

IN BOARD OF SUDBURY SELECTMEN  
EXECUTIVE SESSION  
TUESDAY, JULY 23, 2019

Present: Chairman Daniel E. Carty, Vice-Chairman Patricia A. Brown, Selectman Janie Dretler, Selectman Jennifer Roberts, Selectman William Schineller, Town Manager Melissa Rodrigues, Planning Board Chairman Steve Garvin, Town Counsel Jonathan Silverstein and Attorney Lee Smith, KP Law.

The statutory requirement as to notice having been complied with, the meeting was convened at 9:30 a.m. at the Flynn Building – Silva Room.

**Executive Session**

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

Selectmen Schineller moved in the words of the motion, and Selectman Dretler 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 Rodrigues stated that she and Attorney Smith spoke with Mr. Taylor's counsel and feel that the Town is in a more advantageous position since the last Executive Session and the rejection of Mr. Taylor's request for frontage easement/s. After Mr. Taylor presented at the Planning Board meeting on July 17<sup>th</sup>, and received a negative response regarding granting of easement/s, Mr. Taylor is now working to get relief to build two driveways. He is proposing to reduce the purchase price of Camp Sewataro by \$160,000. Based on a purchase price of \$244,993 per acre, Town Manager Rodrigues calculated that the reduction should be \$181,295. She also stated that the buyer has agreed to the October closing date.

Town Manager Rodrigues referred to the Liberty Ledge plan given by the Taylors and a second such plan as rendered by Mr. Smith. She noted that Mr. Smith's rendering was more beneficial to the Town.

Mr. Garvin explained that the Planning Board appearance by Mr. Taylor was an untimed and unadvertised item. The Planning Board provided Mr. Taylor with several options and officially voted not to allow any such frontage easement/s.

Mr. Silverstein suggested the Taylors establish an escrow account with the Town.

Selectman Dretler questioned if there would be lack of access to other lots on the property.

Town Manager Rodrigues suggested that the Taylors include a subdivision outline before closing.

Mr. Smith commented that such an outline might confuse the issue.

Mr. Garvin emphasized the importance of the safety issue and spoke of emergency and fire truck access. He added that ultimately an easement could be provided to allow the Taylors access to their driveway, especially in consideration of emergencies.

Chairman Carty expressed concern about other cars using access through the camp. Mr. Silverstein suggested controlled lock access which the Taylors would be expected to pay for.

A discussion regarding safe access took place.

Mr. Garvin asked if the infrastructure is in place and sized for a paved driveway, should the Fire Chief request pavement. Mr. Garvin stated that he would speak with the Fire Chief about this.

Selectman Roberts confirmed that the Town might want to develop lots 193, 194 and 195. Chairman Carty replied in the affirmative. Mr. Garvin commented that the exact shapes of those lots is unknown at this time, but an ANR could be implemented.

Mr. Silverstein suggested a deed restriction on Taylor's three properties (including Taylor's house lot) and provide the Town with an easement over Greystone Lane. Chairman Carty added that no ability would be provided for connection to Liberty Ledge unless emergency access is required by the Fire Chief. Mr. Garvin suggested that the Taylors assume part of the funding of such access, if required by the Fire Chief. Selectman Roberts asked about the cost of such access. Chairman Carty maintained that it is the responsibility of the Taylors to deal with the Fire Department. Selectman Schineller added that it is not up to the Board to determine the status of fire hydrants, but rather the responsibility of the Fire Department.

Town Manager Rodrigues indicated that "easement by necessity" would probably not apply to the Taylors properties. Mr. Silverstein agreed and stated that the Taylors have access from lot 208. Vice-Chairman Brown agreed that claiming "easement by necessity" is a stretch.

Mr. Smith commented that Mr. Taylor wants to keep the shed. Vice-Chairman Brown stated the shed was the Taylor's responsibility. Chairman Carty agreed. Town Manager Rodrigues stated that it was worth moving the shed. Mr. Smith stated that the shed issue should be addressed now with specific language. The Board agreed with that assessment.

Mr. Garvin went to the whiteboard and sketched a hammerhead turnaround option which would take less pavement.

Selectman Schineller stated that the financial calculations should be mechanical. Mr. Garvin suggested a tabulation of \$250,000 per acre. Selectman Schineller suggested \$254,000+ according to original itemization. Mr. Silverstein suggested that legal fees could be included here. Selectman Dretler asked about the public awareness of this aspect. Town Manager Rodrigues responded that the P&S could be signed publicly and display how it differs from the Agreement Sheet.

Chairman Carty summarized discussion points:

- Agreement of assessed cost per acre
- Legal fees to be included in assessment calculation
- Escrow account until Planning Board finalizes determination
- Taylor Deed Restriction
- Moving of shed and Town Manager Rodrigues recommends shed removal when permit is pulled
- Easement provided for Town
- Easement for Taylor family if required by the Fire Department

Town Manager Rodrigues asked Mr. Silverstein and Mr. Smith what potential deal breakers might be. Mr. Smith responded that he had concern about a proposed deed restriction. Town Manager Rodrigues stated that she would approach the Taylors about this aspect.

### **Town Manager Contract**

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

Vice-Chairman Brown moved in the words of the motion, and Selectman Schineller 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)

Chairman Carty stated that he met with Dennis Keohane who indicated that he would not apply for the Town Manager position unless the Board vote was unanimous. He added that Mr. Keohane indicated that he might apply through the open search process.

Selectman Roberts commented that she is deliberating about utilizing an independent search firm. Town Manager Rodrigues stated that per BOS vote, the related RFP was posted yesterday with applications due by August 19. She informed the Board that there have been some inquiries and there is one more public BOS meeting before she leaves office.

Selectman Schineller explained that he met with Mr. Keohane and did not get the impression that Mr. Keohane was not interested in pursuing the position of Town Manager. Selectman Dretler commented that it is apparent that full Board approval is preferred. Vice-Chairman Brown added that it is important that all members are in support of a new Town Manager because if the Town Manager fails, we all fail.

Selectman Roberts stated that she is impressed by Mr. Keohane's financial performance and wants to schedule a meeting with him in order to get to know him better.

Town Manager Rodrigues stated that search firm interviews would be held in August and September and completed by January 2, 2020. She stated that Maryanne Bilodeau presented a draft contract and shared detailed items with the Board:

- Contract commences September 6, 2019
- \$645.00 weekly to be added to current rate, which would reflect a yearly contract of \$187,540 with car allowance (\$625)
- 20 Weeks post new Town Manager Hire - \$250 weekly
- Additional vacation time provision
- By June 1, 2020 will provide 30-day notice if position still unfilled

Selectman Schineller asked about the benefit difference between the last time Ms. Bilodeau assumed the role. Town Manager Rodrigues responded that the difference is comp. time buyback. Vice-Chairman Brown stated that Ms. Bilodeau performed under challenging circumstances. Selectman Schineller stated that he felt comfortable with the draft contract. Chairman Carty agreed with the draft contract.

Selectman Schineller stated that he wanted to have a conversation with Ms. Bilodeau to advance a sense of familiarity.

Town Manager Rodrigues stated that another meeting to authorize Ms. Bilodeau's contract would be scheduled. Vice-Chairman Brown suggested a conversation with Ms. Bilodeau was a good idea.

Town Manager Rodrigues suggested that the Board schedule an Executive Session on August 6 and vote on the contract.

Town Manager Rodrigues distributed a listing of Town Manager placements and searches with MA municipalities in the last 13 to 14 months.

Selectman Schineller inquired about a goal-setting session. Vice-Chairman Brown replied that the goal-setting session is an open meeting session and a Town Manager Evaluation would not have to be considered at this time. Chairman Carty commented that the goal-setting session would be held later this year.

At 11:30 a.m. Vice-Chairman Brown moved to adjourn in Executive and resume in Open Session in five minutes. Selectman Dretler seconded the motion.

It was on motion unanimously

VOTED: To adjourn Executive Session and resume Open Session in five minutes.