

SUDBURY BOARD OF SELECTMEN

TUESDAY AUGUST 11, 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., Maryanne Bilodeau, Assistant Town Manager/HR Director

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.

Roll Call and Opening Remarks by Chairman

Roll Call: Brown-aye, Dretler-aye, Schineller-aye, Roberts-aye, Carty-aye, Hayes-aye

Chair Carty announced:

- Town Manager Hayes will be conducting Town Manager's Office Hours August 27, from 8:30 a.m. to 9:30 a.m.
- Fairbank Forum scheduled for Wednesday, August 26th at 7:00 p.m.
- Annual Town Meeting Schedule
- Selectmen's Office Hours hosted by Selectmen Dretler and Roberts on August 13, 12:00 p.m. to 1:00 p.m. The Board plans to conduct such office hours every two weeks.
- State Primary Election - September 1. Town polling sites will be open 7:00 a.m. to 8:00 p.m.
- Sudbury School Committees are meeting and working diligently in preparation of phased school re-openings.
- Selectmen edits regarding SPS-COVID-19 letter were approved.

Reports from Town Manager

Town Manager Hayes announced:

- COVID-19 status in MA and detailed that the State gatherings order allows for 50 people or less outdoors; indoor gatherings are limited to 25 people or less.
- The importance of continued wearing of masks, distancing, hand washing and avoidance of group gatherings.
- The Fairbanks Community Center virtual tour has been completed.
- He will be conducting a Municipal Minute with Planning and Community Development Director Adam Duchesneau.
- The Sudbury Fire Department/EMS team assisted with a home delivery recently; mother and baby are doing well.
- There will not be a Selectmen's Meeting on Tuesday, September 1 due to the State Primary Election.
- He will be participating at the next Commission on Disability meeting.

Reports from Selectmen

Vice-Chair Brown announced that the Fairbank Forum materials are on the front page of the Town website and invited all to attend the Forum.

Vice-Chair Brown noted that at their meeting last week, the Community Preservation Committee (CPC) announced the applications for the Fall. She invited those interested to apply and submit applications.

Selectman Roberts attended the MMA (Massachusetts Municipal Association) conversation for Municipal CEOs today, with representatives from DESE (Department of Elementary and Secondary Education), medical advisors, and Lt. Governor Polito. The focus of that conversation was school re-openings, and noted that several helpful matrix modes for community use were introduced by MMA.

Selectman Roberts requested that residents submit their Fairbank Community Center questions soon in order to be addressed at the Forum.

Selectman Dretler stated that she attended a virtual MAPC (Metropolitan Area Planning Council) session regarding Racial Equality and Equity municipal action planning.

Selectman Dretler informed the Board that she attended the MMA COVID-19 session today, and stressed the importance of following prescribed illness-prevention protocols, including the continued use of masks, hand washing, and social distancing.

Selectman Schineller commented about recent heat waves and recognized that the community is being efficient with energy usage at this time. He recognized the importance of solar energy and transmission line programs.

Citizen's comments on items not on agenda

Resident Sue Abrams, 24 Hudson Road, expressed her disappointment with the Board's delayed action regarding racial equality goals and community involvement. She noted that other neighboring towns have advanced efforts and suggested that the Town formally set goals and establish a related task force committee.

Discussion and update on Annual Town Meeting planning

Present: Town Moderator Beth Quirk

Town Manager Hayes stated that he and staff have been planning Town Meeting, and are giving considerable thought to special provisions for those attending who have special needs and mobility issues.

Town Manager Hayes detailed that Town Meeting presentations are being coordinated with SudburyTV and beginning August 21st such recorded presentations will be submitted. Ms. Quirk recognized that it would not be feasible to pre-record all Town Meeting presentations, and applauded the Board's efforts with including numerous articles included on the Consent Calendar.

Town Manager Hayes stated that there will be a central large screen and two secondary screens, and confirmed that the large screen will be designated for motions made.

Vice-Chair Brown asked about the closed caption option. Town Manager Hayes added that the closed caption screen viewing area will reflect seating priority. Ms. Quirk commented that those seats will be reserved.

Resident Kirsten Roopenian, 45 Harness Lane, inquired about amendments to articles. Ms. Quirk responded that receiving amendments in advance would be most useful

Selectman Schineller inquired about mask enforcement at the Town Meeting. Ms. Quirk responded that unless an attendee has a medical reason, everyone must wear masks.

Resident Kay Bell, 348 Old Lancaster Road, asked if incidences of COVID-19 should increase, would Town Meeting be rescheduled. Town Manager Hayes responded in the affirmative, adding that assessments are being made daily.

Selectman Roberts asked if attendees could bring their own umbrellas. Town Manager responded that the Town Moderator will need an uninterrupted line of vision, but opined about such umbrellas being used in the rear-most isles.

DPW Director Dan Nason to present ATM articles 22, 25, 26, 28, 29, 30

Present: DPW Director Dan Nason

It was confirmed that Article 22 was previously supported by the Board.

Mr. Nason presented the DPW articles.

Article 22 – Dutton Road Bridge Project – Easements

Mr. Nason commented that the project included a total of five easements; two being temporary easements. He explained the neighboring properties that would be effected.

Selectman Schineller asked if Town would have to provide funding for the easements. Mr. Nason responded not.

Vice-Chair Brown queried about the projected timeline. Mr. Nason responded that due to COVID-19 related delays, the project would likely not start before spring of 2021.

Article 25 – Road Drainage Improvements

Mr. Nason detailed that the improvements included the repair of corrugated metal pipes. The amount requested for the project was \$120,000.

Selectman Dretler asked if the requested funding amount for Article 25 reflected design aspects only. Mr. Nason confirmed that the article funding was allocated to the design aspect, and noted that some areas might require patching only.

Selectman Roberts inquired about the life of the existing pipes. Mr. Nason responded that most of the piping was at least fifty years old.

Article 26 – Old Sudbury Road Culvert Design

Mr. Nason noted that several areas of the culvert had collapsed, and if further damage incurred, the road would likely have to be closed to traffic. He suggested that areas of culvert repair might be performed by DPW. Mr. Nason confirmed that the funding amount was \$100,000.

Selectman Roberts inquired about the culvert being located in the Historic District. Mr. Nason responded affirmatively, and opined that because all required work would be underground, he believed there would be no special considerations. He stated that he would confirm that aspect.

Selectman Roberts recommended that a cost-benefit study be preformed with consideration that the culvert work might be able to be done by the DPW Department. She asked if further culvert failure could take place before beginning the project. Mr. Nason responded that further damage could take place.

Article 28 - Dump Truck with Plow

Mr. Nason detailed that the funding of the dump truck would be \$110,000.

Article 29 – One-Ton Dump Truck with Plow, Spreader and Wing

Mr. Nason detailed that the funding of such equipment would be \$140,000.

Mr. Nason explained that DPW was considering replacement of two trucks and spoke of the replacement schedule which involved the replacement of two vehicles per year. He advocated for a replacement schedule and spoke of multi-use vehicles.

Selectman Dretler mentioned utilizing a type of vehicle replacement evaluation tool. She noted that some towns use the Collins Center evaluation tool. Selectman Dretler offered to provide Mr. Nason with the link to the Collins Center evaluation tool. Mr. Nason indicated his appreciation.

Selectman Roberts asked about DPW Article amendments. Town Manager Hayes detailed that Article 24 and Article 27 were indefinitely postponed (IP).

Article 30 - 6-wheel Combo Body Dump Truck with Plow and Spreader

Mr. Nason stated that the funding amount of the 6-wheel combo body dump truck was \$260,000.

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

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

VOTED: To support Articles 25, 26, 28, 29 and 30.

Discussion on Town Manager 90-day check-in, goals and 6-month evaluation

Selectman Roberts reviewed the edits made on the “Town Manager Goals, Evaluations, and Professional Development for Henry Hayes, Jr.” document.

Selectman Schineller stated that COVID-19 changed everything and Town Meeting could not be included in the 90-day goals document.

Selectman Roberts commented that a section of the 90-day check-in/evaluation document should include the leadership role of Town Manager Hayes during a state of emergency.

The Board recommended that Town Manager Hayes finalize the “Town Manager Goals, Evaluations, and Professional Development” document for next week’s meeting. Town Manager Hayes confirmed that he would submit the finalized documentation to the Board this evening.

Discussion and possible vote on the Fairbank Community Center Town Forum

Vice-Chair Brown acknowledged that Leila Frank did an “awesome job” getting the Fairbank Community Center Town Forum information out to the community. She noted that the plan was for residents to submit Fairbank-related questions at least several days before the Forum, so that there will be sufficient time to get such questions answered during the Forum.

Selectman Roberts noted that the Forum was also advertised on the Town website and social media. She asked about e-mail opportunities.

Selectman Dretler asked if the Forum advertising could be placed in the Town Crier newspaper.

The Board reviewed the Fairbank advertising flier.

Selectman Roberts asked if a Forum announcement could be circulated to Town commissions and committees.

Selectman Schineller commented that Forum material included in the Town website was exceptionally well presented.

Discussion and possible vote on Key Performance Indicators (KPI)

The Key Performance Indicators (KPI) discussion was postponed to the next meeting scheduled for August 18th.

Continued discussion and possible vote on Safety and Race Community Conversation forum

Town Manager Hayes stated that a proposed working group or public community forum should include all populations effected by equity, disparity and fairness in Sudbury. He noted that the group should not be limited to ethnicity, since such a group in Sudbury represented only 1% of the population.

Town Manager Hayes detailed that a grant was available to help accelerate such community action, but indicated that the Town was not ready to apply for that application, but could strive for specific actions and perhaps partner with other involved organizations in Town.

Selectman Dretler agreed that the Town was not ready to apply for the grant at this time, but could apply for additional grants that would be coming along. She explained that the MAPC (Metropolitan Area Planning Council), The Federal Reserve Bank of Boston, and The Government Alliance on Race Equity were sponsoring the training grant program which would require 225 hours of municipality commitment towards a training and action program. Selectman Dretler noted that she participated in the MAPC meeting focusing on a racial equity plan.

Selectman Dretler confirmed that she will send the MAPC Equity Plan materials to Town Manager Hayes to share with the Board.

Chair Carty opined regarding the creation of a community task force. Selectman Roberts agreed and stated that during this time of COVID-19 and Town Meeting, it would be great to get direction in advancing this effort and did agree with expanding the topic, but not to the extent that promotes the focus to be compromised.

Selectman Schineller commented that the Police Department was not the problem in Sudbury, and stressed that the Sudbury schools would be important when considering any new group formation.

Vice-Chair Brown stressed that the Board must consider the mission and goal of the proposed group, decide who the members should be, and establish time parameters.

Selectman Dretler opined that as a precursor to group formation, the Board must consider the overall goal and rely on the input of the population that is most involved in such inequalities, and plan to invite them to a future Board meeting. Selectman Dretler stated that the proposed group should be chosen by the Board. Selectman Roberts agreed that the implementation should be a BOS - initiated program, with Town Manager Hayes as a part of that team effort.

Ms. Abrams asked that the Board frame a statement that prioritizes this issue. Chair Carty commented that in consideration of Town Meeting planning and scheduling, such a priority discussion could be included at a Board meeting in October. Ms. Abrams suggested that the Board get the word out now.

Town Manager Hayes asserted that the Board had to examine realities going forward, and reiterated that the inequities reflect more than race in Sudbury. He stated that education, health and cultural challenges were equally important.

Selectman Schineller offered to share race and safety materials at the next Board meeting. He stressed that the Board must examine the intended mission, foundation and the make-up of the proposed group.

Discussion and possible vote whether to include future Board member Charlie Russo in Executive Sessions

Selectman Dretler stated that she had no issue with Mr. Russo's inclusion in executive session meetings during the period before he became an official Select Board member.

Selectman Roberts indicated that inclusion of Mr. Russo at these executive meetings would help Mr. Russo better understand issues that the Board was currently involvement with.

Vice-Chair Brown commented that such inclusion could cause difficulty if a joint executive session meeting were to take place.

Selectman Dretler maintained that other individuals were included in Selectmen executive sessions with signed disclosures.

Chair Carty stated that this discussion was not about Mr. Russo specifically, but rather about setting precedent.

Mr. Russo commented that he did not take this matter personally, did not think that the topic would be controversial, and stated that he would be willing to sign a related disclosure.

The Board conceded not to grant Mr. Russo's presence at executive session before his official appointment to the Board.

Review regular session minutes of 6/17/20 and possibly vote to approve minutes

Selectman Dretler motioned to approve the regular session minutes of 6/17/20, as amended. Selectman Schineller seconded the motion.

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

VOTED: To approve the regular session minutes of 6/17/20, as amended.

Citizen's Comments

There were no citizen's comments

Upcoming Agenda Items (August 18th)

- KPI Presentation – Selectman Schineller
- Social Media Policy – Selectman Dretler
- BFRT update
- Cold Brook Crossing and Town Center land exchange
- Broadacres structures
- Camp Sewataro
- Safety and Race task force planning
- Town Meeting discussion
- Town Warrant Articles
- Town Manager 90-day check-in

Consent Calendar

Vote to sign the Annual Town Meeting Warrant

Selectman Roberts commented that she needed more time to review the Town Meeting Warrant before signing. Town Manager Hayes confirmed that the Annual Town Meeting Warrant had to be signed this evening.

Chair Carty suggested that the Board recess for twenty minutes in order for the Board to review the Warrant. The Board recessed at approximately 10:14 p.m.

The Selectmen meeting resumed at approximately 10:41 p.m.

Selectman Schineller questioned Article 17 – CSX Corridor and asked if both the \$100,000 and \$300,000 grants could be included in the Article.

Selectman Schineller also questioned Article 18 – Fairbank Community Center Design and Construction Funds and indicated that the Warrant language should include that the Finance Committee did not vote in favor of Article 18, as the Finance Committee voted four in support and four against the Article.

Town Manager Hayes acknowledged that the Finance Committee did not recommend Article 18.

Selectman Roberts commented that face coverings at Town Meeting was mandated and indicated that the word “mask” had a stronger connotation. Selectman Roberts inquired about actual board/committee vote count including on the Annual Town Meeting Warrant. Chair Carty responded that such vote was usually mentioned at Town Meeting.

Related discussion took place. It was noted that Finance Director Dennis Keohane had submitted that latest version of the Annual Town Meeting Warrant.

Chair Carty motioned to approve item 15 of the Consent Calendar with amendments suggested by Selectman Schineller. Vice-Chair Brown seconded the motion.

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

VOTED: To approve item 15 of the Consent Calendar with amendments suggested by Selectman Schineller.

Selectman Roberts recommended that the Board be provided enough time to review the Town Meeting Warrant in the future.

Town Manager Hayes confirmed that the language associated with Article 18 would reflect that the Finance Committee did not recommend approval of the Article.

Selectman Dretler noted that a tie vote was equivalent to a “no vote.”

Vote to adjourn meeting

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

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

VOTED: To adjourn the meeting

There being no further business, the open meeting adjourned at 10:56 p.m.

8/11/20 - Documents & Exhibits

1. Open in regular session and immediately vote to enter executive session to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body, pursuant to General Laws chapter 30A, §21(a)(exception 6) with respect to the Sudbury portion of the CSX rail corridor.

Attachments:

- 1.a KP-#727846-v2-SUDB-_CSX_P&S_7-30-20
- 1.b CSX Appraisal ES Memo 2020 May 12
- 1.c 2020 CSX Acquisition Timeline Revised BOS May 2020
- 1.d CSX Sudbury Rail Corridor Colliers Appraisal 20200506
- 1.e Signed Confidentiality Statement SWD re CSX PandS 3-23--20 - NDA

2. Continue in executive session to discuss the purchase, exchange, lease or value of real property and that the chair declare that an open meeting may have a detrimental effect on the negotiating position of the body. Also discuss strategy relative to litigation and that the chair declare that an open meeting may have a detrimental effect on the litigating position of the body (LSRHS Regional Agreement).

Attachments:

- 2.a LS Agreement May 1988 Searchable Format
- 2.b JBL Parsing Regional Sch Agreement fr Town
- 2.c Table of Duties
- 2.d Brown email
- 2.e Sudbury_questions_LS_regional_agreement
- 2.f SJC_Ruling_Patch
- 2.g L-S_Budgeting_Principles_Statutory_Method

3. Also 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:

- 3.a BOS Executive Session 7-15-19_min_for_review
- 3.b BOS Executive Session 7-23-19_min_for_review

4. Vote to close Executive Session and resume Open Session.

5. Discussion and update on Annual Town Meeting planning

6. DPW Director Dan Nason to present ATM articles 22, 25, 26, 28, 29, 30

Attachments:

- 6.a Articles list ATM 2020_08.11.20
- 6.b Art 22-Dutton Road Bridge Easements
- 6.c Art 25-Roadway Drainage Improvements
- 6.d Art 26-Old Sudbury Road Culvert Design
- 6.e Art 28-29-30 DPW Capital Requests

7. Discussion on Town Manager 90-day check-in, goals and 6-month evaluation

Attachments:

- 7.a TM Eval Checklist
- 7.b TM Eval Process

- 7.c Goals and evals - 30 90 6months - Hayes v1
- 7.d Goals and evals - 30 90 6months - Hayes v1 JR edits

8. Discussion on the Fairbank Community Center Town Forum.

Attachments:

- 8.a Fairbank docs combined

9. Discussion and possible vote on Key Performance Indicators (KPI) as requested by Selectman Schineller.

Attachments:

- 9.a DRAFT SelectBoard Project Tracking Policy
- 9.b Project Status and KPIs

11. Review regular session minutes of 6/17/20 and possibly vote to approve minutes.

Attachments:

- 11.a BOS_draft1_6.17.20C_min_for_review

14. Upcoming Agenda Items

Attachments:

- 14.a POTENTIAL UPCOMING AGENDA ITEMS_8_11_20

15. Vote to sign the Annual Town Meeting Warrant which must be posted by 9/4/20.

Attachments:

- 15.a 2020 Warrant Draft working doc orig 3 illustrated
- 15.b FY21 Finance Committee Section as of 8-6-2020