

IN BOARD OF SUDBURY SELECTMEN

FRIDAY, OCTOBER 11, 2019

FLYNN BUILDING – SILVA ROOM

Present: Chairman Daniel E. Carty, Vice-Chairman Patricia Brown, Selectman Janie Dretler, Selectman Jennifer Roberts, Selectman William Schineller, Interim Town Manager Maryanne Bilodeau, Attorney Lee Smith and Town Counsel Jonathan Silverstein.

The statutory requirements as to notice having been complied with, the meeting was convened at 8:50 a.m. at the Flynn Building – Silva Room.

Chairman Carty called the meeting to order.

Opening Remarks by Chairman

Chair Carty announced that the Master Plan Community Conversation on Transportation was well attended. Town offices will be closed on Monday, October 14th in observance of Columbus Day.

Reports from Town Manager

Interim Town Manager Bilodeau had no comments.

Reports from Selectmen

Selectman Schineller stated that the Historical Commission has invited Board members to join them on a site visit of the Carding Mill in the near future.

Citizen's Comments on items not on agenda

Resident Len Simon, 40 Meadowbrook Circle stated that agenda items 1 and 2 regarding Camp Sewataro had no related documentation posted for residents to examine before today's meeting. He indicated he felt it had become routine to not post or only post a few hours in advance of meetings. He requested that documents be posted 48 hours in advance. He stated that he felt such oversight represented a lack of transparency.

Selectman Roberts stated that she also had not seen Sewataro documents posted. Interim Town Manager said that documentation was not available for posting before this meeting.

Vote authorization to Acquire Camp Sewataro Property and Delegation of Authority to Chairman and Interim Town Manager to Execute Closing Documents

Attorney Smith asked that the Board vote to authorize Chair Carty and Interim Town Manager Bilodeau to execute closing document documents.

Selectman Dretler questioned the tax-exempt bond status of Camp Sewataro. She asked if the Town was aware during negotiations that the bonds would be taxable. Chair Carty stated not. She stated that Dennis Keohane said the financial impact to the Town is an increase in the interest payment and that the total cost cannot be determined until we permanently finance the debt, but the Unibank estimate (from David Eisenthal) for the increased cost related to the BANs is approximately \$45,000. This would translate to about \$60,000-\$70,000 annually if the rates in January 2021 are consistent with the current rates. She asked the Board is it was interested in amending the agreement with the Camp manager. Chair Carty said it could be a future agenda item.

Attorney Smith stated that the issue did not arise until signing of the agreement. Chair Carty commented that the Board voted to accept the bond proposal at the previous Board meeting though an agenda item purposing such change could be included for a future item. Selectman Schineller commented about changing the agreement with

Scott Brody, Camp Sewataro camp operator. Attorney Smith mentioned that such a change would be subject to negotiation. Multiple board members stated they would like to see this topic on a future agenda.

Interim Town Manager Bilodeau stated that Finance Director Dennis Keohane would consult with bond counsel and discuss proposed negotiations.

Attorney Smith added that he expected to receive additional financial information today.

Selectman Dretler asked about environmental concerns. Interim Town Manager Bilodeau responded that there were no such concerns. Attorney Smith stated that a potential special meeting could be held next Wednesday, permitting the board to review the closing documents and share any concerns if they arise.

Attorney Silverstein stated that a tentative meeting would be posted today, and the meeting could be cancelled with a 48-hour notice. The Board agreed.

Vice-Chair Brown asked about further potential concerns. Attorney Smith stated that such concerns might result in the closing being delayed and that would likely be the seller's decision.

Attorney Silverstein recommended that the Board vote now and retain the option to reconsider the vote, if such need should arise.

Selectman Schineller motioned and Vice-Chair Brown seconded the motion.

It was on motion unanimously

VOTED: To authorize acquisition of Camp Sewataro property and delegate such authority to the Chairman and Interim Town Manager to execute closing.

Vote acceptance of Deed to Camp Sewataro Property and Acceptance of Emergency Access Easement

Attorney Smith recommended reviewing and signing the document at this time.

Selectman Schineller motioned and Chair Carty seconded the motion.

It was on motion unanimously

VOTED: To accept the Deed to Camp Sewataro Property and Acceptance of Emergency Access Easement.

Sign letter of support to House leaders for Rep. Gentile's CPA Bill H.1790

Chair Carty requested that the Board indicate if they support the Bill. Selectman Schineller stated that he had issues regarding the 1790 bill language. Chair Carty said he supported the concept but had issues with the letter. Selectman Roberts supported moving the bill forward since it will benefit Sudbury and other communities to be able to use CPA funds to purchase rail lines and other actions (for rail trails). Selectman Dretler was in favor of the bill which would allow us to use appropriated funds and said that the letter/bill was acceptable. Selectmen Schineller suggested that towns be made aware if there were any mass transit needs on the line 50 years out for which site control was important. Selectman Schineller expressed concern about reversion. Selectman Roberts noted that it was rare for reversion to occur to a rail trail. She stated that such reversion had never occurred in Massachusetts before. Vice-Chair Brown opined that we should support bills that our representatives put forward if they are in reaction to our requests. Chair Carty says he supports the Bill conceptually. Chair Carty emphasized that purchasing a rail right of way reflects the "buyer beware" concept in consideration that the land could revert back to original ownership and that we need to acknowledge it.

Selectman Schineller noted that the legislative language should prohibit use of motorized vehicles, particularly e-bikes, on the trail and that rail trails, and specifically those funded with CPA funds, be used for recreation and not motorized transportation. Selectman Roberts agreed that an unsafe vehicle situation was not recommended. Chair Carty commented about inclusion of emergency and maintenance vehicles and Selectman Schineller noted that motorized wheelchairs should be allowed. Selectman Dretler referenced the Rail-to-Trails Conservancy support of model e-bike legislation that was developed by the bike industry. Chair Carty agreed that CPA money appropriated for recreational purposes should not be used for recreational purposes and CPA funds cannot be used for transportation facilities. Selectman Schineller agreed that e-bikes and CPA funding did not mix and added that he would not support the language of the bill unless these proposed language amendments were included as he does not believe CPA funds should be used to create a transportation corridor.

Selectman Roberts appreciated Selectman Schineller's recommendations and reiterated that the bill should move forward given the fact that reversions of trail corridors for rail use had not occurred have never occurred executed in Massachusetts before.

Chair Carty commented that there is always a first time for reversions to occur.

Vice-Chair Brown distributed suggested comments concerning railbanking and further commented about the validity of "rail bank" language. She stressed that the Board should review two other legal decisions concerning the use of CPA funds for rail trail acquisition and design. She further commented about the validity of "rail bank" language and clarified that this corridor currently is not rail banked per the Surface Transportation Board. She also asked if the legal decisions from our attorney could at a minimum be distributed to this Board as she was not sure if they were ever made public.

Edits to the letter to the Joint Committee on Municipalities and Regional Government, dated October 11, 2019, were reviewed by the Board. Chair Carty commented that he supported the concept of the letter with fewer words.

Selectman Schineller indicated that Sudbury was doing their part and is being used by the state to obtain an additional rail extension. He noted that other towns did not have to obtain their portions like Sudbury has and, in some cases, also received design funding which Sudbury has not.

Vice-Chair Brown noted that the intent of the letter reflected passionate advocacy, but was not completely accurate.

Selectman Roberts stressed that the Town has voted for this rail trail extension several times and reiterated that stopping the trail at Union Avenue would not be beneficial to the Town. She emphasized that the CSX purchase is important to take it to our commercial sector and also to preserve key land in conservation and water resource areas. Chair Carty commented that this situation reflects that the state has not provided Sudbury with any design funding while other towns along the BFRT route had, including Concord, Acton, Westford, and Carlisle and just a few weeks ago Framingham had been given not less than \$1,000,000 from the State and we have received zero. He felt the tone of the letter should be you have helped other towns financially and we just want to spend our own money and that Sudbury is doing their part much more than other towns. Selectman Dretler questioned if Framingham received such funding. Vice-Chair Brown pointed out that the state had authorized \$700,000 in 2014 for acquisition of the CSX corridor in Sudbury, but the Town had not accessed it. Chair Carty emphasized that a great deal of State funding was allocated, and this would be the time to ask the state for design funding if we so desired.

Interim Town Manager Bilodeau stated that she would speak to Beth Suedmeyer of the Planning Department.

Selectman Roberts commented on the importance of the Board getting behind this letter.

Chair Carty stated we seemed to be focused on the \$420,000 of CPA funds allocated to the purchase of the CSX line yet we have made no mention of the \$150,000 of CPA funds we allocated for the 75% design funding of the BFRT project. Selectman Schineller pointed out that the legislation was intended for land acquisition only and not design funding

Vice-Chair Brown stated that she needed to see related design aspects. Also, she did not want to see different rules for different towns, but rather a consistent set of rules enforced across the state. with regards to transportation

Selectman Schineller reiterated that he would submit his statement regarding motorized vehicles being prohibited on the Rail Trail.

Town Counsel suggested that CPA legislation restricting e-bikes could lead to sporadic e-bike usage between towns and suggested that requesting new legislation for e-bikes on all rail trails would make more sense.

Resident Len Simon, 40 Meadowbrook Circle stated that concerns about reversion should be taken to entities such as the MPO and that e-bikes are already prohibited on the BFRT. He suggested that concerns about e-bikes should be taken to DOT and DCR and not be included in the letter.

Chair Carty stated that he was looking forward to seeing the letter amended with inclusion of Selectman Schineller's statement.

At 10:32 a.m. the Board went into Executive Session and resumed in open session at approximately 12:00 p.m.

Consent Calendar

Approve a two-year contract to Girard & Associates, LLC for the Fire Department's Advanced Life Support Program in the amount of \$17,800 per year

It was on motion unanimously

VOTED: To approve award of a two-year contract to Girard & Associates, LLC by the Town Manager as a sole source procurement for services to be provided for the Fire Department's Advanced Life Support Program involving quality assurance/quality control in the amount of \$17,800 per year.

Accept donation for the Senior Center

It was on motion unanimously

VOTED: To accept donation for the Senior Center at the discretion of the Town Manager, as requested by Debra Galloway, Senior Center Director.

Approve two Conservation Restrictions for properties off Old Framingham Road and Nobscot Road

It was on motion unanimously

VOTED: (1) Vote to approve and signify approval of a Conservation Restriction granted under M.G.L. c.40 §8C by Mahoney Farms Condominium Trust for property off Old Framingham Rd., Sudbury, being a 0.68-acre portion of a 30.704-acre parcel of land and shown as "75' Wide Wildlife Corridor Easement"

on a plan entitled "Easement Plan of Land in Sudbury, MA", rev. July 26, 2005, by Sullivan, Connors and Associates Land Surveying and Civil Engineering, said plan recorded at the Middlesex South District Registry of Deeds on October 26, 2005 as Plan No. 1464 of 2005; and further, (2) Vote to approve and signify approval of a Conservation Restriction previously granted by the Mahoney Farms LLC (approved by the Board on April 9, 2019), for an approximately 3.09 a. portion of a 23.527 a. property off Nobscot Road, now under the ownership of the Mahoney Farms Condominium Trust.

Appoint Carmine Gentile to the Sudbury Housing Trust

It was on motion unanimously

VOTED: To appoint Carmine Gentile, 33 Surrey Lane, to the Sudbury Housing Trust for a term ending 5/31/2022.

Accept donation of Norway Spruce tree (\$2,700 value) in Town Center

It was on motion unanimously

VOTED: To accept donation of Norway Spruce tree (\$2,700 value) in Town Center, as requested by Dan Nason, DPW Director.

There being no further business, the meeting adjourned at 12:07 p.m.

Attest: _____
Maryanne Bilodeau
Interim Town Manager-Clerk