

IN BOARD OF SUDBURY SELECTMEN
EXECUTIVE SESSION
TUESDAY, JULY 15, 2019

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

The statutory requirement as to notice having been complied with, the meeting was convened at 11:05 a.m. in the Flynn Building Silva Conference Room.

Executive Session

Chairman Carty asked for a motion to immediately enter Executive Session.

Selectmen Schineller moved in the words of the motion. Vice-Chairman Brown seconded the motion.

It was on motion unanimously

Voted: To immediately enter Executive Session 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)(6).

Town Manager Contract

Chairman Carty also asked for a motion to continue in Executive Session to discuss the Town Manager Contract.

Vice-Chairman Brown moved in the words of the motion. Selectman Roberts seconded the motion.

It was on motion unanimously

Voted: To continue in Executive Session to conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel pursuant to G.L.c. 30A, s,21(a)(2)(Town Manager Contract)

Camp Sewataro

Chairman Carty stated that things are not going smoothly with the Sewataro Purchase & Sale Agreement (P&S).

Town Manager Rodrigues distributed a map delineating Camp Sewataro and the lots along Greystone Lane, Liberty Ledge and the surrounding area. She explained the situation and said that there are two issues that came to the Town as a surprise: (1) Mark Taylor's (present owner of Sewataro) land is landlocked and he has asked the Town to provide an easement to further elevate this situation; (2) Mark Taylor has rejected several options as suggested by the Town and does not seem willing to pay for any easement.

Town Manager Rodrigues maintained that the easement option is problematic for the Town and Mark Taylor will be presenting his proposal at the Planning Board meeting on Wednesday, July 17. Mr. Taylor's plan is to purchase lot #208, which his family owns and would want to develop lots 225, 226 and 211. Town Manager Rodrigues noted that lots 226 and 211 would likely be combined for development.

Selectman Dretler commented that Mr. Taylor went before the Planning Board on January 9, 2019 for an ANR Approval at 25 Greystone Lane (Assessor's Map C08-0160 & C08-0161) and read from the January 9th minutes: "Ms. Suedmeyer affirmed that the plot plan for Mark Taylor Revocable Trust, is dated 12/10/18 and was amended with a minor side lot line change and that the owner's two lots and the offset of setback, now created a conforming status of the two lots, and that the adjustment provides both lots with adequate side setbacks."

Town Manager Rodrigues stated that Mr. Taylor now drives through Camp Sewataro to get to his home. Mr. Smith commented that he asked Mr. Taylor to relocate Greystone Lane or provide his own easement and that Mr. Taylor responded saying that his engineer would not change Greystone Lane because it would not work and would affect the necessary space for future septic systems.

A lengthy discussion took place regarding the subject lots.

Attorney Smith stated that he would like to work toward a solution that would please both parties. The situation should have a dollar value in consideration of either a granted easement or reduction in land conveyed to the Town.

Town Manager Rodrigues stressed that Mark Taylor would like a determination from the Planning Board before closing on the property. She detailed that Director of Planning and Community Development Adam Duchesneau confirmed that the Planning Board would not have a decision by October.

Selectman Dretler asked if there are similar easements in Town. Town Manager Rodrigues responded that there are many.

Selectman Schineller stated that a settlement easement in the amount of \$200,000 would be preferable with closing on the October 2019 date, as agreed and signed to in the P&S.

Town Manager Rodrigues indicated that Mr. Taylor was seeking permission for a private way. Chairman Carty stated that Mr. Taylor must understand that the Town could "walk away" from this late arriving development by the Taylors. Selectman Dretler stated that Mark Taylor has not been forthcoming.

Chairman Carty stated that the easiest way around the situation might be an easement, but the owner's creation of a development and associated logistics is his concern, not the Town's.

Selectman Dretler would like to know more about settlement easements and associated legal ramifications. Attorney Smith responded that the easement could be created to only allow Mr. Taylor access to his home (a narrow driveway of sorts) but not an entry to a development that could harm the Town.

Chairman Carty mentioned that he told Mr. Taylor that "easement" is a four-letter word in Sudbury. Mr. Smith confirmed that nothing was agreed to in the recent conversation with Mr. Taylor. Town Manager Rodrigues added that the conversation with Mr. Taylor was somewhat confrontational.

Mr. Smith indicated that he wanted to give more consideration to a limited easement and suggested that such an easement could be appraised as well as having Mr. Taylor document exactly what location is under consideration for development. Town Manager Rodrigues inquired about a possible "easement of necessity." Mr. Smith stated that he would research that aspect.

Town Manager Rodrigues outlined the two possible options in this situation:

- Option 1 – Allow owner limited easement to access his home
- Option 2 – Allow easement to the two developable lots

Chairman Carty reiterated his preference for option 1, with a closing date of October including a settlement dollar amount in consideration of the limited easement. Selectman Schineller agreed with Chairman Carty's preference. Vice-Chairman Brown agreed with Option 1 and stressed that the easement be the smallest possible and the closing date be no later than the October date. Selectman Dretler agreed with Vice-Chairman Brown's assessment, and Selectman Roberts also agreed with Option 1.

Town Manager's Contract

Chairman Carty stated that Town Manager Rodrigues has requested a 60-day notice of departure rather than the 90-day notice as stated on the Town Manager Contract. Town Manager Rodrigues assured the Board that she would be fully involved in the current Town projects during the remainder of her employment. The Board did not present opposition to the 60-day notice.

Chairman Carty asked for a motion to close Executive session regarding Camp Sewataro.

Vice-Chairman Brown moved in the words of the motion. Selectman Roberts seconded the motion.

It was on motion unanimously

Voted: To close Executive session 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)(6).

Chairman Carty asked for a motion to close Executive session regarding Town Manager Contract. Vice-Chairman Brown motioned and Selectman Dretler seconded the motion.

It was on motion unanimously

Voted: To close Executive Session to conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel pursuant to G.L. c. 30A, s. 21(a)(2) (Town Manager Contract).

Chairman Carty asked for a motion to enter into open session to vote to accept the resignation of Town Manager Melissa Murphy-Rodrigues.

Vice-Chairman Brown motioned and Selectman Dretler seconded the motion.

It was on motion unanimously

Voted: To enter into open session to vote to accept the resignation of Town Manager Melissa Murphy-Rodrigues.

Resignation of Town Manager

Town Manager Rodrigues stated that her last day of employment will be September 6, 2019.

It was on motion unanimously

Voted: To accept the resignation of Town Manager Melissa Murphy-Rodrigues.

Filling of Town Manager Vacancy and Possible Interim Town Manager

Town Manager Rodrigues stated that Assistant Town Manager Maryanne Bilodeau previously served as Interim Town Manager and affirmed that Ms. Bilodeau is very well-versed with the mechanics of that role.

Selectman Roberts asked if things commenced smoothly when Ms. Bilodeau served as interim Town Manager. Vice-Chairman Brown confirmed the statement.

Selectman Schineller asked about Interim Town Manager tasks.

Town Manager Rodrigues included tasks of resident interaction and communications (which she does currently), manages all senior staff personnel, conducts BOS meetings, handles financial aspects and is CPO certified.

Chairman Carty suggested asking Finance Director Dennis Keohane if he might be interested in the Town Manager position. Town Manager Rodrigues stated that Mr. Keohane would make a very good choice as she hired him in his current position. She noted that Mr. Keohane works with her on many projects.

Selectman Schineller asked about Mr. Keohane's relationship with staff. Town Manager Rodrigues provided detail regarding the staff chain of command adding that Mr. Keohane has all financial responsibilities of the Town. She detailed that the Town departments of Accounting, Assessors, Finance, Town Clerk, Technology and Treasurer report to Mr. Keohane.

Chairman Carty mentioned that continuity is a large factor and wanted assurance that this internal candidate is interested because he would not want to jeopardize the role of Mr. Keohane if he does not have serious interest.

Selectman Schineller indicated that he was impressed by Mr. Keohane's ability to be fully involved with the capital budgeting and other important aspects of existing projects.

Selectman Dretler stated that she would like to have an external search for the position, with particular consideration of the visioning factor. She encouraged Mr. Keohane to apply as well.

Selectman Roberts stated that due diligence should be exercised, and for that reason would want to also conduct an external search. She strongly encouraged Mr. Keohane to apply for the position. She questioned if some informational resources could be contacted before an official external search firm was considered. Town Manager Rodrigues provided several sources.

Vice-Chairman Brown spoke of her training regarding internal and external searches and included that the previous Town Manager (before the current Town Manager) was the Finance Director for Sudbury, much like Mr. Keohane and remained as Town Manager for some 14 years. She also mentioned the "Sudbury Listening Project" and asked what kind of support would Mr. Keohane need to be a successful Town Manager for the Town of Sudbury.

Selectman Schineller recommended that Mr. Keohane attend the next BOS meeting.

Town Manager Rodrigues mentioned the utilization of a Town Manager Evaluation Subcommittee.

Selectman Schineller asked Town Manager Rodrigues for a related network listing. Town Manager Rodrigues responded affirmatively.

Chairman Carty stated that firstly, he would talk with Mr. Keohane regarding interest and stressed that management of personnel is a critical aspect of the position. He recognized that timing is an important aspect and if Mr. Keohane wanted to go forward with the position, there would be no need to have an Interim Town Manager. If Ms. BildoEAU were to assume the Interim Town Manager position, a new contract would be needed.

Town Manager Rodrigues commented that in her remaining time as Sudbury Town Manager, she would be willing to help direct/train an internal applicant. An external search for such a position would take at least two to three months and the actual search firms apply to the RFP as candidates.

Chairman Carty suggested starting the RFP process as a back-up and noted that the process could cease at any time. Town Manager Rodrigues spoke of the three primary search firms, with MRI being the firm that contracted with her.

Town Manager Rodrigues stated that another BOS meeting would be scheduled before the regular meeting on July 24 in order to consider updates on the Interim Town Manager topic and Camp Sewataro. She confirmed that she would also be providing Town Manager Selection resource materials to the Board. The Board agreed to meet on July 23.

At 1:10 p.m. Vice-Chairman Brown moved to adjourn in Open Session and not resume Executive Session. Selectman Dretler seconded the motion.

It was on motion unanimously

Voted: To adjourn in Open Session and not resume Executive Session.

Attest: _____

Melissa Murphy-Rodrigues
Town Manager-Clerk