

TOWN OF SUDBURY
COUNCIL ON AGING
MINUTES OF MEETING
August 20, 2020

ALL COA MEETINGS ARE NOW RECORDED AND
AVAILABLE ON SUDBURYTV.ORG

**COA meetings done over Town Zoom video
Conference Account**

WEBSITE: <http://sudbury.ma.us/departments/CouncilOnAging/>

Present: Chairman: Jeff Levine

Members Present: Patricia Tabloski, Sandy Lasky, Bob May, Bob Lieberman, John Beeler, Peg Espinola, Carmine Gentile

Also Attending: Debra Galloway, Director of Senior Center

Guests via Video: Lynn Puorro, Pat Brown, Mark Thompson

Meeting called to order by Chairman Jeff Levine at 3:02 PM

Approval of Minutes from Meeting of June 09, 2020–Pat Brown had filed an Open Meeting Law Complaint on August 11, 2020. COA is required to respond after discussion with Town Counsel. That formal complaint was shared (See Attachment 1) by Chairman Levine with the COA prior to this meeting and it was viewed again during this meeting. A revised version of the June 09,2020 (Attachment 2) Minutes with the actual motion unintentionally omitted from the approved version inserted and highlighted was viewed by the entire COA. Chairman Levine asked all to review. A motion to accept the minutes as amended was made by Bob Lieberman and seconded by Sandy Lasky. The COA unanimously approved the amended version by roll-call vote.

Chairman Levine asked Pat Brown would she now consider rescinding her complaint. Pat Brown offered that she would.

Review of draft of formal response by the town to the complaint drafted by Brian W. Riley, Sudbury Town Counsel. A copy of the draft from Brian Riley had been sent to the entire COA prior to the meeting, and Chairman Levine displayed the same electronically now. Several edits were proposed and discussed. Chairman Levine made a motion to accept, Seconded by John Beeler. This version was accepted unanimously by roll-call vote. However, further discussion occurred, and this prior motion was rescinded by unanimous vote. Several added changes were made to the draft. Pat Tabloski made a motion to accept this new version. John Beeler seconded. COA voted unanimously by roll-call vote to accept this version. A motion was offered by Bob Lieberman to authorize Chairman Levine to finalize final communications to the Attorney General with Town Counsel. Town Counsel to

then submit on behalf of the COA as appropriate. Seconded by Peg Espinola. Motion was passed unanimously by roll-call vote.

Motion was made by Carmine Gentile to adjourn. Seconded by John Beeler. Unanimous approval by roll-call vote.

Meeting adjourned by Chairman Levine at approximately 3:40 pm.

Respectfully submitted by
Robert May
COA Secretary

ATTACHMENT 1

BY ELECTRONIC MAIL ONLY (openmeeting@state.ma.us)

Carrie Benedon, Esq.
Director, Division of Open Government
Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Re: Town of Sudbury – Council on Aging
Open Meeting Law Complaint from Patricia Brown, dated August 11, 2020

Dear Attorney Benedon:

Please be advised that this office serves as Town Counsel to the Town of Sudbury. The Town’s Council on Aging (“Council”) is in receipt of an Open Meeting Law Complaint dated July 28, 2020 from Ms. Patricia Brown (“Complaint”). A copy of the Complaint is enclosed. The Complaint claims that the Council failed to include a record of a vote taken during its June 9, 2020 meeting, and further alleges that this was an intentional violation. The Council notes initially that its chairman, Jeff Levine, informed Ms. Brown that the Council would make her requested addition to the June 9 minutes (the Complaint’s only requested action) and asked whether she would retract her Complaint, and Ms. Brown agreed to do so.

The Board acknowledges that the original June 9 minutes did not record a vote the Council took, but said minutes have already been revised to include the vote and the Council denies that there was an intentional violation of any kind. During the June 9 meeting, the Council discussed recommending to the Board of Selectmen that the Board consider calling an upcoming Town Meeting to be held on a Saturday, rather than the customary weekday evening, in order to encourage voter turnout generally and particularly senior citizens. After this discussion, which was summarized in the original June 9 minutes, the chairman asked the Council to authorize him to bring the issue to the Selectmen’s meeting held later that evening and proposed a motion to that effect; the Council voted unanimously to approve the chairman doing so. The June 9 minutes were approved at the Council’s next meeting on July 16, 2020, summarizing the Town Meeting discussion and stating “The COA asked the Chairman to present to the BOS as soon as possible.”

While the minutes did include a summary of the discussion regarding a Saturday Town Meeting and the Council’s action taken, they did not specifically include the actual vote approving the chairman bringing the issue to the Board of Selectmen. The Council voted on August 20, 2020 to approve amended minutes to include this vote, thereby satisfying the Complaint’s sole requested action. The Council further notes, however, that the original minutes did contain a summary of the discussion regarding Town Meeting, and other than stating that the Council voted 9-0 to support the chairman

reporting to the Board of Selectmen, the original minutes complied with the requirements of G.L. c.30A, §22. See, e.g., OML 2015-82 (“While it is a best practice for public bodies to note in their minutes that motions were made and seconded prior to a vote, listing these procedural steps is not a requirement of the Open Meeting Law.”); OML 2016-40 (“While minutes must include a summary of the discussion on each topic, a transcript is not required, and the minutes do not need to include every remark or opinion presented.”). The chairman intended to represent the Council’s position to the Board of Selectmen and merely requested a vote to verify that the other members supported him doing so, and the failure to include a record of this vote was at most an oversight and not intentional. The Council having fully completed the action requested in the Complaint, there is no remedial action needed.

Very truly yours,



Brian W. Riley

ATTACHMENT 2

TO BE REVISED

TOWN OF SUDBURY
COUNCIL ON AGING
MINUTES OF MEETING
June 09, 2020

AS AMENDED 08/20/2020

AMENDED SECTION IS BOLDED AND UNDERLINED

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Present: Chairman: Jeff Levine

Members Present: Patricia Tabloski, Sandy Lasky, Bob May, Bob Lieberman, Connie Steward, John Beeler, Peg Espinola, Carmine Gentile

Also Attending: Debra Galloway, Director of Senior Center

Excused: All members present

Guests via Video: Charles Russo, Pat Brown and Janie Dretler (Select Board members)

TV Technician: N/A

Meeting called to order by Chairman Jeff Levine at 1:10 PM

Approval of Minutes from Meetings of May 12, 2020–Unanimous approval by roll-call vote.

Director's Report: (Galloway), Major priorities are: Assist Alice Sapienza and Adam in obtaining MAPC Urgent COVID-19 Taxi grant (Transportation Pilot) for taxi rides for seniors. Veterans, and disabled citizens. Riders would have to schedule 48 hours in advance. Grant has an initial termination date of December 31, 2020.

FISH services are suspended, and the return of services is longer term due to safety considerations.

Van transportation is being considered but there are many safety concerns. If it does start, the Senior Center would start with scheduling only one passenger per trip, wearing of mask/facial covering by driver and passenger, special distant seating arrangement, cleaning before and after each ride, and additional physical barrier between driver and passenger at van entry door (installed).

It is important for citizens to set their expectations low as physical distancing regulations severely lower effectiveness and productivity of all transportation, as well as the plans for restarting other services and programs.

BayPath Elder Services report- (Pat Tabloski): A new Executive Director has started, Mr. Joe Quirk. A report on the action plan to address certain compliance issues is due to the Office of Elder Affairs. However, the due date for such plan has been delayed due to Covid-19 issues for the Office of Elder Affairs. BayPath is focusing on meals on wheels and other direct services they provide.

Communication on COVID19 Issues-There is a concern that the use of Face Masks/facial coverings is not being stressed enough from the town leadership. Can a robocall be utilized to reach our citizens? Suggested text was offered as a motion by Carmine Gentile. A roll-call vote was unanimous. See wording is attached

Senior Center Re-opening –. Deb announced she will be back from vacation around July 06.

Re-starting and re-opening services and programs needs to be very cautious. When the time is right, the Senior Center will gradually allow staff to return; then begin to prepare center for visitors (single and then small groups) by appointment only. Physical distancing regulations force room utilizations to be reduced. Perhaps the gym can be altered for Fall utilization. There is presently a Park and Recreation plan to hold a modified summer camp which will use the gym. Rest Room utilization is still in planning stages. Medical Equipment Loan Closet will be limited. Sanitation issues are the problem.

Senior Center Annual Report for Town Report- Debra Galloway- No action

Fairbank Community Center (Levine)- Tentative scheduling and relationship to Town Meeting was discussed. Final dates for the meetings and the eventual required town meeting are yet un-determined and await final vote of the Select Board. The final space sharing protocols post occupancy remain open and their agreement by all tenants is needed for final acceptance by the COA of the building plan.

Review Saturday Town Meeting Option: The COA had a detailed discussion regarding a new statement to the BOS as to utilizing a Saturday meeting. Pat Brown offered guidance as to the logistical issues with the planning for a town meeting with new changes caused by Virus control issues. The COA asked the Chairman to present to the BOS as soon as possible. The statement should embody the principles that follow: Review utilizing a daytime meeting on a Saturday; venue to be chosen; and attract as many voters as possible.

Chairman Levine made this Motion: The Chairman will raise at tonight's Select Board meeting an opportunity to move the Town Meeting to a daytime Saturday to enable the most voters to attend and to avoid age discrimination

complaints. Motion was seconded by Robert May. Motion was unanimous by roll call vote of Connie Steward, Bob Lieberman, Peg Espinola, Sandy Lasky, Patricia Tabloski, Carmine Gentile, Jeff Levine, John Beeler, and Robert May.

COA Communication plans for the Community Center are also suspended temporarily. However, Jeff and Mara Huston will jointly work on small group sessions to deliver accurate information on the proposal.

MetroWest Foundation Update—Bob Liberman-Bob continues to try to focus them more on Sudbury.

Post Virus planning—No Action

A vote for Adjournment was unanimous at 2:15 PM Motion: May, Seconded: Lasky.

Next scheduled meeting 1:00 pm Tuesday July 14, 2020 pending confirmation from IT team for Video conferencing capacity at that time.

Amended Version

Respectfully Submitted:

Robert May
Secretary