

SUDBURY SELECT BOARD

TUESDAY JANUARY 23, 2024

7:00 PM

Hybrid Meeting

Town Hall, 322 Concord Road

(Meeting can be viewed at [www.sudburytv.org](http://www.sudburytv.org))

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

The statutory requirements as to notice having been compiled with, the meeting was convened at 7:04 PM, via Zoom telecommunication mode.

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

**Call to Order**

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

**Opening remarks by Chair**

- Substance abuse presentation to be held at LSRHS tomorrow evening (1/24/24) at 7:30 PM
- Real estate property taxes due February 1, 2024
- Attended the annual MA Municipal Association (MMA) Conference, which was interesting, particularly the session regarding business districts
- Governor Healey filed the Municipal Empowerment Act bill, worthy of review by Select Board Members

**Town Managers Report**

- In consideration of recent weather events, the north end of Concord Road has undergone several road closures, due to culvert overflow; DPW has made improvements hoping the road will remain open going forward

**Select Board Reports**

Board Member Russo

- Echoed comments made regarding the very interesting MMA Conference

Board Member Carty

Had no additional comments

Board Member Roberts

- Noted the MMA Conference was well-attended and enlightening
- Confirmed she had spoken with coastal community representatives at the MMA conference who shared stories about recent weather events

#### Vice-Chair Kouchakdjian

- Agreed that the MMA Conference was great and was very inspiring
- Recently became a member of the WEMO (Women's Elected Municipal Officials) Committee, and will provide related updates to the Committee.

#### Public comments

Resident Len Simon, 40 Meadowbrook Circle, requested that his four-page memo submitted to the Board regarding the gun shop topic be included in tonight's agenda documents. Mr. Simon stated that at the September 2023 Select Board meeting, Town Manager Sheehan emphasized the importance of resident input. Mr. Simon spoke of unadvertised Select Board topic communications between Board Members Russo and Roberts.

#### Consent Calendar

**1. Vote to approve award of contract by the Town Manager upon receipt of a favorable and acceptable bid for cleaning services at the Fairbank Community Center.**

**2. Vote whether to grant a Special Permit to the Sudbury Companies of Minute and Militia, to hold the annual Parade to Commemorate Patriot's Day on Friday April 19, 2024, from 5:30 A.M. through approximately 12:30 P.M., subject to Police Department safety requirements, Proof of Insurance Coverage and the assurance that any litter will be removed at the parade's conclusion.**

**3. Vote to accept a \$3,000 donation from a former Sudbury resident to the Contributions and Donations account toward perpetual care of Town Cemeteries.**

**4. Vote to approve award of contract by the Town Manager, pursuant to approval of Article 27 of the 2023 Annual Town Meeting, to Alpha Facilities Solution, LLC, for the provision of services relative to the municipal building space inventory study and management for facilities with the Town of Sudbury in the amount of \$238,018; and to act on anything relative thereto.**

**5. Vote to accept a federal grant in the amount of \$26,500 awarded by the Food and Drug Administration (FDA) to the Sudbury Health Department for the purpose of meeting the 9 voluntary FDA Retail Program Standards, as requested by Vivian Zeng, Health Director.**

Board Members agreed to review Consent Calendar items #1 and #4 later in the meeting.

Vice-Chair Kouchakdjian motioned to approve Consent Calendar items #2, #3 and #5 as presented. Board Member Russo seconded the motion.

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

VOTED: To approve Consent Calendar items #2, #3 and #5 as presented

**Discussion on Camp Sewataro financials with Scott Brody, Director**

Present: Scott Brody

Mr. Brody presented Camp Sewataro, LLC Financial Statements, dated September 30, 2023; and highlighted various related topics including:

- Advertising Costs – Increased advertising reflected change in website.
- Transportation Costs – Pass-through charge. Flat rate per bus.
- ADA Improvement Costs – Particularly at Liberty Lodge; ramp construction and pond and pool ADA access planning to begin work in the spring.
- Additional ADA Improvement Plan – Accessible parking and shelter, facility by facility; accessibility to tree house also.
- Plans for Public Use – public swim this summer
- Plans for the Future – added access for camp and residents, consider ways to grow revenue base such as offering programs that the Town might not offer.

Vice-Chair Kouchakdjian asked about accessible parking at Liberty Lodge. Mr. Brody provided details about the completed parking project with signage.

Board Member Roberts asked if the plan was to increase the public swimming program. Mr. Brody answered in the affirmative.

Board Member Russo agreed there was more room for resident swimming and favored a balanced approach and testing various resident swim possibilities.

Chair Dretler requested an independent audit be done during the upcoming year in consideration that the Camp has been in operation for five years. Town Manager Sheehan stated it would be best to complete the audit sooner than later. Mr. Brody agreed to such an audit.

Board Member Carty stated he would want to know the price of such an independent audit before voting to approve it.

Board Member Russo motioned to approve an independent financial audit for Camp Sewataro, with the stipulation that the cost of such audit be presented to the Select Board. Board Member Roberts seconded the motion.

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

VOTED: To approve an independent financial audit for Camp Sewataro, with the stipulation that the cost of such audit be presented to the Select Board

**Update on status and next steps on the proposed firearms business use zoning bylaw**

Present: Town Counsel Lee Smith, KP Law

Town Manager Sheehan confirmed that Attorney Smith and two other KP Law attorneys reviewed the proposed firearms bylaw. He noted that Chief Nix could also review the draft before next week's Board meeting.

Members discussed specific zoning aspects as related to the proposed firearms bylaw considerations including:

- Hours of operation
- Special Permit to be recognized by the Select Board in one Town district only
- Adherence to 250' setback
- No alcohol sales on or near proposed site
- Storage
- Age restrictions
- BFRT recognized as a sensitive recreational/park area

Town Manager Sheehan suggested submitting a more substantive proposed firearms draft to the Planning Board and to proceed with scheduling a Public Hearing. He noted that per regulations, the Planning Board would be required to conduct a related Public Hearing before presenting a proposed firearms article at Town Meeting.

Vice-Chair Kouchakdjian motioned to conduct a Public Forum on firearms businesses with restrictions, contingent upon additional information from the Planning Board. Board Member Roberts seconded the motion.

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

VOTED: To conduct a Public Forum on firearms businesses with restrictions, contingent upon additional information from the Planning Board

**Discussion on potential 2024 Annual Town Meeting articles to be submitted by the Select Board, and also authorize the Town Manager to submit articles on behalf of the Select Board**

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

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

VOTED: To approve the Stabilization Fund Article for 2024 Annual Town Meeting and to authorize the Town Manager to submit articles on behalf of the Select Board.

**Discussion and vote whether to use \$17,000 of ARPA funds toward Town match of Community Transit grant**

Board Member Carty presented information regarding the awarded transportation grant so that the MWRTA could service the Town via the Catch Connect Transportation program. Board Member Carty suggested using ARPA funds to supply the matching grant funding in the amount of \$17,000. Town Manager Sheehan confirmed that \$17,000 in ARPA funding would be available for this purpose.

Vice-Chair Kouchakdjian motioned to allocate \$17,000 of ARPA funding to match the Community Transit Grant. Board Member Roberts seconded the motion.

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

VOTED: To allocate \$17,000 of ARPA funding to match the Community Transit Grant

### **Discussion on Town Manager Evaluation Process**

Chair Dretler confirmed the proposed Town Manager Evaluation Process was similar to the evaluation and timeline process; she detailed all aspects of the process.

Board Members reviewed the related evaluation and timeline. Town Manager Sheehan agreed with the discussed process.

Vice-Chair Kouchakdjian motioned to approve the Town Manager Evaluation Process and timeline as presented in the Select Board packet. Board Member Russo seconded the motion.

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

VOTED: To approve the Town Manager Evaluation Process and timeline, as presented in the Select Board packet

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

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

VOTED: To approve the 360 Assessment as outlined in the packet and the evaluation form, as discussed

### **Discussion on DEI Commission Status and Mission**

As Select Board liaison to the DEI Commission, Board Member Roberts explained there had been significant changes. Currently the Commission does not have a Chair and quorums were not often presented at Commission meetings.

Board Member Roberts recommended a DEI specialist provide training/consultation for the Commission and the Select Board. Board Members were in agreement.

After considerable discussion, Board Members concurred that the DEI mission statement should be revised. Board Member Roberts stated she would update the DEI Commission regarding recommendations made by the Board at this meeting.

Chair Dretler suggested revisiting the DEI Commission topic at a future meeting in February.

### **Discuss topics to be assigned for Winter 2024 - Select Board Newsletter**

Board Members indicated preferred Newsletter topics:

- Chair Dretler – Dept. of Public Works
- Vice-Chair Kouchakdjian – Interview with Council on Aging (COA) Director Deb Galloway
- Board Member Russo – Firearms Article Overview
- Board Members Roberts and Carty did not provide a Newsletter topic at this time.

**Discussion and vote on submission to 2023 Annual Town Report**

Board Members discussed edits to the drafts 2023 Annual Town Report.

Vice-Chair Kouchakdjian motioned to approve the 2023 Annual Town Report, as edited. Board Member Russo seconded the motion.

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

VOTED: To approve the 2023 Annual Town Report, as edited

**Acknowledge and discuss Open Meeting Law complaint against Select Board member Charles Russo dated January 17, 2024, filed by resident Leonard Simon; and review and discuss responses to complaint.**

Town Manager Sheehan confirmed that Town Counsel Bryan Riley would be responding to the complaint, as filed by resident Len Simon.

Board Members discussed the complaint. Vice-Chair Kouchakdjian stressed that Town Counsel should speak with both parties in consideration of the discussed firearms topic.

Board Member Carty motioned to accept the KP Law response and direct KP Law to forward the response to the Attorney General's Office. Board Member Roberts seconded the motion.

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

VOTED: To accept the KP Law response and direct KP Law to forward the response to the Attorney General's Office

**Vote to review and possibly approve open session minutes of 12/19/23**

Vice-Chair Kouchakdjian motioned to approve the 12/19/23 minutes, as edited. Board Member Russo seconded the motion.

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

VOTED: To approve the 12/19/23 minutes, as edited

**Consent Calendar**

**1. Vote to approve award of contract by the Town Manager upon receipt of a favorable and acceptable bid for cleaning services at the Fairbank Community Center**

Board Member Carty questioned the pricing of the previous bid in comparison to the proposed bid. Town Manager Sheehan provided clarification and stated that additional detail would be provided by the end of the week.

Vice-Chair Kouchakdjian motioned to approve Consent Calendar Item #1. Board Member Russo seconded the motion.

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

VOTED: To approve Consent Calendar Item #1

**4. Vote to approve award of contract by the Town Manager, pursuant to approval of Article 27 of the 2023 Annual Town Meeting, to Alpha Facilities Solution, LLC, for the provision of services relative to the municipal building space inventory study and management for facilities with the Town of Sudbury in the amount of \$238,018; and to act on anything relative thereto, assuming Fire Station numbers are correct as discussed.**

Board Member Carty inquired about square footage of the new Fire Station, the Fairbank Center and occupancy of the Haynes Meadow property.

Board discussion took place. Town Manager Sheehan responded that the Haynes Meadow property was leased/occupied, and that he would confirm the Fairbank Center and Fire Station specifications.

Vice-Chair Kouchakdjian motioned to approve award of contract by the Town Manager, pursuant to approval of Article 27 of the 2023 Annual Town Meeting, to Alpha Facilities Solution, LLC, for the provision of services relative to the municipal building space inventory study and management for facilities with the Town of Sudbury in the amount of \$238,018; and to act on anything relative thereto, assuming Fire Station numbers are correct as discussed. Board Member Russo seconded the motion.

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

VOTED: To approve award of contract by the Town Manager, pursuant to approval of Article 27 of the 2023 Annual Town Meeting, to Alpha Facilities Solution, LLC, for the provision of services relative to the municipal building space inventory study and management for facilities with the Town of Sudbury in the amount of \$238,018; and to act on anything relative thereto, assuming Fire Station numbers are correct as discussed.

**Adjourn**

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

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

VOTED: To adjourn the Select Board Meeting

There being no further business, the meeting ended at 10:28 PM.

## **1/23/24 SB Documents & Exhibits**

1. Vote to approve award of contract by the Town Manager upon receipt of a favorable and acceptable bid for cleaning services at the Fairbank Community Center.

**Attachments:**

- 1.a Fairbank Community Center Complex Contracted Cleaning and Light Maintenance Services\_ Addendum 1 \_ 12.4.2023
- 1.b FY21 Specifications - Fairbank
- 1.c FY24 Fairbank Cleaning General Conditions Specs 11.20.2023 Final
- 1.d FY24 FY25 Fairbank Advertisement for Invitation to Bid 11.20.2023 - Final
- 1.e HUB Bid Form Fairbank
- 1.f Hub contract current
- 1.g Plan
- 1.h Sudbury Community Center, Floor Plan (2.6.23) (2)
- 1.i Walkthrough\_List\_Cleaning Fairbank Center

2. Vote whether to grant a Special Permit to the Sudbury Companies of Minute and Militia, to hold the annual Parade to Commemorate Patriot's Day on Friday April 19, 2024, from 5:30 A.M. through approximately 12:30 P.M., subject to Police Department safety requirements, Proof of Insurance Coverage and the assurance that any litter will be removed at the parade's conclusion.

**Attachments:**

- 2.a Patriot's Day Parade 2024 Application\_SB
- 2.b Patriots Day Parade Feedback 2024

3. Vote to accept a \$3,000 donation from a former Sudbury resident to the Contributions and Donations account toward perpetual care of Town Cemeteries.

**Attachments:**

- 3.a Cemetery Donation acct

4. Vote to approve award of contract by the Town Manager, pursuant to approval of Article 27 of the 2023 Annual Town Meeting, to Alpha Facilities Solution, LLC, for the provision of services relative to the municipal building space inventory study and management for facilities with the Town of Sudbury in the amount of \$238,018; and to act on anything relative thereto.

**Attachments:**

- 4.a Alpha justification letter to TM for SB approval 1.16.2023-signed
- 4.b Alpha Town of Sudbury MA Proposal 110623 Final

5. Vote to accept a federal grant in the amount of \$26,500 awarded by the Food and Drug Administration (FDA) to the Sudbury Health Department for the purpose of meeting the 9 voluntary FDA Retail Program Standards, as requested by Vivian Zeng, Health Director.

**Attachments:**

- 5.a Sudbury FDA Grant Award CY24

6. Discussion on Camp Sewataro financials with Scott Brody, Director

**Attachments:**

- 6.a Camp Sewataro Financial Statements 9-30-23

7. Update on status and next steps on the proposed firearms business use zoning bylaw (continued from 1/9/24 meeting).



**Attachments:**

- 7.a Modified\_Setback\_Analysis\_FAU\_Bylaw\_232812
- 7.b Firearms Bylaw AJS 2024-01-10
- 7.c Sudbury Niche Store Hours 2024 Roberts

9. Discussion and vote whether to use \$17,000 of ARPA funds toward Town match of Community Transit grant.

**Attachments:**

- 9.a 0118\_MPO\_FFYS\_2024-28\_TIP\_Amendment\_4\_for\_Release
- 9.b FY24 CTGP PROJECT budget - accessible Word version Sudbury rev
- 9.c FY24 CTGP PROJECT form - operating final Sudbury
- 9.d Town of Sudbury
- 9.e Transportation\_20231219SB\_Meeting

10. Discussion on Town Manager Evaluation Process

**Attachments:**

- 10.a 1. TM Evaluation Process for 5.1.18 meeting accepted
- 10.b 2. 2024 Town Manager Annual Review Timeline
- 10.c 3. Sheehan contract 2022-12-06.signed.final
- 10.d 4. 2024-Select-Board-Priority-Goals-and-Deliverables
- 10.e 5. 2022 360 Questions
- 10.f 6. Town Manager Review Form 03.25.22

11. Discussion on DEI Commission Status and Mission

**Attachments:**

- 11.a Baxter email 2024-01-08
- 11.b DEI Commission Mission Statement Amended and Approved 09.28.22

12. Discuss topics to be assigned for Winter 2024 - Select Board newsletter.

**Attachments:**

- 12.a SB Newsletter Previous Topics\_01.10.24

13. Discussion and vote on submission to 2023 Annual Town Report.

**Attachments:**

- 13.a SB-TM annual town report 2023 2024-01-17

14. Acknowledge and discuss Open Meeting Law complaint against Select Board member Charles Russo dated January 17, 2024, filed by resident Leonard Simon; and review and discuss responses to complaint.

**Attachments:**

- 14.a OPEN MEETING LAW COMPLAINT AGAINST CHARLIE RUSSO2

15. Vote to review and possibly approve open session minutes of 12/19/23.

**Attachments:**

- 15.a SB\_draft\_12.19.23\_min.for\_review