

Town of Sudbury Select Board
Flynn Building
278 Old Sudbury Road
Sudbury, MA 01776

April 1, 2022

RE: Liberty Ledge / Sewataro

Dear Town of Sudbury Select Board:

We are writing to you to express our concerns about your premature consideration of agreeing to a multi-year extension of the Management Agreement for the Sewataro Camp Operator before the May Town meeting and, therefore, before the expiration of the required June 30, 2022 notice period.

We are concerned that the present Management Agreement contains many issues that need to be addressed and amended in any extension. It is incumbent on the Select Board to not take any short term action on any single contract clause, such as agreeing to any long term extension, which will have a negative effect on the other terms of a multi-year/ multi-million dollar agreement. By agreeing to a five year extension before also agreeing to all of the new terms of that Agreement, reduces the Town's negotiating power and is not in the best interest of the Town.

In reviewing the present Agreement there are terms which should be commercially unacceptable to you at this time and need to be thoroughly vetted in order to clearly define the responsibilities of both parties to the Agreement. We would suggest that the Select Board solicit or hire both financial and legal counsel with the skills and expertise to guide the Town in their negotiation with the camp operator. This will enable the Select Board members to meet their fiduciary responsibility to act in the best interests of the entire Town's population. To take any other action would be a violation of the Select Board's fiduciary obligations to the town.

By waiting until after the May Town Meeting to address the extension of the Agreement, the Select Board will have input from the Town on these issues, will remain in control of any negotiations, and will have the flexibility needed to get the best agreement for the Town.

There are many issues that need to be resolved or better defined that have major long-term financial, property access, operating, and transparency effects that need vetting.

We would like to point out a few of those issues, but we are sure this is not a complete or prioritized list of terms that need study and adjustment:

- 1) The terms and conditions of expanded access to the property for the Town's population and the financial and operating implications of that expanded access. Currently, much of the total site is off limits for the months of the year that residents would want access, that is May through September.

- 2) A clear definition of the acceptable operating and capital expenses of the camp operator that are included in the Revenue Sharing agreement so that everyone understand the computation.
- 3) Site specific environmental issues and how they will be mitigated both short term and long term after the Conservation Commission's review and study.
- 4) The terms of the License Agreement and use of the tradename "Sewataro" by the camp operator during the term of the Agreement, and the benefits to the Town of restricting competitive bidding in the event of a sale of the Intellectual Property by granting the camp operator a right of first refusal.
- 5) The computation of the Revenue Sharing component. Presently the Camp Operator gets a smaller share of the operating income as such income grows. That is, he is not incented to grow the profits. This is backwards and should be amended so that his benefits increase as the profits increase.
- 6) The management fee amount and the Revenue Sharing steps need to be adjusted; especially considering that the cash flow deficit for the Town is so high when considering the principle and interest payment on the \$11.3 million borrowing. The operator's **compensation and profit** from this agreement is six figures while the Town's **deficit** from this agreement is six figures. There is a need to amend this imbalance.
- 7) The Ownership of the LLC that is, the operator, should be disclosed before there is an extension so the Town knows who it is dealing with.
- 8) There are a number of May 2022 Town Meeting warrant articles directly pertinent to Liberty Ledge, such as performing a land use study to consider the best uses for the Liberty Ledge property, and funding to maintain the property. It is essential that the Town not be put in the same position it was in following the 2019 Town Meeting, where it committed to purchase the property without any appropriation of funds to maintain it. The Town now owns the property and it has the resources to maintain it. If we are to have a fair result for the Town while negotiating with the operator, we must be in a position of strength entering into those negotiations. This means the maintenance article on the Warrant for the May 2022 Annual Town Meeting must be decided before negotiations begin on a new operating Agreement. Any vote by the Select Board to extend the Agreement prior to Town Meeting will harm the Town's effort to achieve a fair and reasonable result for the Town.

We need to put in place and perform a strong due diligence process before taking any long term action. Any extension should not exceed the time it would take for the Town to address the issues noted above and any other issues of concern. The Town should retain as much flexibility as possible during that interval.

In his presentation to the Select Board on March 22, 2022, (Packet Page 36) Select Board Member Russo astutely brought attention to the promises made by the Board of Selectmen to residents when the Sewataro article was presented at the 2019 Annual Town Meeting.

The Presentation said the following:

FULFILL A PROMISE (Slide 18)

When the Board of Selectmen made their offer, their vision was to use the land for open space, recreation, preservation and other municipal purposes.

FULFILL A PROMISE (Slide 19)

Recommendation: Immediately put out a request for proposals and enter into a lease for Summer 2020

This would give the Town the opportunity to best plan for and prepare for the future use.

The clear intent of the 2019 Town Meeting article was to reserve use of the Liberty Ledge property for Town residents. The original proposal was to enter into a one-year lease to prevent the property from falling into disrepair. Agreeing to a five-year extension would violate the foundational agreement between the residents and the Select Board. A five-year extension would allow the camp operator to control the use of the land for a total of 8 years. It would be failing to keep a solemn promise, and will undermine the Select Board's veracity and credibility.

The undersigned, on behalf of all resident to whom those promises were made, call on the Select Board to honor the promises it made at the 2019 Town Meeting.

We have heard several members of the Select Board refer to our arrangement with the camp operator as a "partnership". It is not, and never was, such an arrangement. It was always a short term fix to a funding problem, and the Town never authorized the Select Board to enter into a long term arrangement with the camp operator that would preclude the Town's ability to plan for the long term use of the property.

We urge the Select Board to delay making any decision about an extension for the Liberty Ledge property until we have considered all the facts and options and put in place and performed a strong due diligence process before taking any action.

Thank you for your consideration. We know you will do what is best for the entire Town's population.

Very truly yours,

Len Simon

Jeffrey Levine

Thomas Travers

Robert May

From: [Christine Barrett](#)
To: [Select Board](#)
Subject: regarding Sewataro
Date: Wednesday, April 6, 2022 6:19:58 PM

Dear Select Board and Town Manager Hayes -

—Please read this letter into public record —

I am writing with regards to a few items.

- 1) Please renew the contract with Camp Sewataro for another 5 years
- 2) Please do not bother hiring a financial consultant to decide what to do with Sewataro

For some background:

- my kids have never attended Camp Sewataro
- I am 5.5 miles from Sewataro
- I am 3.5 miles from Broad Acres
- I am 2+ miles from Town Center/ Sudbury Station
- I am 4 miles from the former Johnson Farm
- I am less than a half mile from the MCRT
- I am 2+ miles from a crossing of the future Bruce Freeman RT.

I've lived here for 15 years, and in that time, the town has voted to give money to all of the above parcels of land or rail trails, or to litigate to keep Eversource OFF our MCRT. And aside from a few missed elections, I have voted in favor of all those purchases.

I confess I had some trepidation about voting in favor of acquiring Sewataro, until I visited it for the first time, before the vote. There I was struck by the possibilities if the town acquired it. In the years since then, I have used this property more than almost any town property besides Grey Reservation and Tippling Rock.

At Sewataro my family and I have:

- attended Scout meetings & ceremonies
- attended Zumba classes
- performed in a music festival and recitals
- gone snowshoeing or for summertime family walks
- admired our friends' results at the pumpkin competition and the fishing derby.

All the while, the camp has been running, taking care of its expensive maintenance and offsetting the debt. OFFSETTING THEIR DEBT!!! The only town purchase that is doing that.

When I learned that there was debate brought up about possibly selling Sewataro, I was horrified.

Why is Sewataro being held to a higher standard than any other town purchase?

Broad Acres has sat there. So much potential, but nothing going on, no income stream.

Money for Bruce Freeman has been allocated for years while we wait for the state to get to our section.

Don't get me wrong, I do not regret our votes/money spent. After all, we have been dealing with a pandemic. And I will be a happy visitor to Broad Acres and an enthusiastic rider of the BFRT. But the focus on Sewataro is mind-boggling, and does not represent the will of the town, who voted to acquire it.

A 5 year contract with the camp operator would give the town more time to recover from the pandemic, and more time to balance out all our conservation properties, determine what needs to be funded, what possible revenue they could produce.

Hiring a consultant JUST for Sewataro seems, well, targeted and petty, and I really do not understand why the board is doing so. If you like, you could hire me and I could tell you what a consultant might say:

- Sell Sewataro to a developer
- Sell Broad Acres to a developer
- Sell Town Center/Sudbury Station to a developer

That would give the town money. BUT, at what cost? What would Sudbury be without all that green space? Without these locations that have been well-loved for generations?

Please, please, please, do not cut this successful (\$450K in 2021 income?) Sewataro experiment short. Please vote for the 5 year contract with the camp operator. Please focus your attention equally on what needs to be done with Broad Acres as well as Sewataro. This contract gives you 5 years to make a plan. I beg you to use this time and keep Sudbury's treasured spaces safe.

Sincerely,
Christine Barrett
151 Peakham Rd

From: [Melissa Perla](#)
To: [Select Board](#); [Hayes, Henry](#); [Roberts, Jennifer](#); [Russo, Charlie](#); [Carty, Daniel](#); schinellerW@sudbury.ma.us; [Dretler, Janie](#); [Town Manager](#)
Subject: Renew Camp Sewataro operator contract
Date: Tuesday, April 5, 2022 11:36:05 AM

Dear Select Board and Town Manager Hayes -

—Please read this letter into public record —

I urge you to vote YES to renew the operator contract for Camp Sewataro for another 5 years. This will allow time for the town to conduct all needed usage studies and make appropriate recommendations while also ensuring property is kept up and profitable. Currently the town does not have any plan to support Sewataro, maintain it or utilize it without the support of the camp.

Mr. Brody has maintained the facility at an excellent level in the two years since our Town has taken ownership, not only helping to bring it up to accessibility standards, but managing the remaining property and buildings as well. He has also proved to be a true partner - a few examples include access during summer months, the current proposal for public swimming opportunities (which is sorely needed in Sudbury), and multiple scholarships for Sudbury families. The new contract negotiated between Mr. Brody and Mr. Russo demonstrates his continued commitment to this relationship.

Unlike Broadacres or BRFT, Sewataro has already reaped benefits for the town. Not only is it profitable (\$450k last year which, in my understanding, is almost a break even on cost), but numerous local businesses & organizations use Sewataro for classes, outings, and other gatherings throughout the year. Some examples of the varied groups who regularly use the property include JRO Fitness, Scout troops, Viking Martial Arts, Sudbury Villagers, Thursday Garden Club, Sudbury Savoyards, and HOPEsudbury. There's even a Sudbury Baking FB Group meetup in the works. The tennis courts are used by the community and individuals, families are fishing at the pond, others enjoy the serene wooded trails, and still more are working towards further opening up the property on a regular basis. The ability to host town-wide events and recreational activities at this property is proving to be boundless and there is real potential for those events to increase as the years pass.

Regardless of your personal position on Sewataro, the town overwhelmingly voted to purchase it. As a resident and voter, seeing preferential treatment some projects are given above others is disappointing to say the least. It is your responsibility as our elected officials to put forth best faith efforts to explore possibilities on ALL town investments as chosen by voters - not pursue personal projects and vendettas. From what I have witnessed thus far, some Board members are allowing personal feelings and political connections to preside, consistently blocking any funding proposals that would further town use of the property or even keep it maintained. Millions have been put towards the BFRT (with another ask on the table) with little to no qualms from the same members who consistently vote no on any items related to Sewataro. As a concerned resident, my question is why? The public has made their voices clear with the Sewataro vote and yet you seemingly continue to follow the sounds of a vocal minority (who also are rabid BFRT proponents- I find that to be a striking coincidence).

I'd like to specifically call out Jennifer Roberts at this time, who in her re-election campaign stated that "a cornerstone of [her] leadership style is to thoughtfully consider all perspectives." Consider the perspective of the majority of voters then - those who overwhelmingly said YES - and want to see what benefits the town can gain from this property instead of blocking all proposals to further explore use. She also claims to prioritize environmental sustainability. If that is true, I'd hope she's considering the environmental benefits the Sewataro property offers as well as the potential it has when casting her vote. The vocal minority "No" camp in town wants to parcel out this land for sale/construction which is the furthest from environmental sustainability that one can get.

This Property acquisition was never going to be a quick turnaround for use (as many aren't, ex: Broadacres which sits vacant and unkempt); going from a private camp to a public facility poses challenges but they are not insurmountable (and even manageable with the current camp operator partnership) and the town deserves to have their voices respected and input heard. Do the studies - figure out how the town can best utilize this unique piece of

land - and put it to Town vote again if needed. Choosing to block funding for these needed steps as well as even considering dissolving a profitable camp operator relationship disrespects the will of the majority.

The Select Board entrusted Mr. Russo to represent the town's interest in working out a contract that is fair for the town and its residents. In my opinion, the new contract more than reflects this priority. The Board should support this new contract by voting YES and renew the Sewataro contract for 5 years to both protect our investment in this property and respect the will of our voters.

Thank you.

Melissa Perla

30 Pelham Island Rd

From: [Jenn Stone](#)
To: [Select Board](#)
Subject: Sewataro Agenda Item
Date: Tuesday, April 5, 2022 7:00:47 AM

Good morning Select Board,

I wanted to reach out and encourage you to vote favorably on the 5 year contract extension for Sewataro.

Scotty Brody and his leadership team are fantastic. **This is a public/private partnership that is working phenomenally well and it also has the tremendous potential to get even better over the next five years.** There are so many more potential uses of the property and with Scott and his team at the helm, the possibilities are endless and it's a winning combination for Sudbury.

Sewataro has consistently provided a top notch summer camp program, especially during the pandemic when kids and families needed it most. Sewataro stepped up and hosted the Sudbury Food Pantry and many other worthwhile organizations during the pandemic when they didn't have anywhere else to go. It has employed local residents and offered scholarships to local families. It has been a lifesaver for our family and so many of the the families here in town.

Let's focus on the positives and keep this momentum going.

Thanks,
Jenn Stone
35 Taintor Drive

From: [Lisa West](#)
To: [Select Board](#); [Town Manager](#)
Subject: Vote YES on contract renewal for Sewataro Tonight.
Date: Tuesday, April 5, 2022 9:57:46 AM

Please read into the record at the meeting this evening.

Dear Select Board Members-

I am writing in support of the renewal of the Camp Sewataro contract for 5 years. Mr. Brody and his team have been excellent community partners over the past 2 + years of his contract with the town. Camp Sewataro has provided revenue to the town while maintaining the property to an extremely high standard while providing community events, resident access, camp programs and many camp scholarships to Sudbury families in need.

My family does not and has not attended Camp Sewataro but we have utilized the property many times since the town has taken ownership. We have attended many classes at Liberty Lodge which provides an incredible outdoor meeting spot for residents in a natural setting. This past weekend, my son attended a TaeKwon Do class and belt test. While I was there I watched tennis being played and people jogging throughout the property. We have played soccer in the open field space, fished, walked/explored and attended fundraisers for local non-profits. I have spent time sorting the school donations for the Sudbury Food Pantry in the garage on the Sewataro property which allowed these donations to continue even during the Covid pandemic.

As a member of the HOPEsudbury board, I cannot speak highly enough about how the Sewataro staff have partnered with us, and other local non-profits, to hold critical fundraisers to ensure we can continue to support Sudbury families with financial needs. Additionally, my son along with many other Sudbury children will be performing in a large year end musical event in May. Students performing for their friends and families in a beautiful outdoor setting is the sort of events that Sudbury could not previously accommodate prior to the acquisition of Sewataro. The ability to host more events and recreational activities at this property is boundless and I hope to see it continue to increase as the years pass.

As people continue to languish on the wait lists for SS&T and Greenwood, the inclusion of swimming for Sudbury residents at Sewataro in this new contract is a huge step forward for our town and a massive benefit to residents. This is a recreation option that has long been lacking in our town and I am incredibly grateful to see it included in the next contract.

Currently the town does not have any plan to support Sewataro, maintain it or utilize it without the support of the camp. If the town did not want to renew the contract with the camp this planning should have begun years ago for the town to fund the care of the property and effectively utilize the property to its fullest potential. With the planning and construction of the community center and the enormous effort that will take, I question how town staff will have time to properly focus and give the time/effort to also planning for a full town takeover of the Sewataro property.

Mr. Brody and his team have been excellent partners with the town. Responding to requests for changes and improvements in a timely, willing and respectful manner. The new contract negotiated between Mr. Brody and Mr. Russo shows his continued commitment to the

relationship. The Select Board entrusted Mr. Russo to represent the town's interest and work out a contract that is fair for the town and its residents. I feel he has accomplished this and that the board should support this new contract by voting YES to renew the Sewataro contract for 5 years to protect our investment in this property.

Lisa West
42 Hawes Rd.
Sudbury.

From: [Stacy Munroe](#)
To: [Select Board](#)
Subject: Yes on Sewataro Extension
Date: Tuesday, April 5, 2022 12:22:20 PM

*Please read into the record and print in the public pamphlet

Dear Select Board Members-

I am writing in support of the renewal of the Camp Sewataro contract with Mr. Brody for a period of 5 years. I have been impressed with Mr. Brody's partnership over these last two years. In my opinion, he has gone above and beyond; holding community events, hiring a community liaison and even offering camp scholarships to underprivileged residents. More importantly, he takes on the majority of the property maintenance which is currently not in the town's plans. It seems we can have our cake and eat it too while we collect revenue for this camp lease and also have Mr. Brody maintain the property for us.

The 5 year extension can also buy the town time to do our own planning and budgeting to decide our use of the space. While my children do not attend camp at Sewataro, my family uses the property often like many Sudbury families. At a time when all local community pools have a long waitlist and sports and recreation space is limited, one can easily see how valuable this property could be to Sudbury. The 5 year extension would allow the town an appropriate amount of time to poll residents, assess, plan and budget for optimum utilization of the property, which is what the majority of Sudbury residents want as evidenced by their vote for the purchase of Sewataro.

Mr. Brody has been understanding and reasonable in his negotiations with the town and the new contract further emphasizes his flexibility and desire to come to a fair deal. He has shown that this partnership works and we should continue this relationship for the next 5 years while we use this time to plan the next chapter for Sewataro and Sudbury residents. Please vote YES on an extension.

Thank you,

Stacy Munroe
37 Greystone Lane
Sudbury