

Jeffrey Bannon, Chair person
Jonathan Anderson, Vice Chair
David Hall, Clerk
Jesse Limanek
Wendy M. Mead



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James A. Smith, Town Manager

Town of Sutton
Select Board

Meeting Minutes

Minutes Accepted and filed with the Town Clerk 4/18/2023 a roll call vote of 5-0

6:00 p.m. – April 4, 2023

Roll Call vote taken:

Members in Attendance in person:

Chairperson Jeff Bannon, Vice Chair Jonathan Anderson, Clerk David Hall, Select members Jesse Limanek & Wendy Mead

Also in attendance in person: Town Manager James Smith, Town Accountant Tim Harrison & Deb Jacques, secretary

Chairperson Bannon recites the Hybrid Opening Statement which went in to effect March 29, 2023

Public Forum – N/A

Select person Hall motions to accept as presented the March 21, 2023 Select Board meeting minutes Select Person Mead seconds passes 5-0 with roll call vote.

Select person Hall motions to accept s presented the March 21, 2023 Executive Session Select Board minutes not to be released at this time Select Person Mead seconds passes 5-0 with roll call vote.

Police Dept. Sergeant ratification- Town Manager Smith announces he has appointed Bryan O'Rourke from patrolman to Sergeant at the Police Dept. Jim is asking the Select Board to ratify this appointment. Police Chief Dennis Towle is present- Dennis reviews the procedure to promote with assessment tests & interviews. There were two candidates- Bryan O'Rourke and Alex Sinni – both did very well in all areas but Bryan was the winner of the process. Bryan was born and raised in Sutton and has been on the Police Dept. for 6 years. Bryan thanks the Chief, the Board, the Dept and the town- he said the job comes with good days and bad days. He treats all he comes in contact with dignity and respect. Selectperson Hall says with 6 years' experience he is a good candidate. Select person Limanek has had the opportunity to interact his Bryan on a professional level and he did a great job. Select person Mead is glad to see Bryan in this roll and wishes nothing but the best for Bryan. Vice Chair Anderson says there is no greater calling when asked to lead- we live in difficult times- it is comforting that you know the people you come in contact with. Chairperson Bannon has known Bryan for many years and coached him in baseball- Jeff is very proud of him- he is a standup kid and a stand up police officer. Select person Limanek motions to ratify the appointment of Police Sergeant Bryan O'Rourke effective April 1, 2023 Vice Chair Anderson seconds passes 5-0 with roll call vote- Chairperson Bannon swears Sgt. O'Rourke in at this time.

FY2022 Audit Presentation (attached to final minutes)- Marcum formerly Melanson- present is Andrew Gordon- the audit manager for the FY22 audit. Andrew states this audit went very well, all of the books and records were in good acting order and this audit was done in accordance with Govt. Auditing Standards. Andrew reviews the General Fund balances which includes the Stabilization fund balance. Also reviewed is the Net Position figures for the Net Pension Liability and the Net OPEB liability, both are long term unfunded liabilities. Under the Fiduciary Funds the OPEB trust fund showed a total amount of \$3,041,231. Also reviewed are the revenue surplus as well as the enterprise funds (Sewer & Transfer Station) and use of free cash for Capital items and OPEB contributions. There is no Management letter this year as all previous concerns had been addressed and no new concerns listed. Andrew takes this time to thank Tim Harrison and the entire staff allowing for a very efficient audit. Added this year is the ARPA Funds at \$1,118,111. Select person Hall asks who other than the Select Board would be interested in this audit- Andrew replies these audits are looked at to assess the performance and health of the town. Town Accountant Tim Harrison states it would be a red flag if we used free cash and other 1X revenues to balance the budget- this audit shows we are living within our means. Select person Limanek says great job- this reflects what the financial team does on a daily basis- the clean opinion means no red flags and in full

compliance. Select person Mead asks about committed vs unassigned as well as the lease information for the cell tower. Vice Chair Anderson asks who is the audience for this report- Andrew replies Credit agencies and debtors. Andrew is asked to define an audit- he replies we look at the books; the balance sheet- we follow the standards for audit controls of the town. Chairperson Bannon asks about on page 7 under Education it goes from 36 million to 25 million- Jeff also asks about the risks of the banks at this time- are we at a potential risk- Tim Harrison replies no- our Treasurer diversifies in banks- and our savings bank is FDIC and Saving Bank Investment fund insured.

MBTA Adjacent Community update: Town Manager Smith gives an update on the MBTA adjacent community- also known as MBTA Communities Zoning Law (CZL). The town was required to submit an action plan by 1/31/2023- Town Planner did submit- we received a letter on 3/3/2023 from DHCD that Sutton is interim compliant. Going ahead we will have to present to town meeting prior to 12/2025. The State is looking at this as a non-optional program. The Town of Holden did try to oppose this and the state held back \$300,000. of aid. Currently there is a site on 146 that abuts Millbury- we would like to work with Millbury and apply for a one stop Mass grant to bring water and sewer to this site. This would be a perfect location for MBTA housing but only 10% would be affordable- if this is a 40B 25% could be considered affordable, these would all be rental units. Select person Hall says the state is basically saying you have to do this it is not an option. Dave says the project on 146 may give us compliance without being catastrophic. But if it goes to town meeting and it is voted down- we have to keep going back until it passes. Select person Limanek has an inclination to fight back- this is unconstitutional- municipalities have not banded together to fight back- by the Atty. General threatening the towns that is tierney. Jesse feels the town will vote this down democratically. Jesse asks the Town Manager to check with Town Counsel for proof that the statute is articulated penalties. Select person Mead agrees that it is unconstitutional- Wendy says the potential project Jim mentioned could take us out of the target of the state. Vice Chair Anderson says we have managed zoning affairs for 300 years if we continue to allow the state to supersede our sovereignty as a town we will lose more and more of our rights. Chairperson Bannon says this would be a different story if it applied to all towns- this feels like spot zoning- our responsibility is to the town- move this forward and let the town decide.

Review Draft Spring Town Meeting Warrant- Town Manager Smith and Town Accountant Tim Harrison review the draft warrant- Jim states the 1st 10 articles are budgetary, #11 & 12 are for Special Ed cost, #13 is to set up an opiate account for settlement funds, # 17 is to amend the Zoning Bylaw regarding Flood Plain District, #18 is Zoning through special permit for signs on governmental or nonprofit purposes and #19 is a citizens petition to amend Zoning Bylaw in the OLI district regarding max height from 35/70 to 35/45

Town Manager Update:

- Budget Update – FY24 preliminary budget is balanced- BVT came in -\$104,561 due to 12 less students, healthcare came in at 6.4% increase, the school dept original appropriation was originally 1 million- this was increased to \$1,172,686. – there is a separate article on the warrant to fund \$700,000. Out of free cash for special education.
- Electricity Aggregation bidding process with Peregrine is to take place next week with the rate to take affect after January 1, 2024. Currently the natural gas prices are at a 3-year low- NGrid has already announced their spring & summer rates at 14.7 cents per kilowatt hour. This is down from the winter rates of 33 cents- we are looking at a 3-year agreement. Select person Limanek motions to authorize the Select Board Chair to sign a new Electricity Aggregation Supply contract for a maximum 3-year period, Select person Hall seconds passes 5-0 with roll call vote.
- Animal Inspector Michelle LeFleche recently retired – we are in search of a new inspector- Cheryl Rawinski has forwarded a name for Jim to look into.
- Elementary school & ELC parking lots are currently out to bid- this is for paving the 2 lots- this work will need to be done during the summer months.
- Town Hall Septic system bid has been cancelled due to someone suggesting a redesign which could save between \$100,000. to \$150,000.

Announcement's / Round Table:

- Select person Limanek says in addition to the number of families using the food pantry- seniors are now also using- this is due to inflation- please remember if you are out nonperishables are always needed. This Sunday there will be a giant meat raffle at the Dudley Gendron with all proceeds going to the Mike Chizy Food Pantry.
- Select person Mead mentions a song she just heard with the words reach out to those you don't know- any little thing you will be remembered for.
- Vice Chair Anderson reads information about the Sutton Recreational Raffle Drawing for Veterans Field.

Select person Mead motions to adjourn, Select person Hall seconds- Roll Call vote taken- passes 5-0

Meeting adjourned 8:50 pm