

IN BOARD OF SUDBURY SELECTMEN
EXECUTIVE SESSION
THURSDAY, MARCH 21, 2019

Present: Chairman Robert C. Haarde, Vice-Chairman Daniel E. Carty, Selectman Leonard A. Simon, Selectman Patricia A. Brown, Selectman Janie Dretler, Town Manager Melissa Murphy-Rodrigues, Town Counsel Jonathan Silverstein, Attorney Lee Smith of KP Law, and via conference call Attorney George Pucci of KP Law.

The statutory requirement as to notice having been complied with, the meeting was convened at 3:45 p.m. in the Flynn Building's Silva Room.

Executive Session

It was on motion unanimously

VOTED: To immediately enter Executive Session to discuss strategy with respect to potential litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares (Eversource), pursuant to General Laws chapter 30A, 21 (a)(3).

Selectmen Carty and Brown recused themselves from the Eversource discussion.

Chairman Haarde stated that Protect Sudbury reached out to the Board about the blue salamander situation in regard to the actions of Eversource and the court dismissal. He detailed that Protect Sudbury requested the Town's legal counsel weigh-in on whether there are sufficient grounds to appeal the recent "no standing" decision at the Fish and Wildlife hearing.

Protect Sudbury suggests that if this argument could be considered, it might aid in appealing the recent decision and delay the Eversource project.

Town Manager Rodrigues stated that it would be difficult to prove Fish and Wildlife injury in this case as there was no administrative hearing, and suggested that the Town could consider doing its own blue salamander study.

Selectmen Simon stated that he was not in favor of conducting a separate study since Attorney Pucci of KP Law has already indicated that further actions would be futile. Attorney Silverstein indicated that he agreed with the assessment of Attorney Pucci and the fact that an administrative hearing did not take place makes it more difficult. Selectman Simon agreed that this additional legal work would not be a good use of Town funds.

Selectman Dretler stated that she would defer to the opinion of Town Counsel.

Chairman Haarde stated that he was in favor of receiving a quote from KP Law regarding additional research.

Attorney Silverstein initiated the call to Attorney Pucci on the speaker phone as part of the group discussion. Attorney Silverstein asked Attorney Pucci to provide a ballpark estimate of what further research and possible filing of a related appeal would cost. Attorney Pucci replied that research and filing would involve approximately eight hours of his time. He added that it was almost impossible to appeal these types of determinations. He suggested that the Board might consider reaching out to the Conservation Commission Coordinator Debbie Dineen regarding possible flaw in testimony if the Board would like to appease the Project Sudbury group.

Selectman Simon stated that the Town should not proceed in order to appease Project Sudbury. Selectman Dretler agreed with that assessment. Chairman Haarde recommended contacting Ms. Dineen in consideration of obtaining

a specialists' assessment regarding salamander species. Town Manager Rodrigues stated that she would contact Ms. Dineen and would gather all related data for review. Selectman Dretler and Simon agreed to the review and proposed consultation with Ms. Dineen.

Attorney Silverstein said that the discussion/review might possibly reveal compelling evidence for re-consideration.

Also, 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 (Camp Sewataro) pursuant to General Laws chapter 30A, 21(a)(3).

Town Manager Rodrigues opened the Camp Sewataro discussion and stated that she included additional data with revenue charting, analysis on school population/charting and various detailed expenditures, as requested by the Board at the previous executive session.

Town Manager Rodrigues detailed that the owners wanted to receive bids no later than April 1.

Selectman Brown queried about what could be disclosed at Town Meeting regarding Camp Sewataro. Town Manager Rodrigues replied that if an offer was accepted and if a Purchase and Sale (P&S) Agreement were signed, information could be disclosed at May Town Meeting. She included that the Broadacres Farm acquisition was also contingent on Town Meeting vote.

Vice-Chairman Carty recommended the Board submit an offer of approximately \$11.3 million equal to assessed value and stated that if an offer of lesser amount were made; than an abatement request would likely be submitted to the Town.

A discussion regarding assessment took place.

Chairman Haarde recommended that it would be best to offer an amount that is reflective of what the Town has charged in property taxes.

Selectman Dretler asked if there was any related feedback from Park and Recreation (Park & Rec) during their recent Executive Session. Town Manager Rodrigues responded that Mr. Moratta of Park & Rec. stated that the primary concerns involved the financials, number of employees and operation of the Camp.

Selectman Brown indicated that the Park & Rec. Commission thought that the Sewataro undertaking was more than the Commission could manage. Chairman Haarde mentioned that even if Park & Rec. did not want to manage Sewataro, the Town should still go forward with a bid.

Selectman Brown commented that Park & Rec. is already assuming management of Fairbank and Broadacres Farm. Selectman Dretler stated that Park & Rec. has major upcoming financial needs.

Selectman Brown asked if the Sewataro owner had any specific requirements/restrictions. Attorney Smith stated that those restrictions, if any, would be itemized on a P&S agreement. Attorney Silverstein offered that the owner might accept a lower offer if restrictions are itemized. Vice-Chairman Carty stated that the Town would not want many restrictions in consideration of the ability to sell tracks of that land in the future.

Chairman Haarde emphasized that the worth of the Sewataro branding must be considered. Town Manager Rodrigues stated that the owner wanted the Town to think about purchasing the business and the personal

property (camp items). Attorney Silverstein said that a review of the financials would be necessary in order to bid on the business. Town Manager Rodrigues stated that she would ask the broker about review of the financials. Chairman Haarde commented that the Board cannot sign to the non-disclosure aspects.

Selectman Simon outlined several factors in consideration of the Camp Sewataro purchase:

- Town not having the need for more open land since the Town has some 675 acres that the Conservation Commission manages, in addition to Sudbury Valley, Fish and Wildlife, state and federally-owned properties with some 10 miles of open area at Wayside Inn and the newly acquired Sudbury Station land.
- Increased financial burden because the Town would be facing a \$1.3 million expense in the first year (maintenance, debt payment and tax losses). The Town would not be able to enjoy the property in the prime months and would have to assume the expense of making the site ADA compliant. In consideration of the home development aspect, Selectman Simon indicated that each of the possible new homes would unlikely have more than two school-aged children per household.
- Other Capital item priorities. Selectman Simon stressed that timing is not favorable for this acquisition and he stated that he did not want the Fairbank Community Center project to be compromised in any way. He indicated that calculations/figures presented were overly optimistic.

Selectman Brown stated that she was not comfortable walking away from the expressed interests of Town residents. Selectman Simon stated that many who have spoken in favor of Sewataro might be neighbors who do not want further development in their neighborhood and not necessarily reflective of the majority of Town residents. He maintained that more residents are speaking to the necessity of a new Fairbanks Center.

Selectman Dretler stated that she read the 36 letters submitted in support of Sewataro and the majority of those residents thought that a Town-owned Sewataro would pay for itself and did not mention the ADA-compliance expense and other associated costs. She emphasized that residents felt rushed about the Quarry North decision and this decision would be reflective of a similar more immediate determination. There has not been enough resident representation to indicate that this purchase is necessary.

Chairman Haarde suggested that an extension be requested.

Vice-Chairman Carty maintained that it is the job of the Board to paint the true picture. Chairman Haarde affirmed that if purchased, Sewataro must be ADA-compliant. This property is unique because it can generate revenue, and the Town is at risk of losing more revenue every year if Sewataro is not purchased.

Selectman Dretler mentioned that she was concerned about those who feel that they cannot afford to stay in the Town. She queried if the owner would be willing to sell a portion of Sewataro, and felt that 45 acres was too much for the Town to purchase. Vice-Chairman Carty mentioned the merit in the Town selling some of the land, if it desired.

Selectman Brown stated that Sewataro is listed as number 11 of 16 items on the Sudbury Open Space List. Selectman Simon stated that if the owner really wanted to sell the property to the Town, he should have approached it differently – with further benefit to the Town.

Attorney Smith added that Sewataro is one of the most expensive camps in the area.

Town Manager Rodrigues questioned what the will of the Board was, and added that the public could be told that an offer is being made.

Chairman Haarde recommended that Town Manager Rodrigues present a draft offer to the Board at Executive Session on March 26th before the regular session meeting.

Selectman Dretler stated that she wanted to go forward with the option that would provide the most opportunity to residents in consideration of time.

Selectman Simon stated that the Sewataro topic should be on the March 26th regular session agenda for purposes of public awareness, and Selectman Dretler agreed. Selectman Brown stated that she was not entirely comfortable with public disclosure at this time, as the passing was contingent on Town Meeting approval.

Selectman Dretler affirmed that she would want the owner to respond to any Town offer no later than April 3.

Selectman Simon stated that the Board can discuss the deciding factors publicly without the disclosure of offer amount. Town Manager Rodrigues responded that the Board cannot speak about the appraisal, camp lease amount, rent from units, nor any costs and expenses associated with the Camp.

Vice-Chairman Carty stated that all the mentioned aspects would be made public when the decision is made. Selectman Simon stated that he wanted something in writing to detail what cannot be shared with the public at this time.

Chairman Haarde suggested the creation of the Alba Taylor Park to be included in the offer to purchase document. Selectman Simon stated that park appropriations have to be made by the Town and at this time that would not be possible.

Town Manager Rodrigues stated that the properties included with the camp must be sold empty and without tenants.

The Board agreed to vote on the disposition of the Sewataro offer on March 26th during Executive Session.

Chairman Haarde offered that he would be happy to conduct negotiations with the owners of Camp Sewataro.

At 6:00 p.m. Selectman Brown moved to adjourn Executive Session and not resume Open Session. Selectman Simon seconded the motion.

It was on motion unanimously

VOTED: To close Executive Session and not resume Open Session.

Attest: _____
Melissa Murphy-Rodrigues, Esq.
Town Manager