

IN BOARD OF SUDBURY SELECTMEN

EXECUTIVE SESSION

WEDNESDAY NOVEMBER 4, 2020

VIRTUAL MEETING

Present: Chairman Janie Dretler, Vice-Chairman Jennifer Roberts, Selectman Daniel E. Carty, Selectman William Schineller, Selectman Charles Russo, Town Manager Henry L. Hayes, Jr., Assistant Town Manager/HR Director Maryanne Bilodeau, Recording Secretary Deb Takacs

The statutory requirements as to notice having been complied with, the open session meeting was convened at approximately 6:02 p.m.

Chairman Dretler called the open session meeting to order, and asked for member roll call: Carty-aye, Russo-aye, Schineller-aye, Roberts-aye, Dretler-aye.

Chairman Dretler motioned to open in regular session and immediately vote to enter executive session to discuss strategy with respect to litigation (proposed Eversource transmission line, SJC-12997, Town of Sudbury & another vs. Energy Facilities Siting Board) if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares, pursuant to General Laws Chapter 30A, §21(a)(3). Selectman Russo seconded the motion.

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

VOTED: To open in regular session and immediately vote to enter executive session to discuss strategy with respect to litigation (proposed Eversource transmission line, SJC-12997, Town of Sudbury & another vs. Energy Facilities Siting Board) if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares, pursuant to General Laws Chapter 30A, §21(a)(3).

Chairman Dretler called the executive session meeting to order; acknowledged the attendance of those present and asked for confirmation that they were alone: Dretler-aye, Roberts-aye, Russo-aye, Schineller-aye, Carty-aye, Hayes-aye, Bilodeau-aye, Takacs-aye, Bernstein-aye

Present: Jeffrey Bernstein, BCK Law

Selectman Carty recused himself from the discussion.

Chair Dretler asked Selectman Schineller if he might recuse himself from the discussion in consideration that during a previous Board meeting, Selectman Schineller affirmed that he received an official appraisal on his property. Chair Dretler detailed that the property address was not included in the related documentation which represented an opinion, and not an official property appraisal.

Selectman Schineller asked the Board if they thought he had financial interest in this matter. Selectman Russo indicated that Selectman Schineller did have financial interest in the Eversource transmission line matter. He recommended that Selectman Schineller submit a "bonified appraisal" on an appraiser's letterhead, as well as documented verification from Town Counsel including Counsel's letterhead, and the Ethics Commission approval, included on that letterhead as well.

Vice-Chair Roberts stated that the topic was especially important and did not want such a situation to jeopardize the Town's efforts. She explained that she had to recuse herself from a certain project considered by the Board. She asked Selectman Schineller if he would be willing to have an official appraisal performed on his property. Selectman Schineller responded affirmatively, and stressed he did not have the available funds for such service at

this time. Selectman Schineller asked Town Manager Hayes if such related expense could be covered by the Town's legal expense account. Town Manager Hayes responded that he was uncertain and would provide an answer.

Selectman Schineller maintained that Town Counsel had assured him that his current status was acceptable, and would not require recusal.

Chair Dretler asked if other Board members felt comfortable going forward with the discussion with Mr. Bernstein this evening. Board consensus indicated that it would not be appropriate to go forward with the discussion, unless Selectman Schineller recused himself. Several minutes of intense discussion took place.

Mr. Bernstein assured the Board that the discussion did not have to take place this evening and suggested that Board consideration take place within ten days. He recommended that Town Counsel review the related status of Selectman Schineller.

Mr. Bernstein noted that he could circulate the topic outline to the Board members, if they wished. Chair Dretler recommended that the Board meet with Town Counsel first.

Continue executive session to review executive session meeting minutes, pursuant to G.L. c. 30A, § 21(a)(7) "[t]o comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements" ("Purpose 7"), citing to the Open Meeting Law, G.L. c. 30A, §§ 22(f), (g).

Chairman Dretler motioned to continue executive session to review executive session meeting minutes, pursuant to G.L. c. 30A, § 21(a)(7) "[t]o comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements" ("Purpose 7"), citing to the Open Meeting Law, G.L. c. 30A, §§ 22(f), (g). Selectman Carty seconded the motion.

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

VOTED: To continue executive session to review executive session meeting minutes, pursuant to G.L. c. 30A, § 21(a)(7) "[t]o comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements" ("Purpose 7"), citing to the Open Meeting Law, G.L. c. 30A, §§ 22(f), (g).

January 3, 2017 Executive Session Minutes

Chair Dretler noted that none of the current members were part of the Sudbury Board of Selectmen on January 3, 2017.

Chair Dretler motioned to approve and not release the January 3, 2017 executive session minutes, as amended. Vice-Chair Roberts seconded the motion.

It was on motion 4-0-1; Roberts-aye, Russo-aye, Carty-aye, Schineller-abstain, Dretler-aye

VOTED: To approve and not release the January 3, 2017 executive session minutes, as amended.

July 14, 2020 Executive Session Minutes

Vice-Chair Roberts motioned to approve and not release the July 14, 2020 executive session minutes, as amended. Selectman Carty seconded the motion.

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

VOTED: To approve and not release the July 14, 2020 executive session minutes, as amended.

Town Manager Hayes mentioned that the Board agreed to have Lampke Law review the LSRHS Agreement discussions/actions as documented in executive session minutes of August 4, 2020, August 11, 2020, and September 8, 2020. Attorney Lampke amended various sections within the three Executive Session minutes related to the LSRHS Agreement for the Board to approve. Town Manager Hayes stated that Attorney Lampke relayed that the basis of executive session was geared to possible litigation and indicated that the intent was clear with the language adjustments suggested.

August 4, 2020 Executive Session Minutes

Board members did not endorse Lampke Law amendments within the August 4, 2020 executive session minutes.

August 11, 2020 Executive Session Minutes

Board members did not endorse Lampke Law amendments within the August 11, 2020 executive session minutes.

September 8, 2020 Executive Session Minutes

Board members did not endorse Lampke Law amendments within the September 8, 2020 executive session minutes.

Vice-Chair Roberts stated that she was not comfortable about Attorney Lampke changing the agenda and the minutes. Chair Dretler affirmed that changes should not be made by anyone outside of the Board.

Vote to close executive session and resume open session

Vice-Chair Roberts motioned to close executive session and resume open session. Selectman Carty seconded the motion.

There being no further business, executive session was adjourned at 6:57 p.m.