

SUDBURY SELECT BOARD

TUESDAY, APRIL 12, 2022

(Meeting can be viewed at www.sudburytv.org)

Present: Chair Jennifer Roberts, Vice-Chair Charles Russo, Select Board Member Daniel Carty, Select Board Member William Schineller, Select Board Member Janie Dretler, Town Manager Henry Haynes, Jr.

Also Present: Town Counsel Lee S. Smith

The statutory requirements as to notice having been compiled with, the meeting was convened at 7:02 PM., via Zoom telecommunication mode.

Chair Roberts announced the recording of the meeting and other procedural aspects included in the meeting.

Call to Order/Roll Call

Select Board Roll Call: Russo-present, Dretler-present, Schineller-present, Carty-present, Roberts-present

Opening Remarks by Chair

- Chair Roberts welcomed all to the Sewataro/Liberty Ledge Discussion
- In recognition of the importance of tonight's agenda item, Chair Roberts stated all discussion would be kept respectful

Reports from Town Manager

- Many Board and Committee openings; encouraged residents to volunteer
- Goodnow Library and Health Department were proudly recognized last week

Reports from Select Board

Vice-Chair Russo:

- The beginning of tick season
- Happy Birthday wishes to Chair Roberts
- Tonight's agenda item has reflected much work from all, thanked everyone involved

Board Member Schineller:

- Thanked all citizens/concerned individuals who contributed to the future of Sewataro
- Thanked all who provided input regarding the Eversource Transmission Line project

Board Member Carty:

- Recognized the two-year anniversary for Town Manager Hayes, and his service with the Town
- Congratulated the LSRHS theatre group, and the recent presentation of "Sense and Sensibility"

Board Member Dretler:

- Last night's Conservation Commission commenced the NOI (Notice of Intent) process for Liberty Ledge/Sewataro, regarding the fishing pond and swimming pond
- NOI decision for Liberty Ledge/Sewataro, likely to be finalized by early May

Citizen's comments on items not on agenda

Resident Rebecca Cutting, 381 Maynard Road, stated that she supports the Sudbury Historical Commission's efforts in maintaining historical character, as well as efforts brought forth by Vice-Chair Russo. She provided detail regarding the National Water Act and Tribal Resources. She stated that proponents of the Eversource project have made it difficult for the Town; and if the Memorandum of Agreement (MOA), is finalized, as is, many existing historical features would be compromised. She suggested that the Select Board join with Sudbury Historical Commission (SHC), and decide how to best to go forward.

Resident Len Simon, 40 Meadowbrook Circle, announced Town Meeting will take place on May 2; plenty of seating will be provided, and a designated room for those wearing masks will be assigned.

Resident Chris Hagger, Chair of SHC, 233 Nobscot Road, detailed that the United States Army Corp of Engineers (USACE) meet with Commission regarding the MOA, indicating they would not agree to any of the revisions as presented by the SHC. Mr. Hagger requested that the Select Board to further explore this aspect, and review the matter with Town Counsel.

Resident Jim Gish, 35 Rolling Lane, directed the Boards attention to correspondence from Ms. Cutting. He stressed that USACE does not want to negotiate with the Town regarding the MOA. He emphasized the urgency of the Select Board working with SHC, to strategize on this aspect. He suggested possible coordination with the Hudson Select Board, who expressed interest with working with the Sudbury Select Board regarding this issue.

Discussion and possible vote regarding Sewataro/Liberty Ledge Property Manager/Camp Operator Agreement Negotiation Update

Chair Roberts confirmed the Select Board had been involved in Agreement Negotiations with the Camp Operator for a couple of months; under the negotiation leadership of Vice-Chair Russo. She explained that the current Agreement being considered tonight reflected the third amendment to the Agreement.

Chair Roberts noted the Board received extensive communication from the public, regarding this topic. She confirmed that all communications had been reviewed by the Select Board.

Board Member Carty commented that the majority of Sewataro-related communications to the Board, were in favor of the extension to the camp agreement extension. Chair Carty opined about public comment being included in the record, and asked if the Board could vote on this aspect at some time. Chair Roberts suggested that such consideration be included as an upcoming agenda item.

Board Member Dretler asked if the lead paint aspect at Sewataro could be addressed. Town Manager Hayes confirmed the Sewataro team was exploring various removal options, and there would be no expense to the Town. Chair Roberts added that lead paint was found in one of the homes on the Sewataro/Liberty Ledge site.

Board Member Dretler requested the legal opinion regarding "Extension of the Camp Sewataro Contract for Day Camp Operator and Management of Real Property," dated April 12, 2022; be released to the public, per resident request.

Vice-Chair Russo motioned to release Town Counsel opinion regarding “Extension of the Camp Sewataro Contract for Day Camp Operator and Management of Real Property,” dated April 12, 2022. Board Member Dretler seconded the motion.

It was on motion 5-0; Schineller-aye, Carty-aye, Russo-aye, Dretler-aye, Roberts-aye

VOTED: To release Town Counsel opinion regarding “Extension of the Camp Sewataro Contract for Day Camp Operator and Management of Real Property,” dated April 12, 2022.

Attorney Smith stressed the Agreement was a contract, and not a lease; lacking the sole right of possession, which a lease would include.

Attorney Smith provided summary of amendment/s made to the presented contract, highlighting several amendments agreed to:

- Increase in revenue share payment/s to the Town
- Increase in number of campers from 650 to 700, contingent upon Special Permitting per the Planning Board
- Public Access Area – for activities in the northern section of the property – to be added in Exhibit B Schedule to the Amendment
- Public Swimming – if can’t be achieved with one pool, all pools would be made available to the public/residents; likely be added to Amendment B schedule
- Public Access Disability Enhancements – does not implicate those expenses would be the sole expense of the Town, but shared; if over \$20,000, then would be discussed. To be included within Amendment C schedule
- Animals allowed on property, including service animals; no horses, nor potentially dangerous animals per Attachment B
- Intellectual Properties clause removed

Board Member Dretler inquired about a termination of convenience clause for reasons other than default. Attorney Smith confirmed the Sewataro operator, responded not.

Resident Rachael Henschel, 3 Drown Lane, acknowledged that 92 Sudbury residents sent a letter of support from the Sewataro Camp Operator. She cited three reasons why the Board should vote on extending the current contract tonight: 1. Sewataro provides reliable childcare; 2. Sewataro expanded recreation options for residents (swimming, basketball, etc.); 3. The negotiated contract provides generous revenue to the Town.

Resident Donald Sherman, 42 Rainer Rd, asked why the Town paid so much money to purchase the property, and now an independent camp operator benefits. Vice-Chair Russo stated the Town voted for open land preservation, and this property had a strong on-going camp business before the current operator ran the property. He acknowledged a yearly maintenance cost of \$155,000 (at minimum), and such expense is covered by the camp operator.

Resident Stacy Munroe, 37 Greystone Lane, questioned why a decision made at previous Town Meeting was being discussed now.

Resident and COD (Commission on Disability) Chair Kay Bell, indicated the Sewataro land use article should be passed, in order to address ADA considerations. She recommended passage of the article to provide land use analysis, and expert analysis.

Resident Anna Newberg, 112 Longfellow Road, asked if Camp use could be increased to include all residents, including young people and senior citizens. Vice-Chair Russo responded that such use is currently being examined in order to provide investment for the future, and use by all residents.

Resident Laura Briggs, 94 Belcher Drive, commented that a completed land-use study would likely take five years to complete, and in the meantime, the Town would have five years of revenue coming in from Camp Sewataro. She encouraged the Select Board to vote for the five-year extension, tonight.

Vice-Chair Russo presented the "Planning Timelines in Sudbury," as reviewed by Town Planning. He noted five years appeared to be the appropriate timeline for such analysis.

Resident Lisa Kouchakdjian, 30 Meadowbrook Circle, advised that plans for a more ADA compliant camp, be presented. She maintained Sewataro was a Title 2 property, owned by the Town, and that the Camp Operator could rebid. Vice-Chair Russo commented recent IHCD (Institute for Human Centered Design) identified Camp Sewataro as a Title III property.

Resident and Hope Sudbury Board Member, Karen Walper, 128 Longfellow Road; presented a recording made by her eight-year-old son Max, who stated; "kids love Sewataro." Ms. Walper stated that Sewataro has offered many camp scholarships to the Town, and has provided many events and opportunities to the Town residents.

Resident Manish Sharma, 77 Colonial Road, stated that every Sudbury family should be involved in this process, and every child should be provided the opportunity to use the site. He thanked Vice-Chair Russo for the detailed presentations.

Resident and Finance Committee Member Eric Poch, 28 Ruddock Road, indicated that realistically the Camp could not possibly accommodate all children of Sudbury. He thanked Vice-Chair Russo for his efforts with increasing resident use at the Camp; and stated that commercial opportunities in Town must be encouraged. Mr. Poch affirmed that the contract proposal showed foresight, and improves the existing model/contract.

Resident Kay Bell, expressed concerns about recent negotiations; and confirmed she never had a direct conversation with Mr. Brody as proposed, and did not want this contract rushed through.

Camp Operator Scott Brody One liberty Ledge, apologized for any misunderstanding with Ms. Bell, and confirmed he and Ms. Bell had walked around the Sewataro Property. He indicated that he would look forward to further discussions with COD and Ms. Bell.

Resident Robert Stein, 7 Thompson Drive, stated that Vice-Chair Russo did not have related experience with camp negotiations.

Resident Len Simon, 40 Meadowbrook Circle, stated that many Town residents feel they have been "shut out of the site," and 70% of Sewataro campers are not Sudbury residents.

Resident Stacy Monroe, indicated that recent comments have been unjust; and this topic is about the amendment to the lease contract, which the Town voted on years ago. As a corporate attorney, she reviewed the amended

contract, adding this would be the best option for the Town. Ms. Monroe acknowledged that presently, the Town did not have a plan, and needed time to effectively review all options.

Resident William Stevenson, 135 Greystone Lane, thanked Vice-Chair Russo for all the work done with Sewataro, and acknowledged that Town open space was not present in this area of Town, before Camp Sewataro. He confirmed the importance of COD planning be incorporated at the Camp.

Chair Roberts ended the public comment session.

Attorney Smith proposed language for a motion that the Select Board vote to accept the clean version of the five-year Camp Sewataro extended contract, as presented to date; subject to one revision regarding “on leash domestic animals,” and to authorize that Town Counsel approve the clean contract. Vice-Chair Russo moved in the words of Attorney Smith. Board Member Schineller seconded the motion.

It was on motion 4-1; Carty-aye, Schineller-aye, Dretler-no, Russo-aye, Roberts-aye

VOTED: To accept the clean version of the five-year Camp Sewataro extended contract, as presented to date; subject to one revision regarding “on leash domestic animals,” and to authorize that Town Counsel revise the contract to reflect the changes.

Board Member Dretler thanked Attorney Smith and Mr. Brody for work on this contract; and stated she would support a three-year contract, but not a five-year contract.

Attorney Smith left the meeting at 10:10 PM.

Citizen's Comments (cont.)

None

Upcoming Agenda Items

April 26:

- Deliverables/Sustainability goals
- ARPA Listing Session debrief
- Town Manager Self-Assessment/Contract
- Town Meeting Action
- BFRT easements/property ownership aspects
- Historic Commission permitting process

Future:

- Status of Transportation Committee

Board Member Dretler left the meeting at approximately 10:15 PM.

Chat comment received from Lisa Kouchakdjian, noting she submitted her resignation from COD; she requested the resignation be included on the Consent Calendar agenda of April 26.

Adjourn

Chair Roberts read in the words of the motion. Board Member Dretler moved in the words of the Chair. Board Member Carty seconded the motion.

It was on motion 5-0; Schineller-aye, Carty-aye, Dretler-aye, Russo-aye, Roberts-aye

VOTED: To adjourn the Select Board Meeting

There being no further business, the meeting ended at 10:17 PM.

SB Meeting 4/12/22 - Documents & Exhibits

1. Discussion and possible vote regarding Sewataro/Liberty Ledge Property Manager/Camp Operator Agreement Negotiation Update.

Attachments:

- 1.a Camp Sewataro Total Debt - Actual 1-10-2022 (1)
- 1.b Sewataro Contract Update Items (1)
- 1.c Camp Sewataro New Framework Financial Projectcons 2023-2027
- 1.d Sewataro Calculations - for packet
- 1.e SB_TM Note - Sewataro 30 day notice
- 1.f Sewataro - notice of Intent to renew - 2022Apr1
- 1.g Third Amendment to Camp Operator Agreement(1399549.3)
- 1.h KP-#809801-v1-SUDB-_Sewataro_Amendment_4-11-22
- 1.i KP-#810002-v1-SUDB-_Sewataro_Amenment_Redlined_4-12-22
- 1.j KP-#810003-v1-SUDB-_Sewataro_Amendment_-clean-_4-12-22
- 1.k KP-#810005-v1-SUDB-_Exhibits_to_Sewataro_Amendment_4-11-22
- 1.l Dretler Questions about the Third Amendment to the Contract for Day Camp Operator and Management of Real Property as drafted by legal counsel for Scott Brody
- 1.m SB Info - Sewataro - update to 2019 Health Director Memo - 2022 Apr
- 1.n Exhibits to Third Amendment to Camp Operator Agreement(1402561.1)
- 1.o Compiled Responses to Camp Sewataro Contract Extension Questions from Janie 4-8-2022
- 1.p 213 Haynes Rd Sudbury INITIAL
- 1.q SB Info - Sewataro E.Coli result from 2022 Mar 7
- 1.r 239863-Camp Sewataro-Ecoli-3-7-22
- 1.s 241081-Ecoli-Camp Sewataro-4-11-22

3. Upcoming agenda items

Attachments:

- 3.a Upcoming items 04.12.22