

SUDBURY SELECT BOARD

TUESDAY MARCH 9, 2021

(Meeting can be viewed at www.sudburytv.org)

Present: Chair Janie Dretler, Vice-Chair Jennifer Roberts, Select Board Member Daniel E. Carty, Select Board Member William Schineller, Select Board Member Charles Russo, Town Manager Henry L. Hayes, Jr.

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

Chair Dretler announced the recording of the meeting and other procedural aspects included in the meeting. She acknowledged that the Board had just adjourned in Executive Session.

Call to Order/Roll Call

Select Board Roll Call: Roberts-present, Russo-present, Carty-present, Schineller-present, Dretler-present.

Opening remarks by Chair

- Annual Town Election on Monday, March 29, 2021. Encouraged voting by mail due to ongoing pandemic; Ballots mailed yesterday. Additional information available in Town Clerk's Office.
- League of Women Voters hosting Candidates' Forum on SudburyTV
- Sudbury ADA Self-Assessment posted on Town website and resident comments can be submitted at ada@sudbury.ma.us by April 14, 2021.
- Small Grant Program available to moderate income residents to make home modifications/repairs for safety and health reasons; applications to be submitted by March 30, 2021. Grant awards are up to \$5,000 each.
- The Cold Brook Crossing/Sudbury Station project closed, and the Town now owns approximately 40 acres in the Sudbury Center and \$1 million dollars in mitigation funding to the Town.
- Joint meeting with the Lincoln Board of Selectmen; topics discussed included the LSRHS Agreement and the Board is looking forward to future discussions with that Board throughout the year

Reports from Town Manager:

- Town Manager Office Hours on Saturday, March 13 at 11:00 a.m.
- Closing on Cold Brook Crossing and the land swap at Sudbury Center, with \$1 million in mitigation funds and another portion of money to be issued to the Town regarding legal fees
- Sudbury ADA Self-Assessment joint session with the Commission on Disability and the ADA consultant to review resident documentation at that April 27th meeting.
- Recognized that the Police Department aided a person in distress in another local community; secured the victim from another individual who was arrested.

Reports from Select Board

Board Member Schineller

- Great meeting with the Lincoln Selectmen on March 8

- Board Member Russo and he met with Town Manager Hayes to address the Sewataro goal and usage process.
- Policies and Procedures Subcommittee (he and Vice-Chair Roberts) will be meeting Thursday, March 11th at 7:00 p.m. Meeting will be covered on SudburyTV.
- Admired Sudbury resident Hadassa Kubat, celebrated her 80th birthday; she survived the concentration camp as a child
- Looking forward to Diversity, Equity and Inclusion Interviews

Vice-Chair Roberts

- Attended Finance Committee (FinCom) last night after the joint meeting with the Lincoln Selectmen, and stated that FinCom got through various Town Meeting articles
- FinCom ready to have joint meeting with the Select Board March 16th to discuss the budget
- CPC met last week to address the use of CPC funds to help provide for a staff position in the Planning and Community Development Department to help support the CPC program
- Suggested CPC articles be presented at joint meeting with FinCom, CIAC and the Select Board going forward.

Board Member Carty

- Recommended discussing CPC Articles in concert with FinCom, CIAC and the Select Board going forward
- Birthday wishes to Hadassa Kubat
- Great meeting with Lincoln Board of Selectmen and looking forward to continued meetings with them
- Member Carty joined the SPS meeting after Select Board meeting with the Lincoln Board of Selectmen ended and reported that SPS is working toward a full-time school schedule in April. LS meeting tonight to discuss proposed school schedule as well.

Board Member Russo

- Considerable action regarding the BFRT project in the last week
- Attended the MPO meeting on Thursday and still on schedule with the 2022 TIP schedule
- Recognized the Historical Commission for their efforts in presenting all historical features existing on the Rail Trail. The Historical Commission will be meeting with the BFRT Advisory Task Force concurrent with this meeting
- The Town does have a dog waste disposal bylaw, which defines that owners are responsible for their own dog waste and fines are involved if such disposal is not met.

Citizen's comments on items not on agenda

There were no citizen's comments

Interview candidate for associate position on Zoning Board of Appeals (ZBA)

Present: William Ray

Mr. Ray confirmed he had been a ZBA member since 2012 and now would like to serve as ZBA Associate Member.

Chair Dretler read the motion. Board Member Carty moved in the words of the Chair. Board Member Schineller seconded the motion.

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

VOTED: To appoint William Ray, 29 Cranberry Circle, to the ZBA for a term expiring 5/31/22.

Review open session minutes of 2/23/21 and possibly vote to approve minutes

Chair Dretler read the motion. Board Member Carty moved in the words of the Chair. Board Member Russo seconded the motion.

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

VOTED: To approve the open session minutes of 2/23/21 as edited.

Discussion and vote whether to accept H5196, which reflects changes to H5118 by Joint Committee on Consumer Protection and Professional Licensure. The outcome of the vote will be relayed to accompany H5196, An Act authorizing the town of Sudbury to grant an additional license for the sale of alcoholic beverages to be drunk on the premises. (See attached and Bill H5196)

Town Manager Hayes confirmed Town Counsel had reviewed changes made to the H5196 document, noting that the language was written as intended at Town Meeting. Board members agreed.

Board Member Carty motioned to accept House Bill H5196, which reflects changes to H5118 by Joint Committee on Consumer Protection and Professional Licensure. The outcome of the vote will be relayed to accompany H5196, An Act authorizing the Town of Sudbury to grant an additional license for the sale of alcoholic beverages to be drunk on the premises. Vice-Chair Roberts seconded the motion.

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

VOTED: To accept House Bill H5196, which reflects changes to H5118 by Joint Committee on Consumer Protection and Professional Licensure. The outcome of the vote will be relayed to accompany H5196, An Act authorizing the Town of Sudbury to grant an additional license for the sale of alcoholic beverages to be drunk on the premises.

Upcoming Agenda Items

- Further discussion regarding OARS – March 16
- Select Board Policies and Procedures Subcommittee update – March 16
- Vote to ratify votes taken in executive session – March 16
- Discussion of House earmarks for Sudbury – March 16

Future Items:

- Joint meeting with the Transportation Committee – March 23rd
- Public Hearing Training with KP Law – March 30
- Select Board's Office Hours – March 31 at 12:00 PM
- Town Manager's one-year evaluation - April

- CPC Town Meeting Article presentation to be included at 2022 Capital Night, with FinCom, and CIAC
- 2021 CPC Articles to be presented to the Select Board

Interview candidates Erica Silverman, Joanna Steffey, Katina Fontes, Nalini Luthra, Nancy Kimble, Peju Champion, Stephanie Oliver and Vona Hill for appointment to the Diversity, Equity and Inclusion Commission. Following interview, vote to appoint (13 new members) for terms to expire May 31, 2022

Chair Dretler confirmed that nine candidates would be interviewed tonight and additional interviews would take place over the next several weeks.

Board Members presented several areas to be considered by the candidates.

Board Member Carty asked where candidates felt the Commission was going.

Vice-Chair Roberts asked about related candidate experience and what interested them regarding the Commission.

Board Member Schineller inquired about perspective and policy which might be enacted by Town.

Board Member Russo inquired about candidate interests and skills relative to the Commission.

Chair Dretler confirmed that advisory members would be part of the Commission and Commission meetings must follow guidelines of the MA Open Meeting Law.

Board Member Carty noted that a Select Board liaison should be appointed to the Diversity, Equity and Inclusion Commission soon.

Interviewed candidates included:

Erica Silverman, 21 Moran Circle, detailed that she was a Medicaid/Welfare Attorney in the states of MA and NY and sought to advance education in the Town. She stated that she was interested in providing associated speakers to assist with education and advance related policies/opportunities.

Joanna Steffey, 5 Checkerberry Circle, explained that she had been a teacher and education administrator for some 20 years; indicating that equity was an important charge. She stressed that trust and providing a safe space for such conversation was essential.

Katina Fontes, 19 Dorothy Road, detailed her background as a researcher and educator. She stated that she works with educators in the area of diversity and inclusion education, helping teachers create an environment. Ms. Fontes maintained that she hoped to encourage residents to be more civically involved.

Nalini Luthra, 941 Concord Road, indicated that importance of Sudbury advancing inclusion for people of all ethnicities. She detailed that she hosts an Indian Facebook group in Sudbury. Ms. Luthra emphasized that the Commission represented a diverse population which was not exclusive to race, but also should focus on socio-economic aspects.

Nancy Kimball, 589 Concord Road, explained that her background included teaching, volunteering in Sudbury and works with Town Social Worker Bethany Hadvab. Ms. Kimball acknowledged that she had experience with grant writing and noted that the Commission needed diversity in membership.

Adepeju Champion, M.D., 41 Carriage Way, detailed that as a physician she has training in public health policy implementation and as a parent of a child with special needs, stressed the importance of individuals with

disabilities. She stressed the importance of celebrating all identities and reiterated her experience with initiating difficult conversations.

Stephanie Oliver, 17 Barton Drive, indicated that she could contribute to the Commission and currently works for the Town of Concord as the Assistant Human Resources Director. She has been participating with related programming at the Goodnow Library (the Sudbury Cares series) and sought to take a more active role in creating an inclusive and diverse Sudbury.

Vona Hill, 11 Kendra Lane, detailed that she founded the Black Vanguard Alliance, and operates a youth football league in Sudbury, with some 30 years of professional and social racial justice experience; developing diversity, inclusion and anti-racism curriculums. She stressed that a goal was to ensure the Commission advances advocacy for the black residents of Sudbury.

Chair Dretler read the motion, and Board Member Carty moved in the words of the Chair. Board Member Russo seconded the motion.

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

VOTED: To appoint Erica Silverman, Joanna Steffey, Katina Fontes, Nalini Luthra, Nancy Kimble, Peju Champion, Stephanie Oliver and Vona Hill to the Diversity, Equity and Inclusion Commission for terms to expire May 31, 2022.

Chief John Whalen to provide update on Fire Station Town Meeting article. Town Manager Hayes to report funding options

Present: Fire Chief John Whalen

Chief Whalen presented various structural aspects and square footage cost. He addressed the structural issues and thinks adding this will get more years out of the project.

Town Manager Hayes addressed several possible funding options.

Board Member Schineller stated he was in favor of a phased approach which would address the safety need associated with the housing of an ambulance to serve the Route 20 area, as well as providing adequate accommodation for fire personnel.

Board Member Carty supported the phased approach and agreed that funding from the sale of Police Station would be appropriate if combined with another funding source.

Board Member Russo agreed with comments made by Board Members Carty and Schineller. He mentioned that several other large Town projects were being considered at this time. He suggested exploring all possible funding combinations for the phased project.

Vice-Chair Roberts asked if there might be a temporary housing option available to firefighters at this time in order to allow more time to further consider all aspects of the project.

Chair Dretler indicated her preference for the phased approach and suggestion further consideration of available funds.

Scott Smigler, Chair of the FinCom, shared several FinCom considerations; one being setting long-term priorities for the Fire Station.

Chair Dretler suggested that a more extensive funding discussion take place at the next Board meeting to include Town Manager Hayes, Finance Director Dennis Keohane, and Facilities Director Bill Barletta.

Vote to take positions on any 2021 Town Meeting articles, designate articles for placement on consent calendar, and vote which Board members will make motions and present articles

Article 1 – Hear Reports

Chair Dretler read the motion. Board Member Carty moved in the words of the Chair. Board Member Schineller seconded the motion.

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

VOTED: To support Article 1 – Hear Reports

Article 5 – FY22 Transfer Station Enterprise Fund Budget

Chair Dretler read the motion. Board Member Carty moved in the words of the Chair. Board Member Schineller seconded the motion.

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

VOTED: To support Article 5 – FY22 Transfer Station Enterprise Fund Budget

Article 6 – FY22 Pool Enterprise Fund Budget

Chair Dretler read the motion. Board Member Carty moved in the words of the Chair. Board Member Schineller seconded the motion.

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

VOTED: To support Article 6 – FY22 Pool Enterprise Fund Budget

Article 9 – Unpaid Bills

Board Member Schineller motioned to support Article 9 – Unpaid Bills. Board Member Russo seconded the motion. Board Member Schineller withdrew the motion at this time due to possible snow/ice events.

Article 10 – Chapter 90 Highway Funds

Board Member Carty motioned to support the Article. Vice-Chair seconded the motion.

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

VOTED: To support Article 10 – Chapter 90 Highway Funds

Article 11 – Stabilization Fund

Board Member Carty motioned to support the Article. Vice-Chair seconded the motion.

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

VOTED: To support Article 11 – Stabilization Fund

Article 12 – FY22 Revolving Fund Limits

Board Member Carty motioned to support Article 12. Board Member Schineller seconded the motion.

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

VOTED: To support Article 12 – FY22 Revolving Fund Limits

Article 14 – Fund Litigation costs - Eversource

Board Member Carty recused himself. Board Member Schineller motioned to support Article 14. Vice-Chair Roberts seconded the motion.

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

VOTED: To support Article 14 – Fund Litigation costs - Eversource

Article 17 – Marlboro Road Culvert Replacement

Board Member Carty motioned to support Article 17. Board Member Schineller seconded the motion.

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

VOTED: To support Article 17 – Marlboro Road Culvert Replacement

At 10:17 p.m., Chair Dretler moved to take a 5-minute recess. Vice-Chair Roberts moved in the words of the Chair. Board Member Carty seconded the motion.

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

VOTED: To take a 5-minute recess.

At 10:22 p.m. the meeting resumed.

Article 29 – Community Preservation fund – Dr. Bill Adelson Playground Improvements

Board Member Carty motioned to support the Article. Board Member Russo seconded the motion.

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

VOTED: To support Article 29 – Community Preservation fund – Dr. Bill Adelson Playground Improvements

Article 30 – Community Preservation Fund – Frank Feeley Field Improvements

Board Member Carty motioned to support the Article. Board Member Russo seconded the motion.

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

VOTED: To support Article 30 – Community Preservation Fund – Frank Feeley Fields Improvements

Article 22 – Means Tested Senior Tax Exemption Extension

Board Member Russo motioned to support the Article. Vice-Chair Roberts seconded the motion.

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

VOTED: To support Article 22 – Means Tested Senior Tax Exemption Extension

Article 23 – Sudbury Public Schools COVID-19 Academic Program

Board Member Russo motioned to support the Article. Vice-Chair Roberts seconded the motion.

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

VOTED: To support Article 23 – Sudbury Public Schools COVID-19 Academic Program

Discussion, review, and vote on Appointment Policy and Code of Conduct

The Board reviewed spreadsheet changes and provided edits.

Board Member Russo motioned to approve the Code of Conduct as edited by the Board. Board Member Carty seconded the motion. Town Manager Hayes recommended the inclusion of dates when the changes were made.

Board Member Russo motioned to approve the Code of Conduct as edited by the Select Board on March 9, 2021. Board Member Carty seconded the motion.

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

VOTED: To approve the Code of Conduct as edited by the Select Board on March 9, 2021.

Board Members recommended that all candidates be acknowledged with a letter or e-mail, even if the candidate was not chosen.

Board Member Russo stated that he would finalize the Appointment Policy draft for approval at the next Board meeting. Members agreed.

Citizen's Comments (cont.)

There were no citizen's comments

Future Agenda Items

Board Member Carty suggested that a discussion about why there may need to be possible BFRT Fall Town Meeting.

Vote to Adjourn

Board Member Carty motioned to adjourn the meeting. Vice-Chair Roberts seconded the motion.

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

VOTED: To adjourn the meeting

There being no further business, the meeting was adjourned at 11:31 p.m.

3/9/21 - Documents & Exhibits

1. Open in regular session and immediately vote to enter executive session for the following purpose: Conduct strategy session in preparation for negotiations with nonunion personnel and/or to conduct contract negotiations with nonunion personnel (Town Manager) pursuant to General Laws chapter 30A, §21(a)(exception 2).

Attachments:

- 1.a Town-Manager-Contract_Henry-L-Hayes-Jr_March2020
- 1.b Background HH

2. Continue executive session to review, approve and possibly release 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:

- 2.a BOS Executive Session 1-26-2021_for_review
- 2.b BOS Executive Session 2-09-2021_for_review

4. Interview candidate for associate position on Zoning Board of Appeals (ZBA). Following interview, vote whether to appoint William Ray, 29 Cranberry Circle, to the ZBA for a term expiring 5/31/22.

Attachments:

- 4.a SB Recommendation Letter Associate - Ray 210302
- 4.b 2021 William Ray - Associate 210205_redact

5. Interview candidates Erica Silverman, Joanna Steffey, Katina Fontes, Nalini Luthra, Nancy Kimble, Peju Champion, Stephanie Oliver and Vona Hill for appointment to the Diversity, Equity and Inclusion Commission. Following interview, vote to appoint _____ (13 new members) for terms to expire May 31, 2022.

Attachments:

- 5.a DEI Applicants 3.9.21

6. Chief John Whalen to provide update on Fire Station Town Meeting article. Town Manager Hayes to report funding options.

Attachments:

- 6.a Sudbury FD_Feasibility Study - Complete

7. Vote to take positions on any 2021 Town Meeting articles, designate articles for placement on consent calendar, and vote which Board members will make motions and present articles.

Attachments:

- 7.a Articles list ATM 2021_3.8.21_rev
- 7.b ATM Articles 1-36
- 7.c FY22 Article 3 - Operating Budget
- 7.d FY22 Article 4 - Capital Operating Budget
- 7.e FY22 Article 5 - Transfer Station Enterprise Fund Budget
- 7.f FY22 Article 6 - Pool Enterprise Fund Budget
- 7.g FY22 Article 7 - Field Maintenance Enterprise Fund Budget
- 7.h FY22 Article 11 - Stabilization Fund Transfer
- 7.i FY22 Article 12 - Revolving Fund Spending Limits

- 7.j FY22 Article 13 - Capital Stabilization Fund
- 7.k FY22 Article 15 - Repurpose Melone Stabilization Fund
- 7.l FY21 Free Cash Proposed Appropriations 3-5-2021
- 7.m FY22 Proposed Town Manager Budget UPDATED 3-5-2021 version 2

8. Discussion, review, and vote on Appointment Policy and Code of Conduct.

Attachments:

- 8.a DRAFT Select Board Policy Tracking Sheet 022621
- 8.b DRAFT Sudbury Appointment Policy and Code of Conduct
- 8.c Appointments policy revisions_CRusso_03.04.2021
- 8.d PoliciesProc.1999_for_website

9. Discussion and vote whether to accept H5196, which reflects changes to H5118 by Joint Committee on Consumer Protection and Professional Licensure. The outcome of the vote will be relayed to accompany H5196, An Act authorizing the town of Sudbury to grant an additional license for the sale of alcoholic beverages to be drunk on the premises. (See attached and Bill H5196)

Attachments:

- 9.a Bill H5118
- 9.b Carmine_Gentile_email
- 9.c TMWA-1782-TM-2020 Warrant Article 34
- 9.d Mixed use overlay at Meadow Walk
- 9.e 02.28.21 Carmine Gentile Email
- 9.f H5196 An Act authorizing...an additional liquor license

10. Upcoming Agenda Items

Attachments:

- 10.a POTENTIAL UPCOMING AGENDA ITEMS_3_9_21

12. Review open session minutes of 2/23/21 and possibly vote to approve minutes.

Attachments:

- 12.a SB_draft1_2.23.21_min_for_review