

SUDBURY BOARD OF SELECTMEN

TUESDAY MAY 5, 2020

(Meeting can be viewed 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., and Assistant Town Manager Maryanne Bilodeau.

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

- A reminder from the legal department that this meeting serves as a public forum via Zoom and recorded for viewing on SudburyTV.
- Everyone should mute phones/devices when not speaking.
- Annual Town Meeting was originally scheduled for this evening.
- Updates to mask usage order as directed by Sudbury BOH (Board of Health).
- Conservation Commission reminded residents of turtle season and turtle crossings on Town roadways.
- DPW resurfacing of streets in Town, and details found on Town website.
- Real estate and personal property taxes due on June 1, 2020.
- May is Military Appreciation Month; BOS previously voted the proclamation.
- Resident and Principal at Hanscom Middle School/Hanscom Air Force Base Erich Ledebuhr, was featured on CBS for his efforts with maintaining student engagement and morale at this time.

Reports from Selectmen

Vice-Chair Brown announced that on March 31 the LSRHS School Committee appointed Kristen Patterson as the new Business Manager.

Selectman Schineller stated the Park & Recreation Commission asked to be on the next agenda to discuss present Commission finances.

Selectman Roberts acknowledged that she attended the last Park & Recreation Commission and BOH meetings, noting that both departments are facing financial challenges due to COVID-19.

Selectman Dretler thanked all those who have helped with community food drives, fund raisers, grocery shopping, and other volunteer acts during this critical time. Selectman Dretler also shared that Sudbury BOH nurse, Phyllis Schilp, spoke on WBUR radio regarding the COVID-19 contact tracing investigations being done in Sudbury.

Selectman Dretler was pleased to report that the Boston Region MPO (Metropolitan Planning Organization) voted to approve the draft TIP (Transportation Improvement Program) and keep the BFRT (Bruce Freeman Rail Trail) project on the 2022 calendar for funding as planned. She added that virtual events will be taking place regarding various TIP projects.

Reports from Town Manager

Town Manager Hayes stated that May is Mental Health Awareness Month. He noted that at this time of crisis, awareness of isolation is critical. He recommended that those effected avoid SSS (sit in silence and suffer). Town Manager Hayes encouraged people to reach out for help, and also recommended that everyone look out for each other.

Town Manager Hayes noted that the MA Senate met on May 4th to address open Town Meeting attendance and are advancing a bill to decrease the quorum mandate providing a 10% decrease of such existing quorum. The Sudbury Town Meeting quorum reflects 100 registered voters. Town Manager Hayes recognized that educational services and related contract information would be included in the proposed bill.

Town Manager Hayes mentioned the importance of the face-covering mandate in Sudbury.

Town Manager Hayes mentioned that the Fire Department fought a fire on Raymond Road on Friday and averted a potentially devastating result. He thanked the DPW for continued work on the roads and cutting of fallen trees and branches.

Upcoming Town graduation events would soon be announced by Town Manager Hayes.

Health Director Bill Murphy to provide an update on COVID-19

Present: Bill Murphy, Health Director

Mr. Murphy announced that the Sudbury cumulative COVID-19 cases were 110 with most identified cases found in senior living facilities. He reported that COVID-19 death and hospitalization rates in the state are down, but emphasized the importance of continued social distancing, wearing masks, washing hands, and staying in place.

Mr. Murphy stated that Social Worker Bethany Hadvab has seen the social impacts surfacing. In the month of April, some 483 people contacted her seeking mental health referrals due to anxiety, depression, grief, trauma, domestic violence, alcohol, parental stress, insecurities and employment loss. He added that an additional 69 people reached out to Ms. Hadvab last week.

Mr. Murphy acknowledged that the biggest consideration now is how to introduce activities, and other openings. He stated that he met with Town Clerk Beth Klein regarding the proposed Town Election and agreed with organizing a detailed plan to conduct the Town Election. He emphasized that if the risk is still high, as the proposed Town election date nears, cancellation would be recommended. Ms. Klein agreed to review the situation two weeks before the scheduled Town Election.

Selectman Dretler thanked BOH for all their efforts and suggested that a Task Force be implemented to address all aspects of Town re-openings.

Selectman Roberts thanked Mr. Murphy and his department for all the help they have provided at this time. She asked Mr. Murphy about his expectations for the Town Election. Mr. Murphy responded that the state “stay in place” advisory would have to be lifted by the Governor for the Town Election to take place. He stressed the importance of voting by mail and a decreased number of voters at polls.

Vice-Chair Brown and Selectman Schineller both thanked the Health department for all their help and the continued communications efforts.

Town Manager Hayes stated that two Town task force teams are being formed to plan for reopening of business with staff, and town-at-large openings.

Citizen's comments on items not on agenda

There were no comments

Update regarding potential staff workload if petition article (Burying Utility Lines) becomes a priority for the Town

Present: Adam Duchesneau, Director of Planning and Community Development

Mr. Duchesneau noted that Article 54 is a worthwhile project, but the Planning Department staff is overloaded with several comprehensive ongoing projects, including the Master Plan, the BFRT project, the Community Preservation Plan, and the micro-transit pilot project in concert with site plan and stormwater plan applications.

Chair Carty commented that the Planning Department will soon be actively involved with the Housing Production Plan.

Selectman Schineller asked how much time would be involved in sending an e-mail to the Eversource liaison regarding outages. Mr. Duchesneau answered that such e-mail would not likely take much time, but if the supplied data was not studied within a certain time frame, such data would be invalid.

Selectman Dretler thanked Mr. Duchesneau for responding to this request and appreciated the heavy workload currently facing the Planning Department.

Vice-Chair Brown indicated that sending a letter to Eversource at this time might help clarify the outage situation. She asked Mr. Duchesneau if help from staff in the Selectmen's Office might help. Mr. Duchesneau maintained if the Town wanted this incentive to go forward at this time, Planning would adjust the work schedule and likely other projects would not be given as much attention.

Vice-Chair Brown asked if the work associated with the Article could be considered next year. Mr. Duchesneau confirmed that next year would be preferable.

Selectman Roberts asked if the MPSC (Master Plan Steering Committee) had discussed power outages. Mr. Duchesneau responded that such initiative could work into the vulnerability preparedness topic. Selectman Roberts inquired about the recommended process when timing of a petition article is not good. Chair Carty affirmed the article had enough signatures for presentation at Annual Town Meeting, and if voted at that meeting, would become a directive. The Board of Selectmen could vote to support or not support the Article.

Resident and member of the MPSC, Robert May, 98 Maynard Farm Road, suggested that the Energy and Sustainability Committee or other Town committees might be able to help with advancing the article, if timing is critical. He added that the Town had not yet formed a Task Force to examine all Sudbury utility providers.

Resident Kirsten Roopenian, 45 Harness Lane, commented that the Planning Department is currently focusing on project deadlines and commented that many citizen petition articles fail because there is not enough Town staff to advance those projects.

Chair Carty confirmed that Ms. Roopenian is employed by the Town.

Energy and Sustainability Committee to present and discuss recommending renewal of the Sudbury Town Wide Community Electricity Aggregation program for residents and businesses that will be expiring in August. Also possibly vote to renew the program.

Present: Rami Alwan, Chair of the Energy and Sustainability Committee; and Facilities Director Bill Barletta

Mr. Alwan presented detail regarding the recommendation for renewal of the Sudbury Town Wide community Electricity Aggregation program for residents and small businesses. The goal is to attain 100% green energy and purchase electricity at a more favorable rate.

Mr. Barletta stated that the aggregation program started three years ago and is up for renewal. He explained that if the BOS voted in favor of renewal, another contract would be secured for a term of three years.

Mr. Alwan explained the program options:

- 100% Green, which represents a Mix of MA class 1 RECs (Renewable Energy Credits) and National RECs. The default program fell into this category.
- Opt-Down (Less costly than Eversource and recommended for those on fixed incomes)
- Basic Package

Selectman Roberts asked why the National REC was less costly when compared to MA REC rate. Mr. Alwan explained that the National REC is somewhat less green.

Vice-Chair Brown inquired about the aggregation program she elected three years ago, and asked how she could make changes to her plan. Mr. Barletta responded that information and changes could be made on the Town website.

Selectman Schineller asked about differences between the new and old aggregation program plans. Mr. Alwan explained the default aspect and the green option. Selectman Dretler shared her computer screen to display the Sudbury Community Electricity Aggregation Program page on the Town webpage. Selectman Dretler affirmed that she liked what was being proposed.

Chair Carty inquired about the bidding aspect. Mr. Barletta detailed that he, Mr. Alwan and Town Manager Hayes would secure the best bid for the Town and authorize Town Manager Hayes to endorse the new contract as the former Town Manager did in 2017.

Vice-Chair Brown motioned, and Chair Carty seconded the motion.

It was on motion unanimously

VOTED: To recommend renewal of the Sudbury Town Wide Community Electricity Aggregation program for residents and businesses that will be expiring in August.

Vice-Chair Brown motioned, and Selectman Dretler seconded the motion.

It was on motion unanimously

VOTED: To allow the Energy and Sustainability Committee, on behalf of the Town of Sudbury, to go out to bid for electricity aggregation and to authorize the Town Manager to sign the contract.

Division of Local Services (DLS) presentation of capital report

Present: DLS representatives Tara Lynch, Sean Cronin, and Marcia Bohinc.

Mr. Cronin provided an overview of the DLS "Town of Sudbury – Review of Capital Improvement Program" document dated April 2020.

Ms. Lynch spoke of the CIP – Capital Improvement Plan as a management tool composed of four component areas:

- Financial Policies
- Capital Planning Procedures
- Funding Strategies
- Capital Forecasting

Vice-Chair Brown indicated that many financial planning strategies could not be implemented until times become more normal. Mr. Cronin commented that it might be best to enact policies during more difficult times. Ms. Lynch stated that a community can adopt a policy to obtain goals at any time.

Selectman Schineller asked about recommendations regarding new growth. Ms. Lynch responded that new growth should not be a formalized policy, but the Town should strive for 50% new growth.

Selectman Roberts inquired about reserve funding and the possible funding for the Fairbanks Community Center. Ms. Lynch responded that larger projects such as construction or renovation projects, would likely be funded by debt exclusion.

Selectman Roberts asked about the likely financial effects of COVID-19. Mr. Cronin detailed that DLS had participated in many related conference calls and Lt. Governor Polito acknowledged this situation to be unique. He indicated that capital would likely be most affected in 2021.

Selectman Dretler noted that it was most critical to provide detail with policies and important to stay the course. Ms. Lynch acknowledged that free cash is generally used for smaller capital purchases and emergencies. Selectman Dretler asked for a definition of “emergency needs.” Mr. Cronin stated that overall reserve policies should be in place and an “emergency need” example might be replacement of a broken broiler. He stressed free cash should not be used as an operating budget expense.

Resident and FinCom (Finance Committee) member Bryan Semple, 15 Revere Street, commented about a shift in the annual budget and unprecedented times. He referred to the B1 DLS recommendation. Mr. Cronin provided explanation with examples.

Resident and FinCom member Jean Nam, 81 New Bridge Road, asked about Sudbury Facilities Department line item. Ms. Lynch stated that the Town Manager and the Finance team generally are responsible for reviewing that item.

Resident and CIAC (Capital Improvement Advisory Committee) member Jamie Gossels, 11 Spiller Circle, stated that CIAC had concerns about the use of free cash.

Resident and CIAC member Thomas Travers, 32 Old Framingham Road, recommended long-term planning and asked what the next steps for the Selectmen might be. He suggested formation of a policy committee.

Resident Len Simon, 40 Meadowbrook Circle, indicated there was a need for revision of existing policies for a sound capital improvement plan. He asked DLS representatives for a copy of their PowerPoint presentation. Ms. Lynch confirmed that the presentation would be sent to Town Manager Hayes.

Mr. Simon asked if DLS would be able to come back to assist with policy planning/revisions. Ms. Lynch responded affirmatively. Chair Carty commented that he would look forward to DLS returning.

Discussion and possible adoption of M.G.L. c.110G, regarding the use of electronic signatures by Council/Board/Commission members pursuant to Amendment 13-7 to the Massachusetts Deed Indexing Standards 2018, effective April 17, 2020

Present: Town Clerk Beth Klein

Town Manager Hayes presented the proposed bill M.G.L. c.110G - the use of electronic signatures by municipal boards and committees. He explained that KP Law formalized the language for such a vote by the Board of Selectmen.

Chairman Carty stated that the bill could be extended to other Town boards/committees by next week.

Town Manager Hayes stated that the Town now has electronic signature capability.

Selectman Dretler motioned, and Chair Carty seconded the motion.

It was on motion unanimously

VOTED: That the Town of Sudbury Board of Selectmen hereby recognizes and accepts the provisions of M.G.L. c.110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect.

Ms. Klein reiterated that the electronic signatures M.G.L. c.110G, would be in effect during emergency times only, and she would notarize the BOS vote tomorrow.

Discussion and potential vote on Annual Town Election date

Present: Town Clerk Beth Klein and Board of Health Director Bill Murphy

Ms. Klein reviewed her Proposed Logistics Plan for June 23, 2020 Annual Town Election Communications Plan, which detailed how the Annual Town Election will be held with the least amount of risk to election workers, voters and Town Clerk staff. She affirmed that she would update the Logistics Plan as the time got closer to the Town Election date, and the BOH agreed with her recommendations.

Selectman Roberts asked about methods to maximize voting by mail.

Ms. Klein responded with the following from her Communications Plan:

- Reverse 911 call – announcing new election date and availability of Absentee Voting and Early Voting to every land-line phone and cell phone.
- E-mail notification to residents with link to absentee ballot application.
- Post information on front page of Town website
- Circulate information via social media
- Put information in Annual Town Meeting Warrant, which is mailed to every household
- Send out postcard announcing Annual Town Election
- Information on the Town Clerk's website which links to absentee ballot applications.
- Publish news brief in the Town Crier
- Use DPW flashing signs and other Town signage

Selectman Roberts inquired about the deadline for receipt of voting applications. Ms. Klein answered that the deadline was noon the day before the election.

Selectman Schineller endorsed sending colored voting announcement postcards to each household. Chair Carty commented that he was also in favor of the postcard mailing. Chair Carty asked when elected officials would take office. Ms. Klein stated that she had a call into KP Law about the timeline for taking office.

Mr. Murphy reiterated that every attempt to reduce risk must be taken when communicating with the public.

Selectman Dretler asked who would be sanitizing the voting polls. Ms. Klein responded that election workers would be cleaning the areas involved.

Selectman Dretler asked how many polling places would be used for the Town Election. Ms. Klein responded that two polling stations would be open in light of distancing voters. Selectman Dretler suggested that SudburyTV might capture the voting event with a Municipal Minute segment. Ms. Klein agreed.

Resident Charles Russo, 30 Juniper Road, asked if Secretary of State applications could be used for this process. Ms. Klein confirmed that the State applications could be used.

Selectman Dretler moved to set the date of the Annual Town Election for June 23, 2020. Chair Carty seconded the motion.

It was on motion unanimously

VOTED: To set the date for Annual Town Election for June 23, 2020.

Chair Carty suggested that the Board discuss the postcard mailing at the next meeting.

Resident and member of the League of Women Voters, Nancy Brumback, 36 Canterbury Drive, suggested splitting the voting poll hours to 7:00 a.m.-11 a.m. and 4:00 p.m.-8:00 p.m. Ms. Klein affirmed that she had concerns about splitting the voting times.

The Board agreed to table Item 9 – Review of Town Meeting Articles, Item 10 – Consent Calendar items for Town Meeting warrant articles, and Item 11 – Discussion of Fairbank Community Center/Town Forum.

Citizen's comments on items on agenda

There were no citizen's comments

Upcoming Agenda Items

Requests for future agenda items not included in the Upcoming Agenda Items list:

May 12, 2020 Meeting

- Suggested Policy Task Force
- Discuss possible change to Town Election hours
- Historic Districts Commission Vacancy
- Town election post card mailing
- Selectmen's Policies
- Electronic Signature capability for other Town Boards/Committees
- Release of Executive Session minutes
- Park & Recreation presentation
- Financial Policy discussion

Future Meeting Topics

- Master Plan Update
- Town landowner discussions, such as Cavicchio lands

Selectman Roberts asked if an executive session discussion regarding CSX would be taking place. Chair Carty responded that might take place next week in addition to review of executive session minutes. Town Manager Hayes agreed that a CSX discussion in executive session could take place on May 12.

Consent Calendar

Vote to approve advertising openings for the Town board/committee positions becoming available in 2020

Vice-Chair Brown suggested that the Board consider staggering terms.

Selectman Schineller asked about FinCom. Vice-Chair Brown stated that the Selectmen did not have jurisdiction over FinCom.

Selectman Roberts motioned, and Selectman Schineller seconded the motion.

It was on motion unanimously

VOTED: To approve advertising openings for the Town board/committee positions becoming available in 2020, with the exception of the Historic Districts Commission, as amended.

Vote to adjourn meeting

Selectman Dretler motioned to adjourn the meeting. Chair Carty seconded the motion.

It was on motion unanimously

VOTED: To adjourn meeting

There being no further business, the open meeting adjourned at 10:51 p.m.

Attest: _____

Henry L. Hayes, Jr.
Town Manager-Clerk

05/05/20 Documents & Exhibits

1. Vote to immediately enter 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).

Attachments:

- 1.a BOS_draft1_3.20.18_Exec_min_for_review
- 1.b BOS_draft1_4.11.18_Exec_min_for_review
- 1.c BOS_draft1_6.5.18_Exec_min_for_review
- 1.d BOS_draft1_7.17.18_EXECmin_for_review
- 1.e BOS_draft1_7.30.18_Exec_min_for_review

4. Update from Adam Duchesneau, Director of Planning and Community Development, on potential impact to staff workload if town meeting petition article (Burying Utility Lines) becomes a priority for the Town.

Attachments:

- 4.a Planning_Comm_Dev_impact_statement

5. Energy and Sustainability Committee to present and discuss recommending renewal of the Sudbury Town Wide Community Electricity Aggregation program for residents and businesses that will be expiring in August. Also possibly vote to renew the program.

Attachments:

- 5.a The Sudbury Energy and Sustainability Committee 4-22-20
- 5.b Dynergy ESA_24May2017_Sudbury

6. Division of Local Services (DLS) presentation of capital report. Attending from DLS will be Tara Lynch, Sean Cronin, Marcia Bohinc.

Attachments:

- 6.a Copy of Capital_Targets_Sudbury 4-6-2020
- 6.b Sudbury_Capital_Report_DLS

7. Discussion and possible adoption of M.G.L. c.110G, regarding the use of electronic signatures by Council/ Board/Commission members pursuant to Amendment 13-7 to the Massachusetts Deed Indexing Standards 2018, effective April 17, 2020.

Attachments:

- 7.a eUpdate - Electronic Signatures and Virtual Notarization

8. Discussion and potential vote on Annual Town Election date. Town Clerk to provide communications plan and staffing detail. Also feedback and approval from the Board of Health is required.

Attachments:

- 8.a TC memo to BOS re -ATE
- 8.b COVID-19 FAQs SOC
- 8.c Answers to Frequently Asked Questions

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

Attachments:

- 9.a Articles list ATM 2020 05.05.20
- 9.b Nason_email_dutton easement
- 9.c S5013-002-C-DSGN-ROW Plan3_Solid Hatch
- 9.d warrant_article_re__Meadow_Walk_-_alc__license_special_act__
- 9.e Fw_ Sudbury Liquor License
- 9.f Conservation Commission Meeting Report 050520

10. Discussion and possible vote on updated consent calendar items for Town Meeting warrant articles

Attachments:

- 10.a Consent_Calendar_list_EJones

13. Upcoming Agenda Items

Attachments:

- 13.a POTENTIAL UPCOMING AGENDA ITEMS_5_5_20

14. Vote to approve advertising openings for the town board/committee positions becoming available in 2020.

Attachments:

- 14.a Committee_Appt_List