

SUDBURY BOARD OF SELECTMEN

TUESDAY, APRIL 14, 2020

(Recording available at www.sudburytv.org)

Present: Chairman Daniel E. Carty, Vice-Chairman Patricia A. Brown, Selectman Janie Dretler, Selectman Jennifer Roberts, Selectman William Schineller, Town Manager Henry L. Hayes, Jr. Assistant Town Manager/HR Director Maryanne Bilodeau, Health Director William Murphy, Director of Planning & Community Development Adam Duchesneau, Environmental Planner Beth Suedmeyer.

The statutory requirements as to notice having been complied with, the meeting was convened at 7:00 p.m., via ZOOM teleconference mode.

Chairman Carty called the meeting to order after being in executive session and resuming in open session.

Opening Remarks by Chairman

Chair Carty announced that construction at the Landham Road intersection had begun.

Reports from Selectmen

Vice-Chair Brown thanked the Department of Public Works for their help with yesterday's storm.

Selectman Roberts mentioned that she attended the April 7th Council on Aging (COA) meeting. She detailed that COA was resuming the meal delivery program, continuing with Phone Buddy, and other online services.

Selectman Dretler thanked Town staff for assistance with yesterday's storm, and mentioned a car accident on Goodman's Hill Road yesterday.

Selectman Dretler attended the recent ZBA and Planning Board meetings, with focus on the Cold Brook Crossing (formerly Quarry North) Public Hearing. She also participated in the MA Municipal COVID-19 update session and the Conservation Commission meeting last night, which detailed the BFRT Wildlife Study and the MA Rail Trail Notice of Intent.

Selectman Schineller attended the Conservation Commission meeting last night. He noted that public comment time limits would take affect with this meeting.

Selectmen thanked Ms. Bilodeau for a job well done as Interim Town Manager, and welcomed Town Manager Hayes to his new role.

Reports from Town Manager

Town Manager Hayes thanked residents for their compliance and assistance during the COVID-19 State of Emergency state. He thanked Sudbury safety officials and responders for their efforts.

Town Manager Hayes noted that traffic was re-routed due to Rte. 20 construction in Wayland.

During this pandemic state of emergency, Town Manager Hayes recommended that residents comply with Town field closures and social distancing. He announced that payment of property taxes had been postponed to June 1, 2020. He noted that payments could be dropped off at the Flynn Building mail slot, or could be mailed. He reinforced that residents do not include cash when submitting tax payments.

Town Manager Hayes stated he had recently initiated the Sudbury Municipal Minute segment which could be viewed on SudburyTV.

Health Director Bill Murphy to provide update on COVID-19

Present: Health Department Director Bill Murphy

Mr. Murphy reported a surge in the number COVID-19 cases in Town due to added testing. He reported 49 identified cases, 36 confirmed cases, 13 diagnosed by physicians, but not tested.

Mr. Murphy confirmed that the rise in Town incidents focuses on those most vulnerable. Selectman Roberts asked if there is a correlation between social distancing and newly confirmed cases. Mr. Murphy responded such connection cannot be confirmed, and stressed that social distancing does help with prevention. He reiterated that primary preventions include staying at home and maintaining social distancing of six feet.

Selectman Dretler stated the older population is more severely impacted by COVID-19 but those under 60 are not immune from the infection.

Vice-Chair Brown inquired about “contact tracing.” Mr. Murphy commented that Public Health nurse, Phyllis Schilp, has implemented a separate database for “contact tracing.”

Selectman Schineller asked if the Health department had enough help at this time. Mr. Murphy responded affirmatively, adding that MA Public Health (MPH) had provided tracing assistance.

Chair Carty queried about the status of EEE programs. Mr. Murphy responded larvicide treatment would be starting soon and indicated that State EEE evaluation has been put on hold due to COVID-19.

Selectman Roberts questioned alternative/advanced quarantine methods in light of an infected resident who lives in small quarters. Mr. Murphy responded that all efforts at home must be exhausted first such as isolating the effected individual to a bedroom. He further suggested that the resident contact him.

Citizen’s comments on items not on agenda

No comments

Camp Sewataro – Discussion on Mark Taylor’s request for a 3-week lease extension, and discussion of fence location with Scott Brody

Present: Attorney Lee Smith of KP Law, Facilities Director Bill Barletta, Resident Mark Taylor, Camp Sewataro Manager Scott Brody

Resident Mark Taylor, 25 Greystone Lane, stated that his lease term with the Town expires the end of April, and due to COVID-19, he has had little help with moving. Mr. Taylor requested a three-week extension.

Mr. Barletta commented that remaining objects to be moved were landscaping materials.

Mr. Brody affirmed that he had no problem with the extension.

Town Manager Hayes affirmed there were no operational impacts due to the proposed three-week extension.

Counsel Smith noted that there were no legal issues associated with such extension.

Selectman Dretler asked how the remaining articles would be removed. Mr. Taylor answered he would be removing the materials himself.

Chair Carty moved in the words of the motion, to extend the Term of the Right of Entry and License Agreement by and between the Town and Mark Taylor, dated October 25, 2019, until May 21, 2020. Selectman Schineller seconded the motion.

It was on motion unanimously

VOTED: To extend the Term of the Right of Entry and License Agreement by and between the Town and Mark Taylor dated October 25, 2019, until May 21, 2020.

Mr. Smith explained at the time of Sewataro Camp Operator Agreement, an Engineering iteration was referred to which used satellite imagery and GIS images and not an “on the ground survey.” This iteration presented an issue with what was negotiated in the Agreement.

Mr. Brody indicated that the Engineering Department iteration differed from the Sewataro Camp Operator Agreement, as it would impact camp parking and increase the cost of proposed fencing by some 25%.

Mr. Barletta acknowledged the Engineering Department diagram impeded Camp use and parking.

Vice-Chair Brown wanted assurance that the blue fence line was agreed to when negotiating. Mr. Barletta commented that fencing was agreed to.

Selectman Dretler asked about the comparative fence cost estimates. Mr. Brody estimated that the blue line fencing was approximately \$20,000, and the other fencing line estimate would cost more.

Selectman Dretler asked about signage and security at Sewataro. Mr. Brody responded he has been working with Mr. Barletta on security and signage. Mr. Barletta affirmed that Camp Sewataro, LLC had been very agreeable with all Town recommendations.

Selectman Dretler requested a listing of all cost estimates regarding fencing, gates, and signage. Mr. Brody affirmed that all such expense is incurred by Camp Sewataro, LLC, and he shared those cost estimates with Mr. Barletta.

Mr. Barletta said he would provide those estimates to the Board.

Selectman Schineller asked if the Engineering iteration had been a “blocker” to public access. Mr. Brody responded not, and that the difficulty reflected contractors’ inability to work on the fencing. Mr. Schineller asked if work had commenced regarding security gates, etc. Mr. Brody responded that some work had begun, but was interrupted by COVID-19.

Selectman Roberts commented if the blue fence line was agreed to, then Engineering must amend the diagram. She stressed her support for public access at Camp Sewataro and stated that ongoing dialogue would continue.

Chair Carty stated that he had no issues.

Mr. Smith confirmed the Engineering documents were off and moved that the Board vote to amend Exhibit 3 to the Sewataro Camp Operator Agreement showing the Camp Season Public Access Area, as proposed by Scott Brody, and that Town Counsel be directed to have the amended Exhibit 3 prepared along with an amendment to the contract. Chair Carty so moved in the words of the motion. Selectman Schineller seconded the motion.

It was on motion unanimously

VOTED: To amend Exhibit 3 to the Sewataro Camp Operator Agreement showing the Camp Season Public Access Area, as proposed by Scott Brody, and that Town Counsel be directed to have the amended Exhibit 3 prepared along with an amendment to the contract.

Citizen’s comments on items on agenda

Resident Len Simon, 40 Meadowbrook Circle, stated that Town did not agree to a change in boundaries, and it was inappropriate for the Selectmen to do so.

Selectman Schineller commented that citizen comment was incorrect, and the blue fencing line was agreed to in negotiation between the Town and Camp Sewataro, LLC.

Discussion on 2020 Annual Town Meeting date and timeline, and discussion on Annual Town Election and Special Town Election date

Present: Beth Klein, Town Clerk; Lauren Goldberg and Jonathan Silverstein of KP Law

Chair Carty detailed that the Selectmen recommended that Annual Town Meeting be held on June 15, 2020 and the Town Election on June 23, 2020.

Ms. Goldberg advocated for voting via mail as restrictions had been lifted due to COVID-19. She recommended the Board assess the situation at their April 28th meeting as safety guidelines might change and Town Meeting scheduling might be allowed to take place after June 30.

Ms. Goldberg added that the scheduling of Town Meeting could go beyond June 30th if Emergency Declaration remained in place. She added that the Town could revert to a 1/12 budget.

Ms. Goldberg anticipated that MA legislators would make a related decision within the next several weeks.

Selectman Schineller asked if absentee ballots could now be distributed. Ms. Klein responded affirmatively, and stressed that all ballots would be counted at the Town Election.

Chair Carty maintained that no citizen or election worker should be put in an unsafe health situation at the polls.

Citizen's comments on items on agenda

Resident Len Simon, 40 Meadowbrook Circle, asked about the scheduling of Town Meeting and Town Election. He also asked when the Selectmen would have statements on ballot questions. Chair Carty responded that the two events would be handled together, and would be addressed at the April 28 meeting.

Mr. Simon queried about early voting/absentee ballot availability. Ms. Klein responded that May 19 would be the last day the Board could submit ballot questions to the Town Clerk's office. Mr. Simon asked when ballot arguments would be ready. Chair Carty replied that aspect would be covered at the April 28 Board meeting.

Resident Charles Russo, 30 Juniper Road, asked why the Board chose June 15 and June 23. Chair Carty responded those dates were selected to meet the June 30 date and still allow for flexibility with scheduling.

Town Manager Hayes to discuss capital budget

Present: Finance Director Dennis Keohane

Town Manager Hayes opened the capital budget discussion asking what adjustments might be made to the Town Managers Capital Budget which could relieve some of the tax-levy burden.

Chair Carty commented that during this COVID-19 period of financial uncertainty there are two options: one, to move the Warrant forward, or second, and more likely, to take a more conservative approach and only include the necessities on the Warrant. He noted that the Finance Committee supported the second option.

Town Manager Hayes suggested that \$275,000 budgeted items be voted at a Fall Town Meeting, and the remaining \$672,076 capital budget items be funded by Free Cash. He stated that 29% of the budget could be considered at a Fall Town Meeting. Items to be considered at Fall Town Meeting include:

- Half ton pick-up truck
- Second floor Flynn Building restroom
- Information Systems Document Scanning Machine
- Interior painting of Sudbury schools and Goodnow Library
- Ultraviolet Secondary Infiltration System for Town pool

Selectman Roberts requested further explanation. Mr. Keohane detailed that everything is in flux and the intent is to reduce the tax levy now, and if finances allow, the Town could return to the tax levy approach. He strongly recommended budgeting conservatively.

Selectman Schineller asked how the five proposed free cash items would appear at a Fall Town Meeting. Mr. Keohane suggested that the items appear as one article.

Chair Carty mentioned that cutting of Town services was not being considered at this time. Mr. Keohane affirmed the statement. Chair Carty recognized that it would be helpful to review the amount of free cash available when discussing capital articles.

Selectman Dretler stated there was \$3.8 million in certified free cash and \$3 million in the overlay fund. Mr. Keohane confirmed the amounts.

Selectman Dretler indicated that the largest financial impact would involve people not being able to pay real estate taxes. Vice-Chair Brown stated that if a Town Meeting were not held in June, the Town would approve a month-to-month budget approved by DLS (Division of Local Services) and funded by free cash.

Selectman Schineller opined that 71% of what was in the capital plan could still be presented at a June Town Meeting.

Selectman Roberts concurred that funding with free cash would help this year, and hoped that capital planning would resume shortly thereafter. Chair Carty agreed with Selectman Roberts, and stated if the economy can rebound, resumed capital planning would be the intent.

Ms. Bilodeau confirmed that articles would continue to be reviewed, and by April 28, a clearer picture would be presented.

Citizen's comments on items on agenda

Resident Len Simon, 40 Meadowbrook Circle, indicated that this evening's agenda packet did not include any information regarding the capital funding discussion.

Resident Charles Russo, 30 Juniper Road, stated that capital decisions must consider the long-term effects and felt that the second year of a financial downturn, is the worst.

Chair Carty emphasized that the Town is dealing with a State of Emergency, and hoped that late summer or shortly after, things would go back to normal. Mr. Keohane hoped that normalcy would return sooner than later, and confirmed that the second year of a downturn is historically worse. Mr. Keohane noted that the department is still working on refining numbers.

Discussion on the Fairbank Community Center/Town Forum

Chair Carty stated that before a scheduled Town Meeting the Board would schedule the Fairbank Community Center Forum in advance of Town Meeting whenever that Town Meeting happened to fall. Vice-Chair Brown commented that such planning would depend on the situation.

Chair Carty recommended that major capital articles, such as the Fairbank Community Center, CSX and the Fire Station, should be presented at a Fall Town Meeting.

Selectman Schineller agreed with delaying of the capital articles, and present at a Fall Town Meeting. Chair Carty suggested that a Fall Town Meeting could be scheduled on the same cycle as the presidential election so that any required ballot election coincided with the Presidential election cycle.

Town Manager Hayes suggested that a September 14-15 Annual Town Meeting might align well with the presidential election and would save the Town money with mailings, and other related expenses. He mentioned that summer preparations would have to occur for a Fall Town Meeting to take place with no pause between Spring Town Meeting and Fall Town Meeting from a staff perspective.

Selectman Roberts supported the Fall Town Meeting suggestion, and opined that a June meeting could be an operational Town Meeting and the Fall Town Meeting could address Town capital investments.

Vice-Chair Brown agreed with capital articles being addressed at a Fall Town Meeting.

Selectman Dretler agreed that waiting until early to mid-September would be a good approach for Fall Town Meeting, and would also allow for a creative or virtual Town Forum for the Fairbank Community Center.

Selectman Roberts stated that she wanted assurance that a Fall Town Meeting would work for the CSX project timeline.

Citizen's comments on items on agenda

Resident Len Simon, 40 Meadowbrook Circle, asked if the Board would IP (indefinitely postpone) the capital articles for the Fairbank Community Center, CSX and the Fire Station. Chair Carty responded that IP action was in his opinion favored. Selectman Dretler agreed with IP proposal.

Mr. Simon stated the CSX grant needed to be approved immediately. Chair Carty commented that the Board was aware of the grants as we had been discussing at length in Executive Sessions as of late

Town Manager Hayes stated that such IP status could be empowering from an education/outreach standpoint.

Review Town Meeting articles, possibly take positions on articles, and assign motions and presentations

The Board agreed to IP the Fire Station article. The Board agreed to wait until the April 28th meeting to IP the CSX Article.

Capital Articles

Article 21 – Purchase Fire Dept. Ambulance

It was on motion unanimously

VOTED: To support Article 21 – Purchase Fire Dept. Ambulance

Article 36 – Addition of Associate Member to the Historic Districts Commission

It was on motion unanimously

VOTED: To support Article 36 - Addition of Associate Member to the Historic Districts Commission

CPC Articles

Article 42 – Community Preservation Fund – Historic Resource Inventory Survey

VOTED: To unanimously support Article 42 - Community Preservation Fund – Historic Resource Inventory Survey

Article 43 – Community Preservation Fund – Removal of Invasive Species from King Philip Woods

VOTED: To unanimously support Article 43 - Community Preservation Fund – Removal of Invasive Species from King Philip Woods

Article 44 – Community Preservation Fund – Design of Wayside Inn Road Bridge over Hop Brook

VOTED: To unanimously support Article 44 – Community Preservation Fund – Design of Wayside Inn Road Bridge over Hop Brook

Article 45 – Community Preservation Fund – Remediation of Water Chestnuts from Hop Brook Pond System

VOTED: To unanimously support Article 45 – Community Preservation Fund – Remediation of Water Chestnuts from Hop Brook Pond System

Article 46 – Community Preservation Fund – Sudbury Housing Authority Acquisition, Creation, Preservation, and support of Affordable Rental Housing

VOTED: To unanimously support Article 46 – Community Preservation Fund – Sudbury Housing Authority Acquisition, Creation, Preservation, and support of Affordable Rental Housing

Article 47 – Community Preservation Fund – Regional Housing Services Office (RHSO) membership fee

VOTED: To unanimously support Article 47 – Community Preservation Fund – Regional Housing Services Office (RHSO) membership fee

Article 48 – Community Preservation Fund – Library Historic Room Conversion

VOTED: To unanimously support Article 48 - Community Preservation Fund – Library Historic Room Conversion

Article 49 – Community Preservation Fund – Reversion of Funds

VOTED: To unanimously support Article 49 – Community Preservation Fund – Reversion of Funds

Article 50 – Community Preservation Fund – General Budget and Appropriations

VOTED: To unanimously support Article 50 – Community Preservation Fund – General Budget and Appropriations

Citizen’s comments on items on agenda

Resident and petitioner Len Simon, 40 Meadowbrook Circle, stated that he would present his petition article #52 – expedite completion of BFRT at the April 28th Board meeting. He added that petition article #51 – Acquire ¼ mile of CSX Corridor (Station Road to Route 20) would be presented later.

Resident and petitioner for Article #53 – Bicycle safety road signs, Bruce Porter, 42 Surrey Lane, asked to receive a copy of the memo from Police Chief Nix and DPW Director Dan Nason. Chair Carty agreed to provide the memo to Mr. Porter and to the Selectmen for further review.

Discussion of Select Board Policies: Identify the total list of policies desired and then set an order in which to address them

Chair Carty summarized the Selectmen Policy Subcommittee Listing.

Vice-Chair Brown requested that the Board review the Selectmen Policies. She emphasized the importance of dating all reviewed policies, and adding additional policies, if necessary.

Selectman Schineller recommended creation of a columned Selectman Policy tabling sheet for each reviewed policy. This table would include review date, changes, approval, etc.

Vice-Chair Brown suggested that each Board member review one or two policies a week, and present their related thoughts to the Board. Chair Carty agreed with presenting a policy or two at every meeting.

Selectman Dretler indicated that she wanted more information regarding the prospective social media policy, which she had recommended. Town Manager Hayes mentioned that he would find out if KP Law had additional information about the social media topic. Selectman Dretler maintained that the town of Easton currently had a social media policy in place, and she would share the particulars of that policy with Town Manager Hayes.

Discussion on minutes approval process, and vote whether to approve minutes of March 3, 2020, and March 17, 2020

Chair Carty described the minutes approval process in order to streamline it.

Vice-Chair Brown asserted it was the role of Select Board members to reconcile topic information and language differences, and not the responsibility of staff. Selectman Dretler requested that draft minutes be added to the public meeting packet.

Town Manager Hayes spoke of the distinction between minutes and a transcript.

The Board discussed amendments/edits to the March 3, 2020 draft minutes.

Selectman Dretler motioned to approve the minutes for March 3, 2020, as amended. Vice-Chair Brown seconded the motion.

It was on motion unanimously

VOTED: To approve the minutes for March 3, 2020 as amended.

The Board discussed amendments/edits to the March 17, 2020 draft minutes.

Selectman Dretler motioned to approve the minutes for March 17, 2020, as edited. Selectman Schineller seconded the motion.

VOTED: To approve the minutes for March 17, 2020, as amended.

Citizen's comments on items not on agenda

Resident John Riordan, 12 Pendleton Road, noted the Board did not vote to extend the meeting after 10:00 pm.

Upcoming Agenda Items

April 28 Meeting:

Selectmen Policy Assignments, Update on Free Cash, Possible DLS presentation, Town Meeting Scheduling and possible Executive Session

Consent Calendar

Vote to appoint Jeffrey Winn to the Local Emergency Planning Committee (LEPC)

It was on motion unanimously

VOTED: To appoint Jeffrey Winn, 30 Meadowbrook Road, to the Local Emergency Planning Committee (LEPC) for an indefinite term, as requested by Fire Chief Whalen.

Vote to approve the installation of a sign at Heritage Park on Concord Road

It was on motion unanimously

VOTED: To approve the installation of a sign at Heritage Park on Concord Road as requested by the Sudbury Garden Club.

Vote to acknowledge that May is Military Appreciation Month and to sign a proclamation in this regard

It was on motion unanimously

VOTED: To acknowledge that the month of May is Military Appreciation Month and to sign a proclamation in this regard.

Vote to sign a proclamation to recognize April 19 – April 25, 2020 as Sudbury Earth Week

It was on motion unanimously

VOTED: To sign a proclamation to recognize April 19 – April 25, 2020 as Sudbury Earth Week.

There being no further business, the open meeting adjourned at 11:08 p.m.

Attest: _____

Henry L. Hayes, Jr.

Town Manager-Clerk

Documents & Exhibits - 4/14/20

5. Camp Sewataro - Discussion on Mark Taylor request to extend license by three week his storage of personal items on the property, and possible discussion of fence location with Scott Brody.

Attachments:

- 5.a Maintenance Building 1
- 5.b Maintenance Building 3
- 5.c Vehicle Shed
- 5.d Sewataro Proposed Open Access Plan
- 5.e Pgs_87_88
- 5.f Sewataro Proposed Fence
- 5.g Split Rail fence 2
- 5.h Split Rail fence 3

6. Discussion on 2020 Annual Town Meeting date and timeline. Also discussion on Annual Town Election and Special Town Election date. Attending will be Beth Klein, Town Clerk, Jonathan Silverstein (Town Counsel) and Lauren Goldberg of KP Law.

Attachments:

- 6.a DRAFT WARRANT SCHEDULE JUNE 2020 ATM_ATE_STE
- 6.b Town Election Schedule for 2020-Rev_2

9. Review Town Meeting articles, possibly take positions on articles, and assign motions and presentations.

Attachments:

- 9.a Articles list ATM 2020 3-19-20 FINAL Version

10. Discussion of Select Board Policies: Identify the total list of policies desired and then set an order in which to address them.

Attachments:

- 10.a Selectmen Policiesfinal_TOC_4

11. Discussion on minutes approval process, and vote whether to approve minutes of March 3, 2020, and March 17, 2020.

Attachments:

- 11.a BOS_draft_3.03.20_min_for_review
- 11.b BOS_draft_3.17.20_min_for_review
- 11.c General Law - Part I, Title III, Chapter 30A, Section 22
- 11.d General Law - Part I, Title X, Chapter 66, Section 5A
- 11.e New OML Regulations (Clean version)

13. Upcoming Agenda Items

Attachments:

- 13.a POTENTIAL UPCOMING AGENDA ITEMS_4_14_20

14. Vote to appoint Jeffrey Winn, 30 Meadowbrook Road, to the Local Emergency Planning Committee (LEPC) for an indefinite term, as requested by Fire Chief Whalen.

Attachments:

- 14.a Winn_Jeffrey Local Emergency Planning Committee_redact

15. Vote to approve the installation of a sign at Heritage Park on Concord Road as requested by the Sudbury Garden Club.

Attachments:

15.a Sudbury_Garden_Club_sign_request

16. Vote to acknowledge that the month of May is Military Appreciation Month and to sign a proclamation in this regard.

Attachments:

16.a Military Month Proclamation_2020

17. Vote to sign a proclamation to recognize April 19 - April 25, 2020 as Sudbury Earth Week

Attachments:

17.a EARTH DAY PROCLAMATION-2020_rev