

SUDBURY SELECT BOARD

TUESDAY DECEMBER 3, 2024

7:00 PM

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

ZOOM Meeting

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

The statutory requirements as to notice having been compiled with, the meeting was convened at 7:01 PM, via Zoom telecommunication mode.

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

Call to Order

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

Opening Remarks by Chair

- Announced the Holiday Village celebration in Sudbury Town Center this weekend
- Thanked staff for their work on the Holiday Village celebration
- Reminded all of the Sudbury Municipal Finance Town Forum on December 11, 2024 at 7:00 PM, via hybrid mode from Town Hall

Reports from Town Manager

- Announced that the Holiday Village event is seeking volunteers to help with the celebration; looking forward to a great attendance and invited all to attend

Reports from Select Board

Vice-Chair Carty:

- Mentioned holiday village and upcoming Town Forum.

Board Member Kouchakdjian:

- Hoped everyone had a great Thanksgiving holiday
- Announced that she attended the MAGIC (Minuteman Advisory Group on Interlocal Coordination) meeting today, which included the electrical vehicle initiatives topic and the ADU (Accessory Dwelling Unit) topic

Board Member Russo:

- Hoped all enjoyed the holiday and related Thanksgiving races in Sudbury

Board Member Dretler:

- Announced that SPS and LSRHS have started budget discussions

Public Comments

Resident Manish Sharma, 77 Colonial Road, thanked Chair Roberts and Vice-Chair Carty for conducting recent Select Board Office Hours. He spoke of Town finances and requested a Q&A session with the DLS (Division of Local Services) representatives. Mr. Sharma thanked DPW for their recent work on the roads in Town.

Resident Marilyn Unger-Riepe, 54 New Bridge Road, stated that ZBA is trying to coordinate a new gun shop article in conjunction with Planning and the Select Board to be presented at the next Town Meeting. She expressed disappointment that both the Select Board and the Planning Department have declined to participate in such a joint effort.

Chair Roberts read the response she sent regarding participation in the ZBA proposal. The response indicated that the mentioned proposal should reflect full-board effort/endorsement and not just her feeling about such an effort.

Consent Calendar

4. Open Annual Town Meeting warrant and announce Annual Town Meeting will commence Monday, May 5, 2025 at 7:30 PM at Lincoln-Sudbury Regional High School Auditorium. Town Meeting articles are due at the Select Board/Town Manager's office by 12:00 Noon Friday, Jan. 31, 2025.

5. Vote to accept the Declaration of Restrictive Covenant and Grant of Easement regarding Stormwater Management System for the property at 5 Nolan Circle subject to the Stormwater Management Permit issued for the property.

6. Vote to accept a \$750 donation from Camp Sewataro, LLC toward the annual Accessible Trick or Treat Halloween event, as requested by Cameron LaHaise, Commission on Disability chair.

7. Vote to recommend acceptance of a sculpture as a gift from the Friends of the BFRT and to recommend allocating up to \$15,000 from the \$500,000 voted under Article 47 at ATM 2022 for BFRT Phase 2D. In attendance will be Marcia Rasmussen, Planning Assistant for Rail Trails and/or John Drobinski, Chair of the RTAC (and possibly Len Simon).

Board Members agreed to discuss Consent Calendar items 5 and 7 later in the meeting.

Vice-Chair Carty motioned to approve consent calendar items 4 and 6, as presented on tonight's Select Board Meeting agenda. Board Member Kouchakdjian seconded the motion.

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

VOTED: To approve consent calendar items 4 and 6, as presented on tonight's Select Board Meeting agenda

Annual Tax Classification hearing - In accordance with General Laws Ch. 40, sec. 56, as amended, to determine the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2025 tax rate. In attendance will be the Board of Assessors (Joshua M.

Fox, Esq.; Trevor A. Haydon, Chair, Liam J. Vesely), Cynthia Gerry, Director of Assessing, and presenting will be Harald Scheid, Principal Regional Assessor

Present: Harald Scheid, Principal Regional Assessor Board of Assessors (Joshua M. Fox, Esq.; Trevor A. Haydon, Chair, Liam J. Vesely), Cynthia Gerry, Director of Assessing

Vice-Chair Carty motioned to open the Annual Tax Classification hearing. Board Member Kouchakdjian seconded the motion.

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

VOTED: To open the Annual Tax Classification hearing

Chair Roberts was experiencing technical difficulties.

Attorney Fox opened the meeting of the Board of Assessors with Trevor A. Haydon, Liam J. Vesely and himself in attendance.

Attorney Fox reviewed various tax exemptions including: residential tax exemptions, small commercial tax rate exemptions, open space tax exemptions and the senior tax exemption.

Mr. Scheid described aspects of the Sudbury tax evaluation and confirmed the property tax levy had increased and explained new growth revenue aspects as well.

Board Members inquired about values regarding multi-family housing units, condos and Proposition 2 ½.

Mr. Sharma inquired about new housing in Town and rental incomes in consideration of market value. Mr. Scheid explained aspects of the primary matrix, which must be followed in consideration of benchmarks.

Resident Dave Henkels, 17 Twin Pond Lane, asked about residential assessment factors. Mr. Scheid mentioned fair market value in regard to land and building value. Ms. Gerry confirmed that residual land assessments are broken down on the property card.

Vice-Chair Carty motioned to close the evidentiary portion of the Annual Tax Classification Hearing. Select Board Member Kouchakdjian seconded the motion.

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

VOTED: To close the evidentiary portion of the Annual Tax Classification Hearing

Vice-Chair Carty motioned to adopt the Residential Exemption for 2025, as presented. Select Board Member Kouchakdjian seconded the motion.

It was on motion 0-5; Dretler-no, Russo-no, Carty-no, Kouchakdjian-no, Roberts-no

VOTED: Not to adopt the residential exemption of 2025, as presented

Vice-Chair Carty motioned to adopt the Small Commercial Exemption for Fiscal Year 2025 business (as) on the DET list valued at less than \$1 million, which will shift the burden within the Commercial & Industrial Classes. Select Board Member Kouchakdjian seconded the motion.

It was on motion 0-5; Dretler-no, Russo-no, Carty-no, Kouchakdjian-no, Roberts-no

VOTED: Not to adopt the Small Commercial Exemption for Fiscal Year 2025 business (as) on the DET list valued at less than \$1 million, which will shift the burden within the Commercial & Industrial Classes

Vice-Chair Carty motioned in accordance with M.G.L., Ch. 40, Sec. 56, as amended, the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2025 tax rates and sets the Residential Factor at 0.9705, with corresponding CIP shift of 1.40. Select Board Member Kouchakdjian seconded the motion.

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

VOTED: in accordance with M.G.L., Ch. 40, Sec. 56, as amended, the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2025 tax rates and sets the Residential Factor at 0.9705, with corresponding CIP shift of 1.40

Attorney Fox mentioned that Sudbury's means tested senior tax exemption is in its 12th year and 84 such exemptions have been awarded this year.

Vice-Chair Carty motioned to vote in accordance with Chapter 169 of the Acts of 2012, the total FY2025 cap on the exemptions granted by the Means Tested Senior Tax Exemption shall be .5% (half of one percent) of the residential property tax levy. Select Board Member Kouchakdjian seconded the motion.

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

VOTED: To vote in accordance with Chapter 169 of the Acts of 2012, the total FY2025 cap on the exemptions granted by the Means Tested Senior Tax Exemption shall be .5% (half of one percent) of the residential property tax levy

Board Member Russo motioned to close the Annual Tax Classification public hearing. Vice-Chair Carty seconded the motion.

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

VOTED: To close the Annual Tax Classification public hearing

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 Kevin Fry to Michael Pedranti, as requested in an application dated October 22, 2024.

Chair Roberts stated that this agenda item would be discussed at an upcoming Select Board Meeting due to RBSBW manager change.

Consent Calendar – Continued discussion regarding Consent Agenda Items 5 and 7.

Consent Calendar Item #5 - Vote to accept the Declaration of Restrictive Covenant and Grant of Easement regarding Stormwater Management System for the property at 5 Nolan Circle subject to the Stormwater Management Permit issued for the property.

Board Members discussed the minor correction made to this agenda item.

Board Member Carty motioned to accept the Declaration of Restrictive Covenant and Grant of Easement regarding Stormwater Management System for the property at 5 Nolan Circle subject to the Stormwater Management Permit issued for the property, as edited. Board Member Kouchakdjian seconded the motion.

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

VOTED: To accept the Declaration of Restrictive Covenant and Grant of Easement regarding Stormwater Management System for the property at 5 Nolan Circle subject to the Stormwater Management Permit issued for the property, as edited

Consent Calendar Item #7 – Vote to recommend acceptance of a sculpture as a gift from the Friends of the BFRT and to recommend allocating up to \$15,000 from the \$500,000 voted under Article 47 at ATM 2022 for BFRT Phase 2D. In attendance will be Marcia Rasmussen, Planning Assistant for Rail Trails and/or John Drobinski, Chair of the RTAC (and possibly Len Simon).

Present: Marcia Rasmussen, Planning Assistant

Vice-Chair Carty questioned the appropriateness of CPA funds being used.

Chair Roberts opined about safety aspects of such sculpture.

Board Member Kouchakdjian noted that the sculpture would be utilizing pieces of the rail, thus making it historical in nature. Vice-Chair Carty noted that this was recreation and open space – not historical. Chair Roberts stated that CPC funding would be appropriate when considering recreational use.

Board Member Russo asked the name of the artist. Ms. Rasmussen indicated the name of the artist was unknown. He inquired about related child safety and rusting considerations. He questioned the location of the statute on the BFRT. Ms. Rasmussen provided details regarding the location of the proposed sculpture, adding that safety considerations had been addressed by staff as well as the BFRT Advisory Committee.

Vice-Chair Carty noted that the recommended motion was to allocated CPA funds.

Chair Roberts stated that the Select Board vote focused on the acceptance of the gift of the proposed sculpture. Chair Roberts asked if barriers would be installed to prevent children from climbing on the structure. Ms. Rasmussen detailed that the sculpturer would be considering such safety aspects when working on the sculpture and could not create a piece that would create a safety hazard. Chair Roberts maintained that safety aspects would have to be recognized.

Board Member Russo stated that he would want to know exactly what the Town would be getting in regard to the sculpture and could not endorse the project until additional information was provided.

Chair Roberts requested that the sculpture reflect the person pushing the baby carriage be male, and would approve the agenda item, contingent on safety aspects.

Board Member Dretler motioned to accept the sculpture as a gift from the Friends of the BFRT. Board Member Kouchakdjian seconded the motion.

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

VOTED: To accept a sculpture as a gift from the Friends of the BFRT

Review of Camp Sewataro financial statements. Scott Brody, Owner & Director Camps Kenwood & Evergreen, to attend

Present: Scott Brody, Owner; Kristin Drummey, Camp Sewataro Community Liaison

Mr. Brody presented a summary of the financial statements for Camp Sewataro, as found in the “Camp Sewataro Financial Statements As of September 30, 2024 Together With Independent Accountants’ Review Report.” He stated that camp income increased, presenting a greater revenue share to the Town. He confirmed that a Camp overpayment of \$2,000 would be treated as a donation to the Town.

Mr. Brody acknowledged that grant funding from the State included aid for mental health programs and accessibility updates for the camp.

Board Member Russo inquired about other associated camp expenses. Mr. Brody responded that accessibility improvements, ground and building maintenance totaled approximately \$307,000.00.

Board Member Kouchakdjian acknowledged that substantial accessibility improvements were implemented. She asked about the revenue share aspect. Mr. Brody explained the figures.

Board Member Dretler suggested the financial reporting be properly amended. Mr. Brody agreed to have his auditor prepare such amendments. Board Member Dretler inquired about buildings on the campsite. Mr. Brody explained that the camp buildings were fully utilized in the summer and the camp was seeking a staff member who would require year-round housing at the site. He mentioned several other buildings being occupied.

Town Manager Sheehan confirmed that an independent CPA/audit firm had been selected and that he and Town Finance Director Victor Garofalo would be meeting with that firm. Mr. Brody noted that materials from his office would be available, if needed.

Code of Conduct policy discussion. KP Law attorney Lee Smith

Present: Lee Smith, Town Counsel

Chair Roberts referenced the proposed Code of Conduct Policy and the policy used by the Town of Wellesley. Attorney Smith referred to another Code of Conduct Policy in place in another local community.

Board Members reviewed the “Code of Conduct for Town of Sudbury Committees – Whose Members are appointed by the Sudbury Select Board or the Sudbury Town Manager.”

Board Members discussed possible edits to the presented draft Code of Conduct Policy.

Board Member Russo motioned to approve the Code of Conduct for Town of Sudbury Committees – Whose Members are appointed by the Sudbury Select Board or the Sudbury Town Manager.” as agreed to and presented in tonight’s Select Board Meeting packet, with final approval by Town Counsel Lee Smith. Board Member Dretler seconded the motion.

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

VOTED: To approve the Code of Conduct for Town of Sudbury Committees – Whose Members are appointed by the Sudbury Select Board or the Sudbury Town Manager.” as agreed to and presented in tonight’s Select Board Meeting packet, with final approval by Town Counsel Lee Smith

Discussion on Town Forum including draft outline and related matters

Town Manager Sheehan presented the Town Forum draft outline – “2024 Town Forum Municipal Finance Outline.” Town Manager Sheehan noted that he and Town Finance Director Victor Garofalo had worked on the upcoming forum scheduled for Wednesday, December 11, 2024 at 7:00 PM as a hybrid meeting at Town Hall.

Board Member Dretler was pleased that Finance Committee Co-Chair Mike Joachim would be included as a panelist at the Municipal Finance Town Forum. Town Manager Sheehan added that in addition to himself, Mr. Joachim and Select Board Vice-Chair Dan Carty, Town Finance Director Victor Garofalo and Director of Assessing, Cynthia Gerry would also be Forum panelists.

Board Members discussed various ways to advertise the Town Forum event. Chair Roberts stressed the importance of promoting the event and suggested Board Members include it on their media posts and to distribute such messages to all Town committee members.

Update on discussions with Sudbury Public Schools regarding the future of the Combined Facilities memorandum of agreement

Chair Roberts stated that she, Town Manager Andy Sheehan, SPS Chair Nicole Burnard, and SPS Superintendent Brad Crozier initially met to discuss the topic. A second meeting took place with Combined Facilities Director Sandra Duran, SPS Chair Burnard, Town Manager Sheehan, Superintendent Brad Crozier, and her to examine the related Memorandum of Agreement and make possible additions to that document.

Town Manager Sheehan stressed that an agreed upon MOA would be of primary importance, and hoped that involved individuals could work through this matter. Chair Roberts mentioned that another meeting is scheduled for this Friday, December 6.

Board Member Dretler supported additions to the MOA as mentioned by Chair Roberts.

Board Member Russo commented that he hoped for a cooperative effort with the parties involved. He stated that all capital requests should go through the Facilities Director. Board Member Kouchakdjian agreed with comments made by Board Member Russo; she added that the role of the Combined Facilities Director was important for the Town. She indicated that an updated MOA should be implemented.

Vice-Chair Carty stated that he was happy to hear more related meetings would be taking place with the Town Manager, the Combined Facilities Director and the SPS Superintendent.

Discussion on Select Board goals including Fairbank Community Center optimization goal

Chair Roberts presented “Select Board Goal 4: Optimize Utilization of Fairbank Community Center,” which included deliverables, optimal center utilization and related flash vote.

Board Member Dretler endorsed the deliverables section, with recommendations, as presented. She suggested several edits. Board Members agreed with suggested edits as well as removing the after-school program item.

Board Member Russo motioned to approve the Select Board 2024 goals and deliverables, as presented in this evening’s Select Board Packet, including edits made to the document. Vice-Chair Carty seconded the motion.

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

VOTED: To approve the Select Board 2024 goals and deliverables, as presented in this evenings’ Select Board Packet, including edits made to the document

Vote on Open Meeting Law determination as provided by the Attorney General's office

Chair Roberts confirmed a complaint regarding violation of the State’s OML (Open Meeting Law) was submitted to the Attorney General’s Office by resident Len Simon against Board Member Russo. Chair Roberts referenced the Determination Letter signed by Kerry Anne Kilcoyne, Assistant Attorney General, which indicated there was no violation of the OML.

Vote to review and possibly approve open session minutes of 10/8/24

10/8/24 Open Session Minutes

Vice-Chair Carty motioned to approve the open session minutes of 10/8/24, as amended. Board Member Kouchakdjian seconded the motion.

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

VOTED: To approve the open session minutes of 10/8/24, as amended

Upcoming Agenda Items:

December 17, 2024

- Town Manager’s Goals
- Remote meeting policy
- Town Meeting Articles

Adjourn

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

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

VOTED: To adjourn the Select Board Meeting

There being no further business, the meeting was adjourned at 11:40 PM.

SB Meeting 12/3/24 - Documents & Exhibits

1. Annual Tax Classification hearing - In accordance with General Laws Ch. 40, sec. 56, as amended, to determine the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2025 tax rate. In attendance will be the Board of Assessors (Joshua M. Fox, Esq.; Trevor A. Haydon, Chair, Liam J. Vesely), Cynthia Gerry, Director of Assessing, and presenting will be Harald Scheid, Principal Regional Assessor.

Attachments:

- 1.a TAX CLASSIFICATION HRG 2024
- 1.b SudburyTaxClassificationHearingDocument_FY2025

2. 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 Kevin Fry to Michael Pedranti, as requested in an application dated October 22, 2024.

Attachments:

- 2.a Sudbury Farms_Change of Manager 2024_SB
- 2.b Department Feedback_Sudbury Farms_Change of Manager 2024

5. Vote to accept the Declaration of Restrictive Covenant and Grant of Easement regarding Stormwater Management System for the property at 5 Nolan Circle subject to the Stormwater Management Permit issued for the property.

Attachments:

- 5.a 11212024124514

7. Vote to recommend acceptance of a sculpture as a gift from the Friends of the BFRT and to recommend allocating up to \$15,000 from the \$500,000 voted under Article 47 at ATM 2022 for BFRT Phase 2D. In attendance will be Marcia Rasmussen, Planning Assistant for Rail Trails and/or John Drobinski, Chair of the RTAC (and possibly Len Simon).

Attachments:

- 7.a Initial concept of sculpture

8. Review of Camp Sewataro financial statements. Scott Brody, Owner & Director Camps Kenwood & Evergreen, to attend.

Attachments:

- 8.a Camp Sewataro - Fin Stmts 9.30.2024 Final

9. Code of Conduct policy discussion. KP Law attorneys Lee Smith and Janelle Austin to attend.

Attachments:

- 9.a CodeofConductforCommittees8-09
- 9.b KP-#906923-v2-SUDB-_Code_of_Conduct_Policy_2-15-24
- 9.c KP-^N906923-v2-SUDB-_Code_of_Conduct_Policy_2-15-24 Clean Verion 10.04.24
- 9.d KP-#951706-v1-SUDB-_Model_Code_of_Conduct_Policy__updated_11_2024

10. Discussion on Town Forum including draft outline and related matters.

Attachments:

- 10.a Outline - 2024 Town Forum

12. Discussion on Select Board goals including Fairbank Community Center optimization goal. Possible vote.

Attachments:

12.a SB 2025 Goals Updated for packet

12.b 2025 Goals + Deliverables

12.c Utilization_Optimization of Fairbank Community Center Goal 12.02.24

13. Vote on Open Meeting Law determination as provided by the Attorney General's office.

Attachments:

13.a OML 2024-223 - Sudbury Select Board

14. Vote to review and possibly approve open session minutes of 10/8/24.

Attachments:

14.a SB_draft1_10.08.24_for review min

15. Upcoming agenda items

Attachments:

15.a Upcoming agenda.items 12.03.24