

SUDBURY BOARD OF SELECTMEN

TUESDAY AUGUST 25, 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., Marianne Bilodeau, Assistant Town Manager/HR Director

The statutory requirements as to notice having been complied with, the meeting was convened at 7:05 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

Chair Carty performed a roll call and made announcement about the meeting being recorded.

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

Chair Carty announced:

- State Primary on September 1. Polls to open at Goodnow Library and Town Hall
- Fairbank Town Forum scheduled for August 26 (tomorrow evening) at 7:00 p.m. via telecommunication mode
- Small Grant Program (\$5,000) applications due by September 30th to provide assistance for moderate income households
- Annual Town Meeting at LSRHS on September 12th
- Transportation Committee secured a \$23,050 taxi grant from MAPC for the Town and a \$3,000 BayPath Grant
- SPS is planning a hybrid model for school re-openings. Home learning technology devices grant received in the amount of \$38,267

Reports from Town Manager

Town Manager Hayes mentioned:

- Deficit 1/12 budget approval.
- Governor Baker limiting gatherings in homes and public places to 10 people. Continuance of social distancing, masks and hand washing.
- Restrictions on child care facilities in the state as detailed by Child Care Commissioner.
- Flu shots mandated before students can go back to school or to child care facilities.
- Updated COVID travel guidance for the state
- Sean Cronin of DLS stated the Municipal COVID Care Act provisions would be covered until the end of December, 2020, and such funds could not be used for loss of revenue.
- Received complaints regarding increased airplane noise. He contacted Hanscom Field in this regard, and reported that there was not an increase in airplane activity and the answer maybe that more people are home and more aware during this COVID State of Emergency. He added comments/complaints could be submitted to the Hanscom Field website.
- Spoke with the Finance Committee regarding the Cares Act application of funds.
- Fire Department received a grant of approximately \$12,000.

- Fire Chief Whalen received a letter of commendation recently from a resident who received exceptional care from the Fire Department team in getting to the hospital emergency room.
- “Shrine” movie production team asked to come back to Sudbury in September. Town Manager Hayes affirmed that the film production team would complete filming in September, and affirmed that resident viewing would likely not take place in consideration of the COVID state of emergency and crowd precautions.

Reports from Selectmen

Vice-Chair Brown reminded everyone of the Fairbank Town Forum tomorrow at 7:00 p.m.

Selectman Dretler stated that she attended the exceptionally informative MAPC (Metropolitan Area Planning Council) Equity of Wealth and Health Workshop. She stated that she presented the Fairbank Article to the Permanent Building Committee (PBC); the Fairbank article was presented to the Sustainability Committee on Thursday, August 20.

Selectman Dretler thanked everyone involved in putting the Forum presentation together: Town Manager Hayes, Assistant Town Manager/HR Director Bilodeau, Facilities Director Bill Barletta, Fire Chief Whalen, Finance Director Dennis Keohane, other Town commissions and committees, working group members, and Fairbank liaison Selectman Roberts.

Selectman Dretler commented that COVID cases in Sudbury have decreased.

Selectman Dretler noted that accommodations for the hearing and sight impaired regarding Town Meeting are included on the Town website. She added that those interested could also call the Town office.

Selectman Dretler spoke of the joint-COVID Statement from the Lincoln and Sudbury Boards of Health, School Departments and Select Boards regarding the seriousness of COVID and school re-openings. She stressed the importance of students’ safe re-entry to school, as well as continued diligence with social distancing, wearing of masks, and washing of hands.

Chair Carty confirmed receipt of that finalized letter, which he forwarded to staff to post on the Town website.

Selectman Schineller stated that he attended the PBC meeting last week which included the Fairbank article presentation. He noted that the Board can expect PBC suggestions regarding PBC re-appointments, as well as appointment to an unfilled PBC seat.

Selectman Schineller commented that the last Selectmen’s Office Hours included several resident participants, including a PBC member. He detailed that PBC will meet on Thursday, August 27th to address the Fairbank and the Quarry North proposals.

Selectman Schineller noted that ZOOM bombers appeared at the last PBC meeting. He recommended that other members of such public meetings lock the ZOOM option to avoid such intrusion.

Selectman Schineller mentioned that the Selectmen Newsletter had been released to the public.

Selectman Roberts echoed thanks to all involved in the Fairbank project and invited everyone to remotely attend the Fairbank Community Center Forum tomorrow at 7:00 p.m. She noted that it was not too late to submit Fairbank-related questions.

Citizen’s comments on items not on agenda

There were no citizen’s comments at this time.

Discussion on CSX acquisition

Present: Environmental Planner Beth Suedmeyer and Attorney Lee Smith, KP Law

Chair Carty announced that the CSX Purchase & Sale Agreement had been returned by CSX and was fully executed today. He noted that the information would be posted on the Town website tonight.

Chair Carty provided review of the CSX Sudbury portion and added that the topic would also be included on the Board's next meeting agenda.

Chair Carty motioned and Selectman Dretler seconded the motion.

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

VOTED: That the Board of Selectmen ratify, confirm, and approve in all respects, the actions of the Board of Selectmen in negotiating and executing a Purchase and Sale Agreement with CSX Transportation, Inc., dated as of August 24, 2020, for the acquisition of the CSX rail corridor in Sudbury being Mile Post QBS 3.40 to QBS 4.80.

Chair Carty noted that with due diligence the purchase price for the CSX acquisition was \$1,225,500, and in consideration of \$400,000 in existing funds and two reimbursable grants, the balance would be reduced to \$825,500, which will be financed.

Chair Carty stated that more detail would be provided at the next Board meeting. He noted that a Select Board site walk would take place.

Selectman Roberts recognized the efforts of Attorney Smith, Town Manager Hayes and Ms. Suedmeyer for advancing the CSX acquisition process.

Citizen's comments on items not on agenda

Resident Len Simon, 40 Meadowbrook Circle, inquired about the date of the next Board meeting. Chair Carty replied September 8th. Mr. Simon asked if residents could take part in the site walk, with permission from CSX, as such request had been previously allowed by CSX. Chair Carty responded that the site walk would likely not be a public walk. Mr. Smith stated that the right of access is for Town officials only at this time.

Attorney Smith confirmed that the previous CSX appraisals and the most current CSX appraisal would be made public today as well.

Mr. Simon inquired if CPA funds to be provided for the purchase could be discussed at the next meeting. Chair Carty responded that the article would be regarding as a capital exclusion, and not a use of Free Cash. He asked if financing considerations could be included at the Board meeting on September 8.

Resident Charlie Russo, 30 Juniper Road, inquired whether related reversion of CPA funding might considered an offset of the purchase price. Chair Carty stated that such CPA reversion of funding would be the right thing to do.

Mr. Simon asked about the capital exclusion aspect. Chair Carty responded that he would seek clarification from the Finance Director.

Sudbury Public Schools Superintendent Bard Crozier to present Annual Town Meeting articles 31, 32 and 33

Mr. Crozier presented Article 32 – Sudbury Public Schools Playground Improvement.

Chair Carty motioned to support Article 32 – Sudbury Public Schools Playground Improvement. Selectman Dretler seconded the motion.

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

VOTED: To support Article 32 – Sudbury Public Schools Playground Improvement.

Mr. Crozier presented Article 31 – Sudbury Public Schools Surveillance Cameras

Vice-Chair Brown asked if the surveillance recordings would be available to Sudbury Public Safety departments. Mr. Crozier stated there would be an agreement with Sudbury Public Safety

Selectman Schineller asked about project completion. Mr. Crozier confirmed that Article 32 reflected the final SPS request regarding the surveillance cameras.

Selectman Roberts inquired about “real time” monitoring. Mr. Crozier responded that such monitoring would be substantially more expensive. Mr. Crozier noted that the cameras would be on at all times.

Selectman Dretler asked about the retention of surveillance footage. Mr. Crozier replied approximately two weeks. Selectman Dretler asked if there would be backup to the Cloud. Mr. Crozier responded not.

Selectman Dretler inquired about upgrades. Mr. Crozier indicated 15 years.

Vice-Chair Brown motioned to support Article 31 - Sudbury Public Schools Surveillance Cameras. Selectman Dretler seconded the motion.

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

VOTED: To support Article 31 - Sudbury Public Schools Surveillance Cameras.

Eversource discussion regarding the Sudbury Double Pole Inventory

Present: DPW Director Dan Nason, Sean Lauziere of Eversource

Town Manager Hayes noted that he did follow-up with Eversource regarding the number of double poles.

Mr. Lauziere explained the purpose of such double pole usage, noting that double pole usage required cross-utility interaction, such as Eversource and some other utility. He stated that he has been reviewing pole usage with Mr. Nason on a quarterly basis. Mr. Nason stated that this quarterly review has been very helpful.

Mr. Nason commented that the pole usage is somewhat cumbersome, but less problematic when compared to some other related practices in some other communities.

Chair Carty asked how many double poles are present in the Town. Mr. Lauziere responded there are 58 double poles in Town with 18 of those poles located on Boston Post Road.

Chair Carty inquired about the timeline involved in transferring a double pole to a single pole. Mr. Lauziere responded that the goal is 90 days, but that goal is rarely achieved because of utility scheduling and prioritization, though Eversource did take priority.

Selectman Dretler asked if such pole work would be an expense to the Town. Mr. Lauziere stated that usually there is no cost to the Town for such work. He noted that safety issues and relocation of poles due to construction take priority.

Selectman Schineller inquired about storm outages in relation to double poles. Mr. Lauziere stated that if a terrible storm should effect Sudbury, he would be stationed at the Police or Fire Station, and would be available day or night.

Selectman Schineller opined about possible fining of the utility companies who go beyond the 90-day period. Mr. Lauziere responded such fining was outside of his purview.

Selectman Schineller asked about options regarding power outages and underground transmission. Mr. Lauziere noted that underground utility transmission also presented challenges, such as underground access and expense. Mr. Lauziere stated that he would be happy to share underground possibilities with the Board and facilitate further discussion.

Chair Carty stated that safety had to be the first consideration when considering double poles in Town.

Discussion and possible vote on the Fairbank Community Center Town Forum, including presentation content

Selectman Roberts provided update on the Fairbank Forum, adding that she and Vice-Chair Brown had been in regular communication.

Vice-Chair Brown acknowledged that most of the submitted Fairbank questions were rather involved and suggested that a dedicated space on the Fairbank webpage be added to provide answers to those questions.

Vice-Chair Brown noted that having questions in advance was beneficial, and the second part of the Forum would be interactive, questions could also be received via chat, which she would monitor. She suggested that those presenting questions provide their names and addresses. Vice-Chair Brown stressed the importance of written answers to be included on the Fairbank webpage.

Selectman Dretler affirmed that many Fairbank-related questions had been answered by the working groups over the past months.

Chair Carty stated that the Forum would not be replacing an article presentation at Town Meeting, where related questions would also be received.

Resident and Park & Recreation Commission member Mara Huston, 578 Peakham Road, commented that the existing Fairbank Community Center building is very crowded and parents are unable to view their children during swimming competition.

Discussion and update on Annual Town Meeting planning

Town Manager Hayes detailed various Town Meeting provisions including: parking, seating accommodations, golf carts (with several larger carts to carry wheelchairs, etc.), and 15 porta potties. He noted that volunteer assistance by the Boy Scouts and Girl Scouts.

Town Manager Hayes mentioned that a traditional Sudbury Town Meeting would cost approximately \$10,000, and this outdoor meeting would incur expense of \$14,000 to \$20,000, exclusive of the porta potties, chairs and golf cart expense.

Selectman Dretler asked if charging stations would be available for the charging of devices. Town Manager Hayes responded not, and suggested that residents have the devices fully charged when they come to Town Meeting.

Selectman Roberts asked if water would be available. Town Manager Hayes encouraged people to bring along “comfort items” and to be mindful of the plastic bottle petition article. Selectman Roberts suggested that water and food for emergency situations, or a 45-minute break might be considered. Town Manager Hayes responded that Town Moderator might consider such a break.

Town Manager Hayes confirmed that almost 30 Town Meeting article presentations would be recorded before Town Meeting, and anticipated that the Town Meeting could be completed in one day. Chair Carty noted that he had recorded the State of the Town presentation. Chair Carty congratulated Town Manager Hayes and Town staff for organizing the Annual Town Meeting.

Selectman Roberts recognized the importance of religious services on a Saturday, but stressed that safety came first and the scheduling of Town Meeting in the morning would be better for Sudbury's more vulnerable senior population.

Selectman Dretler suggested a reverse 911 Town Meeting announcement. Town Manager Hayes responded that he would consider the use of a 911 Town Meeting announcement if the scheduling of Town Meeting should be changed.

Mr. Simon expressed concerned about visibility and projection/screens at Town Meeting. Town Manager Hayes responded that SudburyTV was working with a vendor regarding maximum visibility of screens and presentations.

Selectman Dretler inquired about enhanced transmission on devices. Town Manager Hayes responded that the Wi-Fi capability would be more than adequate.

Resident and COA Chair Jeff Levine, 42 Chanticleer Road, asked if the area outside the LSRHS cafeteria could be used for people with disabilities. Town Manager Hayes responded that the area would likely not be used at this time in consideration of the fact that golf carts with drivers will be offering transportation throughout the Town Meeting.

Discussion on Board's Town Meeting articles presentation strategy

Chair Carty noted that there were seven Board of Selectmen articles to be presented at Town meeting.

Selectman Dretler and Selectman Roberts agreed to present Article 18 – Fairbank Community Design and Construction Funds.

Chair Carty stated that Article 17 – CSX Corridor, would be a debt exclusion article and not a capital exclusion as he had stated earlier in the meeting as would Article 18 - Fairbank Community Design and Construction Funds.

Vice-Chair Brown and Selectman Dretler agreed to individually draft the language of Article 17 – CSX Corridor. As liaison to the CSX Corridor, Selectman Roberts stated that she would present the CSX Corridor Article.

Resident and Chair of Church Council at the Sudbury United Methodist Church, Richard Morris, advocated for time alteration of Town Meeting in consideration of church obligations. Chair Carty responded that the Board did take such matters under consideration. He emphasized that during the current COVID Emergency period, starting the Town Meeting early in the day, addresses the safety factor.

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

Town Manager Hayes commented about the benefit of Selectman Schineller's KPI Plan model. He noted that the KPI plan could not be applied to every contract under \$25,000.

Selectman Schineller mentioned that the language outlining the KPI plan could be amended and noted that the key focus of the KPI was to help ensure that Town projects remain on target and the projects would be presented on a listing page.

Town Manager Hayes agreed with the usefulness of the KPI plan, as long as the intent is to provide quick access and understanding/assessment of a project.

Selectman Schineller affirmed that the motive behind KPI planning, was to advance transparency, and help with shortening the length of Board meetings.

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

Selectman Dretler presented a draft list of 360 evaluation questions in regard to the Town Manager's 6-month evaluation. She stated that she compiled a random listing of staff to provide responses to the 360 evaluation questions.

Vice-Chair Brown inquired about the expected turnaround time regarding the 360 evaluation questions. Selectman Dretler responded that no more than a three-week turnaround would be preferred.

Select Board members reviewed the 360 evaluation questions, provided edits, and reduced the number of questions from nine to seven questions.

Chair Carty noted that the purpose of the 360 Evaluation was to help provide Town Manager Hayes with another pathway for success. He indicated that the 360 Evaluation would also be part of the one-year review. Selectman Roberts commented that the questions could be included in the six-month review process.

Chair Carty recommended that Ms. Bilodeau review the drafted questions and provide input/comment from a Human Resources perspective.

Selectman Schineller motioned and Chair Carty seconded the motion.

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

VOTED: To delegate the compilation of the 360 Assessment Questions as amended, to Selectman Janie Dretler, with removal of duplication, request for examples, start/stop continuance of question at the end, and inclusion of additional questions concerning demonstration of knowledge.

Review regular session minutes of 6/22/20 and 7/21/20, and possibly vote to approve minutes.

Vice-Chair Brown motioned to approve the 6/22/20 minutes, as amended. Selectman Roberts seconded the motion.

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

VOTED: To approve the 6/22/20 minutes, as amended.

Mr. Simon commented about Selectman Schineller's additions to the 7/21/20 minutes. Selectman Schineller recommended that the 7/21/20 be tabled, based on review of Mr. Simon's comments.

Citizen's Comments

There were no citizen's comments.

Upcoming Agenda Items (Sept. 8)

- Review of Article 17 – CSX Corridor language
- Social Media Policy
- Diversity and Safety Committee
- Town Center land swap
- Broadacres buildings
- Cease and Desist Order – 79 Nobscot Road
- Permanent Building Committee Appointment interviews
- Executive Session with Lampke Law

Vote to Adjourn Meeting

Chair Carty motioned to adjourn the meeting. Vice-Chair Brown seconded the motion.

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

VOTED: To adjourn the meeting

There being no further business, the meeting was adjourned at 11:10 p.m.

8/25/20 - 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-#730167-v1-SUDB-_CSX_PS_EXECUTED_8-24-20
- 1.b KP-#729114-v1-SUDB-_CSX_P&S_FINAL
- 1.c 2020-08-13 18-25
- 1.d CSX Appraisal ES Memo 2020 May 12
- 1.e 2020 CSX Acquisition Timeline Revised BOS May 2020
- 1.f CSX Sudbury Rail Corridor Colliers Appraisal 20200506

2. Vote to close Executive Session and resume Open Session/Roll Call

3. Discussion on CSX acquisition

Attachments:

- 3.a Mayor Spicer Sudbury Bruce Freeman Rail Trail Letter of Support

4. Sudbury Public Schools Superintendent Brad Crozier to present Annual Town Meeting articles 31, 32 and 33.

5. Eversource discussion regarding the Sudbury Double Pole Inventory.

Attachments:

- 5.a Sudbury Double Pole Inventory 6-1 Effective

6. Discussion and possible vote on the Fairbank Community Center Town Forum, including presentation content

Attachments:

- 6.a Fairbank docs combined
- 6.b Fairbank Flyer_Aug2020_v3

7. Discussion and update on Annual Town Meeting planning

Attachments:

- 7.a Annual Town Meeting prep photos

8. Discussion on Board's Town Meeting articles presentation strategy during the Annual Town Meeting

Attachments:

- 8.a Articles list ATM 2020_08.11.20

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
- 9.c Project Status Template

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

Attachments:

- 10.a Draft_Hayes 6 mo 360 Assessment - Questions
- 10.b TM Eval Checklist
- 10.c TM Eval Process
- 10.d Goals and evals - 30 90 6months - Hayes v1 JR edits
- 10.e ICMA Manager's Evaluation Handbook

11. Review regular session minutes of 6/22/20 and 7/21/20, and possibly vote to approve minutes.

Attachments:

- 11.a BOS_draft1_6.22.20_for_review
- 11.b BOS_draft1_7.21.20_min_for_review_CARTY_DRETTLER_DRAFT
- 11.c BOS_draft1_7.21.20_min_for_review_CD_JD_and_PB1

12. Citizen's Comments

13. Upcoming Agenda Items

Attachments:

- 13.a POTENTIAL UPCOMING AGENDA ITEMS_8_25_20

14. Vote to adjourn meeting