

Virtual Meeting – 6:42pm  
September 20, 2021

Commissioners: Bobby Beagan, Mara Huston, Ben Carmel, Laurie Eliason, Dick Williamson (joined at 7pm)  
Guest: Jennifer Roberts

September 20, 2021 Meeting Roll Call: Ben -here, Bobby – here, Laurie – here, Mara – here

**Public Comment:** None

**Commission Roles and Responsibilities:** Bobby and Ben discussed information they developed on Park and Recreation Commissions roles and responsibilities. Bobby gave history on the Commission and past understanding of the roles and responsibilities and stated the goal is to identify a Charter so this Commission and future Commissions would have a clear understanding of responsibilities. Bobby said the topic has been under discussion for years, but has come to the forefront recently due questions on who has responsibility to set Recreation/Pool/Field program and user fees. The question was asked of Town Council and the opinion was the Strong Town Manager Act states setting fees fall with the Town Manager's responsibility. Bobby said the Massachusetts State Law, Section 5 of chapter 45, states in general what the roles and responsibilities are of the Park and Recreation Commission elected by the Town. He said the specific roles and responsibilities of the Sudbury Park and Recreation Commission and Charter is still not clear. Mara clarified the legal opinion stated the Commission works in collaboration with the Director and Town Manager to set the fees. Ben added Park and Recreation is authorized to spend the fees. Bobby stated this is why there is need for clarification on the roles and responsibilities of the Sudbury Park and Recreation Commission. The Strong Town Manager Act is interpreted differently in other Towns based on the Town by Laws.

Bobby and Ben contacted Commissions from other Towns for information on roles and responsibilities for their Commissions. Bobby stated the goal is to get a clear set of roles and responsibilities so they can do the best job for the residents who elected them. The goal of the meeting tonight is to make a motion to request Town Council give an opinion to clarify the Sudbury Park and Recreation Commissions roles and responsibilities. Bobby stated while doing the research he felt the information received from other Towns will be very helpful in defining the roles and beneficial to the Town.

Ben spoke with Concord Park and Recreation and they are currently in the process of updating their Charter. Ben said speaking with Concord made him think more information was needed before sending a letter to Town Council. Bobby stated they are contacting Towns that are similar to Sudbury with a Town Manager.

Bobby said the original plan was to make the request through the Select Board. The Commission wanted this on the Select Board's agenda; they felt this was an important issue not only for the Commission, but also the Town. Bobby said he will be making a motion to name a Commission member to make the request directly to the Town Manager.

Laurie asked if the Commission's Charter had to go before Town Meeting. She would like to confirm that during discussions.

Jennifer Roberts, Chair of Select Board, offered help to navigate this process. She stated other Boards in Town have specific bylaws they follow and their roles are a little more clearly defined, so she thought the request to the Town Manager was a good way to proceed.

Bobby said there will be additional discussions before Ben submits the request to the Town Manager. Laurie stated one of the goals in the past was to request the Town Council attend a Commission meeting to discuss the opinion. Mara suggested asking Jennifer Roberts for guidance on that question.

Jennifer stated what the Commission will be doing is requesting access to Town Council from the Town Manager to obtain legal advice including a written opinion. She added the request to attend a meeting is an appropriate request especially if the Commission thinks there might be a need for some clarification on the opinion. Mara asked if the request to attend the meeting should be done after the written opinion is received. Jennifer stated it could be done either way.

Bobby mad a motion to allow Ben Carmel to request access through the Town Manager, Henry Hayes, to Town Counsel for a legal opinion related to the roles and responsibilities of the Park and Recreation Commission. Motion received a second. Vote: Bobby – yes, Laurie – yes, Ben – yes, Mara – yes. Motion passed 4-0 in favor.

Mara stated the areas to cover in the request are the Mass General Law, the Sudbury Town Manager Act and the current Town by Laws. Ben said the Commission is requesting details on the level of policy ownership for the Commission given Sudbury's Town Manager Act. Mara clarified Sudbury's Town Manager Act states all Mass General Laws are in effect unless otherwise stated in the Act. There is nothing else written in the Act about the Park and Recreation Commission except they are on the list of elected boards. Mara said it comes back to what Mass General Law says about Park and Recreation. Bobby added and the Bylaws of the Town. Mara said she did a quick search in the Bylaws and said it lists the Park and Recreation Commission responsibilities for Recreation and the Fields, but did not see anything about the Pool. Mara said the areas to consider are the Pool, the Fields, the Revolving Fund which controls the Recreation Department.

Dick joined the meeting at 7:08pm. Mara reviewed discussions that had taken place and the vote to authorize Ben to reach out the Town Council through the Town Manager.

Bobby thought the Commission may want to document what they have been responsible for in the past and will ask about binders the Commission use in the past.

Mara asked if the plan is to submit the request to the Town Manager before the next Commission meeting on October 4. Ben said that is the plan. Dick added one area not covered is setting the fees. Bobby said that is an area that will be clarified with this request.

Mara said it is important to copy the Commission on the request, and Jennifer Roberts of the Select Board. She said it is important to keep a paper trail so everyone knows the status of the request.

Mara said the other question from the last meeting was if time was need on the Select Board's agenda. Bobby said no, but since Jennifer Roberts was at this meeting, she is now aware of the request.

Dick asked what authority the Commission had on personnel issues. Mara stated the Town Manager Act says the Town Manager is responsible for all personnel issues. Bobby said the Commission would have to communicate any concerns or issues on personnel to the Town Manager. Dick thought the Charter should allow the Commission to advise on personnel issues. Bobby said fortunately the Town has allowed one member of the Commission to sit in on the final interview process for the Park and Recreation Director the last few years.

Bobby will include roles and responsibilities, Mass General Law, Sudbury Town Manager Act, By Laws, Pools, Fields, Revolving/teen revolving fund, Personnel issues in the request.

Jennifer Roberts offered she did not think copying the full Commission on the request was permissible. She recommended reviewing the request as a Commission at the next meeting before submitting it to the Town Manager. Mara reminded Bobby to send her an agenda item if this topic is to be on the next agenda.

Mara informed the Commission she has asked a representative from the Permanent Building Committee with an architect to attend the Commission meetings. They are only available from 6:30 to 7pm on Mondays. The agenda will be adjusted for the next couple of meetings as the design process continues.

Next meeting is scheduled for October 4, 2021.

Motion to adjourn by Dick. Seconded by Bobby Vote: Mara – yes, Bobby – yes, Laurie – yes, Dick – yes. Ben - yes.