

## SUDBURY SELECT BOARD

TUESDAY, JANUARY 10, 2023

(Meeting can be viewed at [www.sudburytv.org](http://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 7:01 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**

Kouchakdjian-present, Roberts-present, Dretler-present, Carty-present, Russo-present

### **Opening Remarks by Chair**

- Welcomed back everyone after the holidays
- LSRHS Superintendent community input session January 11<sup>th</sup> and 12<sup>th</sup>; information is on the Town website
- Budget season considerations
- Sewataro Operator Scott Brady is unable to be present tonight

### **Reports from Interim Town Manager**

- Town Meeting Warrant is open; articles due Jan 31, 2023 at 4:30 PM
- Positions available for the 2023 Town Elections
- COVID Clinic on January 19 at the Senior Center; further information on the Town website

### **Reports from Select Board**

Vice-Chair Dretler:

- LSRHS Committee is meeting tonight, and discussing community concerns related to the screening process for the Superintendent Subcommittee
- MMA conference January 20<sup>th</sup> and 21<sup>st</sup> – several Board Members will be attending
- Expressed concerns about postponing the Sewataro discussion; was prepared to have a related discussion with the Board at this meeting

Board Member Roberts:

- Hoped all had pleasant holiday and Happy New Year
- CPC met last week, and voted to move forward with six projects, discussion re: budget pressures - \$3 million in requests; more tax-funding the last couple of years
- Bill Murphy's last Board of Health meeting was today, and wished him the best; BOH spoke about next steps for replacement

- Finance Committee met last night in preparation of budget season; tomorrow she will meet regarding Capital Summit with the Finance Committee

Board Member Kouchakdjian:

- Wishing everyone a happy, healthy, and prosperous New Year
- Thanked Chair Russo and Vice-Chair Dretler for mentioning LSRHS considerations
- Library Friends and Trustees working to resolve concerns
- Looking forward to attending the MMA Conference

Board Member Carty:

- Wished all a Happy New Year
- Excited the Town received a \$15,000 grant from Department of Energy Resources – Green Community, to be used toward the purchase of a battery-based electric vehicle
- SPS Committee met last night – approved their budget which came in over proposed budget, and will proceed with an override with a related letter to the Select Board

**Public Comments on items not on agenda**

Resident Manish Sharma, 77 Colonial Drive, asked if a summary of meeting presentations/documents could be included on the Town website in efforts to promote transparency.

Resident and SPS teacher Carrie Lucchese, 15 Bowen Circle, shared concerns about the SPS budget and great efforts made by the school department during the COVID times. She explained that as a teacher in the library, she interacts with all students. Ms. Lucchese advocated for a school budget override to help maintain educational excellence in Sudbury.

Melissa Morabito, 6 Amy Road, Framingham, and SPS 3<sup>rd</sup> grade teacher, agreed to provide input later in the meeting and other meetings as well.

Vice-Chair Dretler suggested that those wishing to speak send emails to the Select Board Office.

**Discussion and possible vote to move forward the article proposing adoption of a General Bylaw regulating the placement of small wireless facilities in public ways to the Annual Town Meeting Warrant**

Present: David Maxson, Isotrope Consulting; Attorney Robin Stein, KP Law; Planning and Community Development Director Adam Duchesneau

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

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

VOTED: To open the public hearing for the small wireless facilities

Interim Town Manager Bilodeau presented an overview of the edited small wireless facilities documentation, with legal counsel input.

Small Wireless Facilities Subcommittee Board Members Dretler and Carty confirmed that they were ready to move forward with the Article and the Planning Board supported it.

Chair Russo said that the passing of the Article would provide a clearer pathway for wireless projects in the Town.

Board Member Kouchakdjian inquired about an associated fee schedule. Interim Town Manager Bilodeau confirmed the fee schedule would be established by the Select Board, and handled in the Select Board's Office. Attorney Stein added paragraph #21 documents that such fees would be handled in the Office of the Select Board and the Town Clerk.

Mr. Duchesneau concurred that moving the Article forward at this time would be in the Town's best interest. Chair Russo acknowledged that the Planning Board had discussed the proposed Article several times.

Resident Diana Warren, 32 Old Framingham Road, noted that she just learned about the bylaw, and stressed that she was opposed to the draft as written, and was disappointed in the process. Vice-Chair Dretler acknowledged the hearing was published and legally noticed, and there would be opportunity at Town Meeting to present further comment.

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

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

VOTED: To close the public hearing for placement of small wireless facilities in public ways in Sudbury

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

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

VOTED: To move forward with the Article, proposing the adoption of a general bylaw regulating the placement of the small wireless facilities in public ways to the Annual Town Meeting Warrant, and authorize the Interim Town Manager to submit the Warrant Article for the Select Board

**Vote to open the public hearing to transfer all alcohol license**

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

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

VOTED: Voted to open the public hearing on the alcohol license for Riceberry, 621 Boston Post Road, Sudbury

**Application of Eat Am Are, Inc., d/b/a Riceberry, 621 Boston Post Rd., Sudbury, Manager Pornphan Promnok, for a Transfer of License for the Sale of All Alcoholic Beverages, under G. L. Ch. 138, s.12, from Nala Prosperity, Inc, d/b/a Riceberry, Manager Lanlalit Soares**

Present: Pornphan Promnok, Manager

Ms. Promnok provided hours of operation of the restaurant, noting there are 3 full time and 2 part-time employees, three being TIP certified.

Board Members asked related questions.

Chair Russo read in the words of the motion. Board Member Roberts 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 approve the Transfer of License for the Sale of All Alcoholic Beverages, under G. L. Ch. 138, s.12, from Nala Prosperity, Inc, d/b/a Riceberry, Manager Lanlalit Soares. The premises proposed to be licensed (i.e., 621 Boston Post Road) is described as: one floor and three total rooms consisting of a dining room, kitchen and bathroom

Chair Russo read in the words of the motion. Board Member Roberts 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 close the public hearing for transfer of all alcohol license for Riceberry

**Discussion and vote whether to approve request of NSTAR ELECTRIC COMPANY d/b/a as EVERSOURCE ENERGY and VERIZON for the purpose of obtaining a Grant of Locations to relocate two (2) poles #2/41, #2/38A and to remove one (1) pole #2/39**

Present: Christine Cosby, Eversource

Ms. Cosby provided request update, detailing that Eversource was petitioning for pole work to relocate two poles and remove one pole to accommodate intersection and road improvements. Chair Russo confirmed the proposal would help with the proposed Complete Streets project at that intersection and related site lines.

Chair Russo read in the words of the motion. Board Member Roberts 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 approve the request of NSTAR ELECTRIC COMPANY d/b/a as EVERSOURCE ENERGY and VERIZON for the purpose of obtaining a Grant of Locations to relocate two (2) poles #2/41, #2/38A and to remove one (1) pole #2/39. This work is necessary to accommodate town road intersection improvements

**Interview candidate for the Diversity Equity and Inclusion Commission (DEIC). Following interviews, vote whether to appoint Dianne Baxter for a term expiring 5/31/25**

Present: Dianne Baxter, 2 East Street

Ms. Baxter stated she has done much volunteer work in Sudbury, and currently leads DEI strategy/learning incentives with various organizations.

Board Members presented related questions and thanked Ms. Baxter for her willingness to be a member of the DEIC.

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

VOTED: To appoint Dianne Baxter, 2 East Street, to the Diversity Equity and Inclusion Commission (DEIC) for a term expiring 5/31/25

**Town Clerk Beth Klein to provide summary of Election law update as a result of passage of the Votes Act**

Present: Clerk Beth Klein

Ms. Klein presented an overview of the 2022 Votes Act, outlining:

- Voter Registration
- Vote By Mail
- Vote by Mail Application Process
- Weekend Voting Hours
- Local Election process changes

Board Members asked related questions.

**Discussion and possible vote to authorize the Interim Town Manager to enter into an agreement with General Code (GC) to incorporate gender-neutral language to the Town of Sudbury Town Code by replacing Selectmen/Board of Selectmen with Select Board everywhere it appears in the Bylaws; and replacing pronouns and nomenclature everywhere they appear in the Town of Sudbury Bylaws to make them gender neutral, as requested by Town Clerk Beth Klein**

Present: Clerk Beth Klein

Ms. Klein described the gender change process, and mentioned related actions in other communities making changes as well.

Board Member Carty asked if this agreement would require a vote at Town Meeting. Ms. Klein responded in the affirmative.

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, Kouchakdjian-aye, Roberts-aye, Carty-aye, Russo-aye

VOTED: To authorize the Interim Town Manager to enter into an agreement with General Code (GC) to incorporate gender-neutral language to the Town of Sudbury Town Code by replacing Selectmen/Board of Selectmen with Select Board everywhere it appears in the Bylaws; and replacing pronouns and nomenclature everywhere they appear in the Town of Sudbury Bylaws to make them gender neutral, as requested by Town Clerk Beth Klein.

**Financial Condition of the Town/look ahead status of FY24 budget**

Present: Finance Director Dennis Keohane

Interim Town Manager Bilodeau presented the “2023 Financial Condition of the Town” PowerPoint slides. Given restraints, Interim Town Manager Bilodeau recommended an SPS override not be considered, and confirmed she sought to work with the new Town Manager and Mr. Keohane on FY23 in light of major capital projects.

Interim Town Manager Bilodeau noted that she had decided after consulting with staff, members of the Select Board, school committee and school department, and incoming Town Manager Andy Sheehan to not pursue a tax override for the municipal budget for FY24.

Vice-Chair Dretler expressed concern about two Select Board Members being part of a budget-related meeting. Interim Town Manager Bilodeau mentioned that she and Chair Russo meet weekly and Board Member Carty acts as liaison to SPS. She further detailed that Andrew Sheehan knows the circumstances and will be part of such a discussion shortly. Chair Russo stated the intent of the meeting was to provide a briefing to Mr. Sheehan, and no decisions or votes were taken.

Board Member Kouchakdjian concurred that such a meeting should have involved all Board Members, and supported an SPS override. Member Kouchakdjian expressed concern about whether or not the town budget is sufficient to support staffing needs.

Board Member Roberts recognized the importance of the new Town Manager being involved in consideration of a future override for future staff functions. She indicated that such discussions should be included in next year’s budget planning. Interim Town Manager Bilodeau agreed that such planning going forward was a priority. Mr. Keohane agreed with the Interim Town Manager.

Board Members agreed to have discussion about a Special Town Election to address overrides as soon as possible after the Annual May Town Meeting.

Melissa Morabito, 16 Amy Road, Framingham and a 3<sup>rd</sup> grade teacher in Sudbury; expressed her appreciation for the Select Board wanting to engage with the School Committee. She stressed the needs of today’s students have never been higher, including mental health and social/emotional aspects.

**Recess**

Board Member Roberts motioned to recess, with the Board resuming at 9:58 PM. Board Member Carty seconded the motion.

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

VOTED: to recess, with the Board resuming at 9:58 PM

The meeting resumed at 9:58 PM.

**Update on Sewataro Financials and Infrastructure/ADA improvement plans**

Present: Finance Director Dennis Keohane

Chair Russo stated the discussion would be tabled to the next Select Board meeting as Camp Operator Scott Brody was unable to attend.

Board Member Kouchakdjian asked if Mr. Keohane could provide a related Sewataro financial summary at the next meeting. Mr. Keohane responded that he would summarize debt and revenue aspects at the next Select Board meeting in two weeks.

Mr. Keohane left the meeting at 10:05 PM.

### **Transportation Warrant Article Discussion/possible vote**

Present: Director of Planning and Community Development Adam Duchesneau

Mr. Duchesneau had no new information to share; he advocated for a \$150,000 Article from Free Cash to fund GOSudbury! for another year.

Vice-Chair Dretler suggested \$150,000 funding from ARPA, stressing that Free Cash should not be used for Town operations.

Vice-Chair Dretler confirmed she would be speaking with Senator Eldridge to discuss possible transportation funding.

Board Members discussed ARPA to fund the \$150,000 request. Board Member Roberts had concerns about using ARPA funds. Chair Russo agreed that ARPA funding might be needed to address other matters.

### **Discussion on potential 2023 Annual Town Meeting Articles to be submitted by the Select Board, and also authorize the Interim Town Manager to submit articles on behalf of the Select Board**

Interim Town Manager Bilodeau read proposed Articles.

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

VOTED: To authorize the Interim Town Manager to submit articles on behalf of the Select Board

### **Vote whether to release Town Counsel Housing Trust legal opinion as requested by resident Pat Brown**

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

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

VOTED: To release Town Counsel Housing Trust legal opinion as requested by resident Pat Brown

### **Discussion and possible vote on Town Counsel 3-year Evaluation**

Interim Town Manager Bilodeau confirmed that Select Board feedback was compiled, and ratings were given.

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

VOTED: To authorize Interim Town Manager Bilodeau to negotiate another 3-year contract.

Interim Town Manager Bilodeau agreed to get information from KP Law regarding a one-year contract and a three-year contract.

### **Public comments**

Manish Sharma asked about possible Transportation Article grants, and suggested reaching out to Uber about government subsidies. He opined about bringing in an interim legal group.

### **Discuss topics to be assigned for Winter 2023 Select Board newsletter**

Board Members outlined assignments:

- Russo – Interview and Q&A section with Andrew Sheehan
- Kouchakdjian – Breakdown of the ADA Transition Plan
- Roberts - No sure of the topic at this time
- Dretler – Interview with State representative and Senator regarding upcoming topics
- Carty – Transportation Update

Interim Town Manager Bilodeau stated the Newsletter submission deadline is January 30<sup>th</sup>.

### **Vote to review and possibly approve the open session minutes of 10/25/22**

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

VOTED: To approve the 10/25/22 minutes, as edited

### **Upcoming Agenda items**

#### **1/23/23 Meeting:**

- Joint meeting with SPS

#### **1/24/23 Meeting:**

- Sewataro Financials
- Transportation Article
- Vocational Education Update

#### **Future Meeting:**

- Broadacres initiatives
- In person meetings
- KP Law Contract



**Consent Calendar**

**Vote to accept \$4600 of Emergency Management Performance Grant (EMPG) funds for the purchase of computing devices to be used with the Fire Departments new Fire Software (RMS) program**

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

VOTED: to accept \$4600 of Emergency Management Performance Grant (EMPG) funds for the purchase of computing devices to be used with the Fire Departments new Fire Software (RMS) program. This grant will also fund the purchase of three new air gas sampling meters for 02, LEL, CO and H2s, as requested by Fire Chief John Whalen

**Discussion and vote whether to approve an increase in the annual senior property tax workoff amount from \$1425 to \$1500 per year**

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

VOTED: To approve an increase in the annual senior property tax workoff amount from \$1425 to \$1500 per year, as requested by Debra Galloway, Senior Center Director

**Adjourn**

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

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

VOTED: To adjourn the meeting

There being no further business, the meeting ended at 11:25 PM.

## **SB Meeting 1/10/13 - Documents & Exhibits**

1. Discussion and possible vote to move forward the article proposing adoption of a General Bylaw regulating the placement of small wireless facilities in public ways to the Annual Town Meeting Warrant.

### **Attachments:**

- 1.a KP-#843805-v1-SUDB- Small\_Cell\_Bylaw\_Public\_Hearing\_Notice
- 1.b KP-#844600-v2-SUDB- Small\_Wireless\_Bylaw\_Draft\_Final\_12-30-22
- 1.c KP-#844600-v2-SUDB- Small\_Wireless\_Bylaw\_Draft\_redlined\_12-30-22

3. Application of Eat Am Are, Inc., d/b/a Riceberry, 621 Boston Post Rd., Sudbury, Manager Pornphan Promnok, for a Transfer of License for the Sale of All Alcoholic Beverages, under G. L. Ch. 138, s.12, from Nala Prosperity, Inc, d/b/a Riceberry, Manager Lanlalit Soares.

### **Attachments:**

- 3.a Riceberry Transfer 2022\_SB
- 3.b Riceberry Transfer\_Staff Feedback
- 3.c Alcohol License Quotas 12.29.22
- 3.d Legal Notice\_Riceberry\_AA Transfer

4. Discussion and vote whether to approve request of NSTAR ELECTRIC COMPANY d/b/a as EVERSOURCE ENERGY and VERIZON for the purpose of obtaining a Grant of Locations to relocate two (2) poles #2/41, #2/38A and to remove one (1) pole #2/39. This work is necessary to accommodate town road intersection improvements. Christine Cosby of Eversource to attend.

### **Attachments:**

- 4.a Concord Rd- Cover OH JO No Hearing WO# 7367225
- 4.b Concord Road - Order OH JO No Hearing WO# 7367225
- 4.c Sudbury 7367225 Concord Rd Petition Signed
- 4.d SUD-CONCORAF-7367225
- 4.e DEPARTMENT FEEDBACK

5. Interview candidate for the Diversity Equity and Inclusion Commission (DEIC). Following interviews, vote whether to appoint Dianne Baxter, 2 East Street, for a two-year term.

### **Attachments:**

- 5.a D\_Baxter\_appl

6. Town Clerk Beth Klein to provide summary of Election law update as a result of passage of the Votes Act.

### **Attachments:**

- 6.a memo to SB- Votes Act-final
- 6.b 2023- Vote-by-Mail-Application

8. Update on Sewataro Financials and Infrastructure/ADA improvement plans. Camp Operator Scott Brody to attend.

### **Attachments:**

- 8.a Sewataro\_Contract\_Amendment\_3-\_Executed
- 8.b Sewataro Financial Statement Sept 2022\_ INDEPENDENT ACCOUNTANTS' REVIEW REPORT
- 8.c Exhibits\_to\_Sewataro\_Amendment\_4-11-22
- 8.d 2023\_Swimming\_Exhibit
- 8.e RE\_ ConCom Licenses

**9. Financial Condition of the Town/Look ahead status of FY24 budget**

**Attachments:**

- 9.a 2023 Town of Sudbury Financial Condition and Forecast 1-10-23 for SB Presentation
- 9.b SPS\_memo\_budget
- 9.c SSC Budget Letter to Select Board 1.9.23

**11. Transportation Warrant Article discussion/possible vote. Adam Duchesneau, Director of Planning and Community Development, to present.**

**Attachments:**

- 11.a Go Sudbury! FY24 Funding Request Summary 221219
- 11.b GO SUDBURY TAXI AND UBER TRANSPORTATION Draft 2023 ATM Warrant Article

**12. Vote whether to release Town Counsel Housing Trust legal opinion as requested by resident Pat Brown.**

**Attachments:**

- 12.a CONFIDENTIAL. ATTORNEY-CLIENT PRIVILEGE. NOT A PUBLIC RECORD.

**13. Discussion and possible vote on Town Counsel 3-year Evaluation**

**Attachments:**

- 13.a 3 Year Evaluation of Town Counsel 1-5-23

**15. Discuss topics to be assigned for Winter 2023 - Select Board newsletter.**

**Attachments:**

- 15.a SB Newsletter Previous Topics\_12.07.22

**16. Vote to review and possibly approve the open session minutes of 10/25/22.**

**Attachments:**

- 16.a SB\_draft1\_10.25.22\_min\_for\_review

**17. Upcoming agenda items**

**Attachments:**

- 17.a Upcoming items 01.10.23

**18. Vote to accept \$4600 of Emergency Management Performance Grant (EMPG) funds for the purchase of computing devices to be used with the Fire Departments new Fire Software (RMS) program. This grant will also fund the purchase of three new air gas sampling meters for O2, LEL, CO and H2s, as requested by Fire Chief John Whalen.**

**Attachments:**

- 18.a FY-22 EMPG Grant Contract \_Application

**19. Discussion and vote whether to approve an increase in the annual senior property tax workoff amount from \$1425 to \$1500 per year, as requested by Debra Galloway, Senior Center Director.**

**Attachments:**

- 19.a memo to select board re property tax work off 12 16 22