOPS/DFS) FY23 Firefighter Safety Equipment Grant in the amount of \$12,382.30. These funds will be used to purchase replacement firefighting gear for four (4) members of the Fire Department, as requested by Fire Chief John Whalen.

Attachments:

21.a FY23 FFE Grant Executed Contract Sudbury

22. Vote to accept the Easement for Pedestrian Access (sidewalk easement) for the sidewalks in the Cold Brook Crossing residential development along North Road/Route 117 and Cold Brook Drive, as requested by Adam Duchesneau, Director of Planning and Community Development.

Attachments:

22.a Cold Brook Crossing - Sidewalk Easement 230109