

SUDBURY BOARD OF SELECTMEN

FRIDAY, SEPTEMBER 25, 2020

(Meeting can be viewed at [www.sudburytv.org](http://www.sudburytv.org))

Present: Chairman Janie Dretler, Vice-Chairman Jennifer Roberts, Selectman William Schineller, Selectman Charles Russo, Town Manager Henry L. Hayes, Jr., Assistant Town Manager/HR Director Maryanne Bilodeau, Legal Counsel George Pucci, KP Law

Absent: Selectman Daniel E. Carty

The statutory requirements as to notice having been complied with, the meeting was convened at 10:48 a.m., via Zoom telecommunication mode.

**CALL TO ORDER/ROLL CALL**

Chair Dretler conducted roll call and made an announcement regarding the recording of the meeting and other procedural aspects included in the meeting.

Roll Call: Roberts-aye, Schineller-aye, Russo-aye, Dretler-aye

**Authorize Town Manager to work with Town Counsel regarding Eversource litigation to address Chapter 91 permit with the Army Corps of Engineers as it relates to the Section 106 permit as a subcategory**

Mr. Pucci explained that Eversource had made application to MA DEP (Department of Environmental Protection) requesting a waterways license from MA DOT. He stressed that this discussion did not concern the Eversource litigation matter with the Town, as it was a separate matter though part of the project subject to litigation. He stated that the litigation aspect was not being discussed at this meeting. Mr. Pucci confirmed that the formal request triggered a Public Hearing response to be held in Sudbury.

Chair Dretler requested that members of the Board would not have to recuse themselves from the presented matter. Roll Call, 4-0: Roberts-no, Russo-no, Dretler-no, Schineller-no.

Mr. Pucci noted that several application deadlines were coming up – the Chapter 91 license from MA DEP and stated that the public and interested parties have the right to file comments. The Historical Commission has done so in a timely manner, which maintains standing for appellate rights.

Mr. Pucci presented two similar draft letters, one referencing Bridge 128 and the other letter referencing Bridge 127 within the project area.

Mr. Pucci detailed that in regard to Section 106, The National Historic Act provides the local Historic Commission the ability provide comment to the MA Historic Commission, the State agent for the National Act. He relayed that such process is ongoing and not completed.

Mr. Pucci recommended that the Board agree to have such a Public Hearing with regard to this topic and sign the related letter drafted by Rebecca Cutting.

Mr. Pucci presented the two letters involving Bridges 127 and 128 in relation to the Eversource license request, drafted by Environmental Attorney Rebecca Cutting (on behalf of Protect Sudbury) to Christine Hopps of the Waterways Regulation Program requesting Board signatures, and requesting that such a hearing be scheduled.

Chair Dretler inquired about the “Protect Sudbury” relationship. Mr. Pucci confirmed that he reviewing the letters composed by Ms. Cutting and determined the letters were legally appropriate.

Vice-Chair Roberts asked when the Town received notice of the Eversource application. Ms. Bilodeau noted that the requested came through the Planning Board. Town Manager Hayes indicated that the application was received sometime late in August and was forwarded to the Historical Commission.

Vice-Chair Roberts commented that little time was provided for the Board to consider such action.

Selectman Schineller affirmed that taking appropriate action now made sense, and suggested that in the future, the Board be afforded more time to consider actions to be executed.

Selectman Russo agreed and emphasized the significance of anything related to Eversource and the Town of Sudbury. He strongly recommended that the Town not put any third-party communications on its letterhead.

Chair Dretler also affirmed that the Board and Counsel shall review anything related to Eversource, NSTAR, and government agencies should be shared immediately. She asked who would be hosting the Public Hearing. Mr. Pucci responded MA DEP would be hosting the Public Hearing and would be in touch with the Town shortly. He added that no expense to the Town would be expected.

Mr. Pucci reiterated that the purpose of the Public Hearing was to allow everyone to consider and comment about adverse effects on waterways which might also effect the wellbeing of the two bridges.

Chair Dretler asked if Town Counsel would be present at the Public Hearing. Mr. Pucci responded that Town Counsel could be present if the Board wished.

Chair Dretler asked if the Eversource application would impact the future of the Rail Trail. Mr. Pucci spoke of the joint application between DCR (Department of Conservation and Recreation) and Eversource, in consideration with NRC (Natural Resources Commission) to promote “relaxed requirements” for the bike path.

Chair Dretler acknowledged errors in Ms. Cutting’s letter, including the mistitling of the bridges. She stressed the public comment deadline of September 26, 2020. Mr. Pucci confirmed that edits would be made, and as soon as Board members provided signatures, the letters would be electronically submitted.

Mr. Pucci noted that it was not unusual for the Board not to be the deciding body/voting body at such hearings.

Chair Dretler motioned and Selectman Schineller seconded the motion.

It was on motion 4-0; Roberts–aye, Schineller-aye, Russo-aye, Dretler-aye

VOTED: To authorize that Town Manager Hayes work with Town Counsel on the letter to the Waterways Regulation Program – MA DEP, requesting related Public Hearing for Eversource license application, with edits to Bridge 127 and 128 and no other changes.

### **Citizen’s Comments**

There were no citizen’s comments

### **Vote to adjourn meeting**

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

It was on motion 4-0; Roberts-aye, Schineller-aye, Russo-aye, Dretler-aye.

VOTED: To adjourn the meeting

There being no further business, the meeting was adjourned at 11:26 a.m.

**9-25-20 Documents & Exhibits**

1. Authorize the Town Manager to work with Town Counsel to address Chapter 91 permit with the Army Corps of Engineers as it relates to the Section 106 permit as a sub-category. This matter is time sensitive, notification just came up today, and was not anticipated.

**Attachments:**

1.a Combined\_docs