

## IN BOARD OF SUDBURY SELECTMEN

TUESDAY, JUNE 25, 2019

Present: Chairman Daniel E. Carty, Vice-Chairman Patricia A. Brown, Selectman Janie Dretler, Selectman Jennifer Roberts, Selectman William Schineller and Town Manager Melissa Rodrigues.

The statutory requirements as to notice having been complied with, the meeting was convened at 7:00 p.m. at Town Hall – Lower Level. Chairman Carty called the meeting to order.

### **Reports from Town Manager**

Town Manager Rodrigues announced that last night she accepted a conditional offer of employment as the Town Manager for the Town of North Andover, MA pending background checks and finalization of an employment contract. She asserted that the long commuting time from her home was the determining factor. She thanked everyone at the Town of Sudbury and assured the Board that she will not be leaving Sudbury until plans for a smooth transition take place, which most likely would not be until the end of summer.

Town Manager Rodrigues stated that July 1, 2019 will begin the new fall Town Meeting process which will include a posting on the Town website encouraging residents to give feedback via mail or e-mail on the need for a fall Town Meeting. A public hearing will be scheduled as part of the July 9, 2019 BOS meeting, which will determine the need for a fall Town Meeting.

### **Opening Remarks by Chairman**

Chairman Carty announced that he and Vice-Chairman Brown will conduct Selectmen Office Hours on Saturday, June 29<sup>th</sup> at 10:00 a.m. at the Police Station first floor conference room.

The 4<sup>th</sup> of July celebrations include open house at the Hosmer House, Road Race and the 4<sup>th</sup> of July Parade.

Chairman Carty announced the commencement of the MWRTA (MetroWest Regional Transit Authority) commuter shuttle several days ago with a ribbon cutting ceremony yesterday. He thanked everyone involved in the shuttle project especially MWRTA, Deb Galloway of COA, Alice Sapienza and everyone on the Transportation Committee.

### **Reports from Selectmen**

Vice-Chairman Brown stated that she attended the MAGIC (Minuteman Advisory Group on Inter-local Coordination) over a week ago and regional topics were discussed.

Selectman Schineller also congratulated Town Manager Rodrigues on her new position. He stated that he attended a “Lights on New England” session focusing on utility use and high demand times. He mentioned the Eversource case with the Town and stated that Sudbury is proceeding. He’s looking forward to all the Town planning this summer and noted that the Town Manager will continue to work on that process with the Board this summer.

Selectman Roberts also congratulated Town Manager Rodrigues on her new appointment and thanked the Town Manager for all her efforts. She mentioned many summer events being sponsored by Park & Recreation and the Goodnow Library.

Selectman Dretler congratulated Town Manager Rodrigues on her new position.

### **Citizen's comments on items not on agenda**

There were no citizen’s comments.

### **Consent Calendar**

**Minutes Approval**

It was on motion unanimously

VOTED: To approve the regular session minutes of 5/28/19.

**Approve edit to the Ponds & Waterways Committee Mission Statement**

It was on motion unanimously

VOTED: To approve a one word change to the Ponds & Waterways Committee Mission Statement.

**Accept winning bid for the Acquisition of Broadacres Farm short-term notes (BANS)**

Present: Finance Director Dennis Keohane

Mr. Keohane provided a description regarding short-term notes for the acquisition of Broadacres Farm, or BANS (Bond Anticipation Notes) which have been authorized for \$3,660,000. The winning bid went to Piper, Jaffray & Co. and reflects a one-year short term note at 2%. He stated that the bonds will be paid back over a term of twenty years.

Chairman Carty asked if this process is standard procedure, and Mr. Keohane responded that it was. Chairman Carty commented that 2% is a good interest rate on this amount.

Selectman Roberts commented about the note, and she mentioned that it is less costly to bond at one time.

Mr. Schineller asked for a recap of the projects included in this bond. Mr. Keohane responded that the \$3,660,000 bond is just for financing of the Broadacres Farm project, and other bonded projects include the sewer project, bridge and dam projects, the fuel island reconstruction, and Camp Sewataro.

Town Manager Rodrigues read aloud the related "Vote of the Board of Selectmen" dated June 25, 2019.

It was on motion unanimously

VOTED: To accept winning bid for the Acquisition of Broadacres Farm short-term notes (BANS).

**Interview candidate for appointment to the Council on Aging**

At 7:17 p.m. Chairman Carty opened the public hearing and introduced Ms. Lasky.

Ms. Lasky stated that she has lived in Sudbury for 22 years and is a retired financial services professional. Vice-Chairman Brown thanked Ms. Lasky for her contributions to the Town.

Selectman Schineller asked if there were any marketing activities where Ms. Lasky could assist the Council. Ms. Lasky responded that she would first work on focus group strategy, assist with establishing priorities and would help with the development of COA programming. All members expressed appreciation of Ms. Lasky's aptitude and assistance.

Selectman Dretler thanked Ms. Lasky for stepping forward to join the COA and thanked her for her positive contributions to the community.

Selectman Dretler moved to approve the appointment of Sandy Lasky to the COA. Vice-Chairman Brown seconded the motion.

It was on motion unanimously

VOTED: To approve the appointment of Sandy Lasky, 19 Abbottswood, to the Council on Aging for a term to expire 5/31/22.

**Approve Town Manager's annual re-appointments requiring Board of Selectmen's approval**

Town Manager Rodrigues confirmed that five committees would be re-appointed and these re-appointments capture those appointments that expired on May 31, 2019.

Selectman Schineller read aloud the list of Town Manager reappointments.

Vice-Chairman Brown moved to approve the Town Manager's appointments as read. Chairman Carty seconded the motion.

It was on motion unanimously

VOTED: To approve the Town Manager's annual re-appointments requiring Board of Selectmen's approval of those listed (all of which are subject to acceptance).

**Presentation on Sudbury's Stormwater Management Program**

Present: Zach Henderson, Technical Manager, Woodard and Curran Engineers, and Dan Nason, DPW Director.

Mr. Nason introduced MS4 (Municipal Separate Storm System). He stated that the MS4 permit is geared toward separating the stormwater (run-off) and the wastewater (sewer) systems. Sudbury has no municipal wastewater system, but there are still issues of stormwater quality the town needs to address under MS4.

Mr. Henderson presented the Stormwater Drainage and Compliance MS4 101 slide display. He explained that the MS4 General Permit in MA was reissued in 2016 and took effect on July 1, 2018. He presented several related factors:

- One out of two residents do not understand the Municipal Stormwater Drainage System.
- Effective drainage is necessary to keep safe and maintain the elements of the "built environment" such as roadways and foundations.
- Unintended consequences of effective drainage include washing pollutants such as oil, fertilizers, sediment and trash that falls on paved streets, lawns, and parking lots/sidewalks into the stormwater system. Rainwater then becomes polluted stormwater.
- Polluted stormwater runoff is one of the largest remaining sources of pollution for the nation's waters.
- MS4 Translates to Municipal Separate Storm Water Sewer System and is not a sewer system but a drainage process.
- Sudbury's MS4 drainage system include 60 miles of stormwater drainage pipe with 3,000 catch basins, 1800 manholes, 450 stormwater discharge points (places where storm water leaves Sudbury's drainage system and enters the larger environment), 100 culverts and ditches and swales as well.
- The MS4 General permit is part of the 1987 Clean Water Act requiring the EPA (federal Environmental Protection Agency) to regulate any discharges from the MS4 drainage system. The Massachusetts DEP (Department of Environmental Protection) does not administer this permit; Sudbury receives its permit directly from the EPA. The permit is based on development density and population. Every five years a new permit is drafted and each town/city is required to develop and submit a 5-Year Stormwater Plan.
- Administrative consequences for failure to comply with MS4 permit include fines, violations, consent order, or prosecution. Practically, failure to comply jeopardizes health, safety and the environment.
- Municipal stormwater compliance measures are: public education, public involvement, illicit discharge detection and elimination, construction site runoff control, post-construction stormwater management, and good housekeeping and pollution protection.

Mr. Henderson stated that the public education piece is being carried out at this meeting tonight. He mentioned that in New England old and aging infrastructure that leaks wastewater falls under the illicit discharges, as does illegal dumping into the stormwater system.

Chairman Carty commented that illicit discharges can be traced to homes and businesses. Mr. Nason confirmed that statement.

Mr. Henderson acknowledged that Sudbury has active prevention planning concerning construction site runoff as well as post-construction stormwater management. He cited several worthy housekeeping and pollution prevention measures such as street sweeping and drain cleaning throughout Town.

The MS4 general permitting coverage timeline was reviewed by Mr. Henderson within the 2018-2019 timeline, and the SWMP (Stormwater Management Plan) for Sudbury will be posted and will require significant paperwork, including program plans and information, compliance documentation, and manuals.

Mr. Schineller asked about discharge points and quality testing. Mr. Henderson responded that illicit discharge requires investigation and physical testing with storm sewers and related pipe lines, what is known as indicator testing. Particularly if there is wastewater contamination, this must be traced back. This is labor intensive.

Selectman Roberts asked about state regulations and responsibility. Mr. Henderson replied that the Commonwealth did not want the responsibility to administer the permit and therefore EPA establishes and controls regulations, not the state.

Selectman Roberts asked if septic systems are monitored. Mr. Nason replied not, but the sale of a home triggers the inspections, and if a bank is involved in the mortgaging of a property, the system must be operable. Selectman Roberts inquired about public outreach and measures that residents can take to reduce pollutants.

Vice-Chairman Brown stated that MAGIC affirmed that the MAGIC Stormwater Partnership will be developing educational information. Mr. Henderson noted that there is a MA state-wide stormwater coalition that has an advertised video called "Think Blue MA."

Mr. Nason stated that there may be increased budget line items such as street sweeping and the purchase of pollution controlling equipment.

Selectman Dretler has noted a great improvement with driveways and streets with increased sweeping in Town. Selectman Dretler suggested an "Adopt a Catch Basin Program." Mr. Nason encouraged the suggested program.

### **RHSO Inter-municipal Agreement Amendment for FY20**

Present: Liz Rust of Regional Housing Services Office (RHSO)

Ms. Rust presented the RHSO Agreement and the Amendment which stated that Burlington is withdrawing from the Regional Housing Services Office as voted on by the Burlington Board of Selectmen and effective June 30, 2019.

Ms. Rust explained the FY20 RHSO membership fee schedule and that the agreement is a three-year term.

Chairman Carty asked why there is a maximum of nine municipalities in the agreement. Ms. Rust responded that it is best to keep the membership at nine so that service is not compromised.

Vice-Chairman Brown asked why Burlington was withdrawing. Ms. Rust responded that Burlington wants to manage the housing aspect themselves since they have mainly large rental developments.

Selectman Schineller asked why Sudbury used so many RHSO hours. Ms. Rust replied that Sudbury includes the Sudbury Housing Trust lottery system.

Chairman Carty asked if the withdrawal of Burlington had an impact on the program. Ms. Rust thought not.

Selectman Roberts asked if there were other similar regional organizations, and Ms. Rust explained that there were.

Selectman Schineller asked if the fee schedule increased, and Ms. Rust responded that it increased by \$1.25.

Selectman Schineller motioned that Sudbury renew the FY20 RHSO agreement. Selectman Roberts seconded the motion.

It was on motion unanimously

VOTED: To sign the RHSO Inter-municipal Agreement Amendment for FY20.

### **Approve Selectmen's annual re-appointments**

Town Manager Rodrigues informed the Board that Representative Carmine Gentile and Jack Ryan could not be re-appointed as COA members for another term due to term limits.

Vice-Chairman Brown asked about the Budget Strategies Task Force and appointment of Radha Gargeya. Town Manager Rodrigues stated that she would check with Ms. Golden and suggested that maybe the June 31<sup>st</sup> reappointments had not been addressed yet.

Selectman Roberts questioned what would happen if re-appointees do not respond in a timely fashion. Town Manager Rodrigues answered that after a reasonable amount of time, if the office does not hear from them, a letter of thanks will be sent.

Vice-Chairman Brown moved in the words of the Town Manager's vote to approve the annual Selectmen's re-appointments. Selectman Dretler seconded the motion.

It was on motion unanimously

VOTED: to approve the annual Selectmen's re-appointments of those listed (all of which are subject to acceptance), to acknowledge the resignations of those who choose not to be re-appointed, and to send a letter of appreciation to the resigning volunteers for their service to the community.

### **Update on Camp Sewataro**

Town Manager Rodrigues stated that she reviewed the Camp Sewataro P&S (Purchase and Sale) Agreement with Town Counsel and Chairman Carty. The Town is in negotiations now. She has completed the rough draft of the Sewataro RFP and the Board could vote on it at the July 9<sup>th</sup> meeting.

Town Manager Rodrigues spoke to the Camp Sewataro owner today regarding registering campers. She thought that a management company might be the best solution for the Town since there will not be any available funds when the property is acquired in October, and a management company might be able to absorb most of the related expenses.

Selectman Schineller reviewed the profit of Camp Sewataro as being \$1.4M after expense and maintenance costs. He stated that the town should see significant revenue from a new camp operator, potentially \$500,000.

Selectman Roberts requested Town Manager Rodrigues to review the proposed leasing plan. Town Manager Rodrigues stated that there is some security with a management company as operator of the camp because they can pay for much of the related expenses. The model of payment she is proposing is based on an ice-skating rink that she managed. A lease arrangement would require a Town Meeting vote, which is not feasible due to time constraints. Selectman Roberts asked if a management company arrangement could allow for citizens' access to Camp Sewataro. Town Manager Rodrigues stated that a part of the plan submitted must describe public access.

Selectman Dretler asked about the lease term and maintenance costs. Town Manager Rodrigues stated that a management company would be responsible for year-round maintenance because the town doesn't have an appropriation. Selectman Dretler asked if another organization other than a camp could be considered. Town

Manager Rodrigues responded that the RFP was structured as a service contract so that the scope would be uniform. She has corresponded with six different parties who are interested in running Sewataro as a camp and want to be notified when the RFP is available.

Selectman Roberts asked if revenue requirements could be part of the RFP selection process. Town Manager Rodrigues responded in the affirmative.

A related Board discussion took place.

Resident Kristen Drummey, 66 Mossman Road, asked if the RFP draft is a public document. Town Manager Rodrigues answered that it was. Ms. Drummey asked if criterion would be included. Town Manager Rodrigues answered affirmatively and suggested that the term reflect a three-year lease with an option of extending for two additional five-year terms.

Selectman Schineller emphasized that one party/entity could present multiple RFPs.

Resident Jean Nam, 81 Newbridge Road, suggested Town use and ownership of part of Camp Sewataro, and creating an RFP for parts of the property not used by the Town. She stressed that the Town must explore all aspects before making any firm decisions, and read aloud the following prepared statement:

“It’s been about a month since the town voted to purchase the Sewataro property. What happens now?”

During the election many possibilities were put out there, and every citizen had his or her own reasons for voting the way that they did. Now it’s our responsibility to explore these possibilities and compare and contrast them before making any decisions. What are those ideas?

- Sewataro as a Public Park for all citizens at all times.
  - There are voters who cast their vote in favor of increasing our taxes to purchase Sewataro with the hope that it would become a park for all to enjoy at all times.
- Maximizing Revenue.
  - There are voters who cast their vote in favor of purchasing Sewataro to preserve the land. But also hope that the town will do whatever it can to maximize revenue potential.
- Maintain a private camp.
  - There are voters who cast their vote in favor of purchasing Sewataro in the hopes that a private camp will continue to run there with a new camp operator.
- Use Sewataro for the Town’s Parks and Recreation needs.
  - There are voters who cast their vote in favor of purchasing Sewataro in the hopes that Parks and Recreation would move much of their programming to the Sewataro location. Not only do they believe that Sewataro is a natural fit for recreational programming, they also believe that moving Parks and Recreation out of the Fairbanks Building would significantly reduce the scope and complexity of the Fairbank Renovation/Rebuild - which would break the deadlock and allow the town to move forward with creating an updated and inviting Senior Center.

Some discussions were already in progress before the Sewataro purchase was approved by the voters. Some of these discussions should perhaps do a pivot and bring Sewataro into their discussions.

There is a Fairbank Working Group which was working on a proposal for the Fairbank Renovation/Rebuild for the October 2019 Town Meeting. This group is working to find a home for a Senior Center, Parks and Recreation, and the Sudbury Public Schools Administration. Now that we’ve voted to purchase Sewataro, shouldn’t this group should bring Sewataro into their discussions?

There is an RFP in progress to solicit interest from private camp operators. Because this process is quite specific, we need to understand our expectations before we can solicit interest. For example, if

we are to have a Public Park with access for all our citizens at all times, this needs to be written into the RFP. Also, if we envision the possibility of Parks and Recreation moving into some of the buildings at Sewataro, we need to define that so that the camps do not use those spaces.

By pushing forward an RFP for a camp operator BEFORE we have fully discussed all the possibilities, are we putting the cart before the horse?

This is the time to brainstorm about all the possibilities for this land. It's the time to think about the big issues in town and discuss if and how Sewataro might help to formulate solutions. It's the time to put everything on the table and choose a direction.

These won't be easy discussions, and not everyone will be happy in the end. But this is democracy and we have a responsibility to do our due diligence on this \$11 million-dollar purchase."

Vice-Chairman Brown asked Ms. Nam to submit her written comments to the Selectmen's Office to be included with the minutes.

### **Update on Fairbank Community Center**

Ms. Dretler announced that the Town has received the prospective space requirements needed from Park & Recreation and COA, but is awaiting documentation regarding SPS needs. She told the Board that very productive meetings have taken place and there will be user groups present at the July 9 meeting. The working group has met with the Town Facilities Director and are discussing hiring an architectural firm.

Selectman Schineller asked if the user groups are considering space in any other parts of Town. Selectman Dretler responded that the group is basing its discussion of the project on user needs.

Town Manager Rodrigues suggested that an idea of what it is going to look like and square footage numbers would be presented at the July 9<sup>th</sup> meeting.

Selectman Schineller commented that it would be a missed opportunity for the Town if Camp Sewataro is not also discussed as an option. Selectman Dretler responded that the user groups are looking at their individual space needs and possible ways to share space to keep costs down.

Town Manager Rodrigues mentioned that schematics can change during the design phase. Selectman Roberts indicated that it would be very important to include shelter capacity as well, when schematics are put on paper. Town Manager Rodrigues stated that the shelter aspect will be included in the plan.

Selectman Schineller asked if any of the buildings at the Sewataro property are excluded from the RFP. Town Manager Rodrigues said all buildings are included in the RFP because the town does not have an appropriation to care for the property. Selectman Dretler stated that the town did not perform any planning prior to the town voting to acquire the property. Town Manager Rodrigues further stated that there would need to be a Proposition 2 1/2 override to perform any maintenance on the property because there is not an appropriation in the budget. The town is at capacity for FY2021.

### **Approve release of remaining Meadow Walk mitigation funds to be used for SPS technology**

Town Manager Rodrigues commented that there was \$850,000 total of mitigation money for the schools. SPS has already used \$200,000; this is what's left of their funds. LSRHS has not used any of the mentioned Meadow Walk mitigation funding yet. Selectman Dretler asked how much funding was still available for LSRHS. Town Manager Rodrigues said that there was \$425,000 designated for LSRHS.

Selectman Schineller noted that he was not convinced that technology expense would be a one-time consideration and wanted to hear more detail about the projects.

Vice-Chairman Brown moved to approve the release of remaining Meadow Walk mitigation funds in the amount of \$242,290 to be used for SPS technology. Selectman Dretler seconded the motion.

It was on motion 4-1, four in favor and one abstain. Selectman Schineller abstained because of lack of information provided.

VOTED: To approve the release of remaining Meadow Walk mitigation funds in the amount of \$242,290 to be used for SPS technology.

**Citizen's comments (cont.)**

Resident Paul Kafalas, 24 Hickory Road, inquired about the entertainment license for Sudbury Coffee Works. Town Manager Rodrigues explained that the entertainment license had been pulled last week and offered to discuss that topic with Mr. Kafalas after the meeting.

**Discuss upcoming agenda items**

Chairman Carty stated that the July 9, 2019 BOS meeting will be very full, and Town Manager Rodrigues listed the topics to be included on that agenda:

- The Board will authorize the Town Manager or Chairman Carty to sign documents for the Broadacres Farm closing on July 11, 2019
- Public hearing to determine the necessity of a fall Town Meeting
- Opening of fall Town Meeting Warrant
- Discuss easement issue
- Sewataro RFP
- Fairbank Community Center working group present
- Discussion on Bruce Freeman Rail Trail
- Interview a ZBA candidate

Selectman Dretler asked about the Board name change. Town Manager Rodrigues commented that the Board name change could be included in the Warrant, and if a fall Town Meeting did not take place, the Board would discuss that topic.

Vice-Chairman Brown stated she would not be present for both the July 24<sup>th</sup> and August 6 Board meetings.

The Board agreed to start the July 9<sup>th</sup> meeting at 6:00 p.m.

Chairman Carty noted that the Board will be meeting Thursday morning, June 27<sup>th</sup> for the BOS training session and next steps with the Town Manager position. The meeting will be recorded by SudburyTV.

Selectman Schineller asked about opening the Town Meeting Warrant on July 9. Town Manager Rodrigues detailed that the Warrant could open on July 9<sup>th</sup> and close on August 6, 2019.

There being no further business, the meeting adjourned at 9:30 p.m.

Attest: \_\_\_\_\_

Melissa Murphy-Rodrigues  
Town Manager-Clerk