

SUDBURY SELECT BOARD  
EXECUTIVE SESSION  
TUESDAY JANUARY 12, 2021  
VIRTUAL MEETING

Present: Chair Janie Dretler, Vice-Chair Jennifer Roberts, Select Board Member Daniel E. Carty, Select Board Member William Schineller, Select Board Member Charles Russo, Town Manager Henry L. Hayes, Jr., Assistant Town Manager/HR Director Maryanne Bilodeau, Recording Secretary Deb Takacs, Town Counsel Jonathan Silverstein

Absent: Vice-Chair Jennifer Roberts (who recused herself from the session)

The statutory requirements as to notice having been complied with, the open session meeting was convened at approximately 6:10 p.m.

Chair Dretler requested member roll call: Carty-aye, Russo-aye, Schineller-aye, Dretler-aye.

Chair Dretler acknowledged the attendance of those present and asked for confirmation that they were alone: Russo-aye, Schineller-aye, Roberts-aye, Carty-aye, Dretler-aye, Hayes-aye, Bilodeau-aye, Takacs-aye, Silverstein-aye

Chairman Dretler motioned to enter executive session pursuant to Exemption 6 (G.L. c. 30A, §21(a)(3) and (6)) – To consider the purchase, exchange, lease or value of real property related to the former Melone Property, Town of Sudbury, and to consider strategy with respect to related litigation in the matters of Presti v. Planning Board and Presti v. Zoning Board of Appeals, whereby a public discussion may have a detrimental effect on the negotiating and litigation position of the public body. Selectman Russo seconded the motion.

It was on motion unanimously; 4-0; Russo-aye, Schineller-aye, Dretler-aye, Carty-aye,

VOTED: To enter executive session pursuant to Exemption 6 (G.L. c. 30A, §21(a)(3) and (6)) – To consider the purchase, exchange, lease, or value of real property related to the former Melone Property, Town of Sudbury, and to consider strategy with respect to related litigation in the matters of Presti v. Planning Board and Presti v. Zoning Board of Appeals, whereby a public discussion may have a detrimental effect on the negotiating and litigation position of the public body.

Attorney Silverstein provided update regarding the Northwoods proposed settlement in consideration of the 75-foot set back at the Quarry North development. He indicated that the settlement amount of approximately \$2 million dollars, did not merit a counteroffer, as it was not a viable claim.

Attorney Silverstein provided chronology associated with the Planning Board and ZBA variance approvals:

- Cell Tower on the Sudbury Water District property
- Wastewater treatment plant

In addition, the Planning Board approved the developer's subdivision road with six building lots in Concord.

Attorney Silverstein detailed that Attorney Mark Lanza, representing the Northwoods Association, was appealing the subdivision and the wastewater treatment plant.

Attorney Silverstein indicated that the developers never promised Northwoods a 75-foot buffer, and the realtor may have made such claim. He acknowledged that the developer offered to install screening/fencing and vegetation along the lot line, and Northwoods rejected that offer.

Board Members Schineller and Carty detailed that residents of Northwoods mentioned the 75-foot setback matter during a Select Board office hours event. Members Carty and Schineller confirmed they did not encourage nor advocate for the proposed setback.

Board Member Russo confirmed that Northwoods residents also approached him about such setback.

Board Member Russo asked if a judge would consider the settlement proposed by Northwoods. Mr. Silverstein stated that a judge should not hear such settlement. He noted that the mitigation monies were slated to be spent on traffic aspects.

Attorney Silverstein noted the proposed settlement request presented by Northwoods should not forestall the closing, and the developer agreed.

Chair Dretler affirmed that the developer should address this situation with Northwoods. Board Member Carty agreed that the developer should assume the responsibility with Northwoods.

Chair Dretler inquired about a timeline. Attorney Silverstein responded that Bill Henchy, the attorney for the developer; would likely file the motion to dismiss the Northwoods appeal sometime this month. He noted that Judge Spicer was a fair and reasonable judge.

Attorney Silverstein stated that he would press the developers a bit more regarding moving forward with the closing. He left the meeting at 6:49 p.m.

**Continue executive session to review executive session meeting minutes, pursuant to G.L. c. 30A, § 21(a)(7) “[t]o comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements” (“Purpose 7”), citing to the Open Meeting Law, G.L. c. 30A, §§ 22(f), (g).**

Vice-Chair Roberts joined the meeting.

Chairman Dretler motioned to continue executive session to review executive session meeting minutes, pursuant to G.L. c. 30A, § 21(a)(7) “[t]o comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements” (“Purpose 7”), citing to the Open Meeting Law, G.L. c. 30A, §§ 22(f), (g). Vice-Chair Roberts seconded the motion.

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

VOTED: To continue executive session to review executive session meeting minutes, pursuant to G.L. c. 30A, § 21(a)(7) “[t]o comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements” (“Purpose 7”), citing to the Open Meeting Law, G.L. c. 30A, §§ 22(f), (g).

**Vote to approve the December 15, 2020 Executive Session Minutes**

Vice-Chair Roberts motioned to approve the December 15, 2020 Executive Session Minutes, as edited. Board Member Russo seconded the motion.

Board Member Carty said his votes taken at the December 15th meeting should be eliminated.

It was on motion 4-0-1; Roberts-aye, Schineller-aye, Russo-aye, Carty-abstain, Dretler-aye

VOTED: To approve the December 15, 2020 Executive Session Minutes, as edited.

**Vote to approve the December 1, 2020 Executive Session Minutes**

Chair Dretler motioned to approve the December 1, 2020 Executive Session Minutes. Vice-Chair Roberts seconded the motion.

It was on motion 4-0; Roberts-aye, Carty-aye, Schineller-aye, Dretler-aye  
Board Member Russo left the meeting shortly before the vote.

VOTED: To approve the December 1, 2020 Executive Session Minutes.

**Vote to close executive session and resume open session**

Chair Dretler motioned to close executive session and resume open session. Board Member Carty seconded the motion.

It was on motion 4-0; Roberts-aye, Carty-aye, Schineller-aye, Dretler-aye

VOTED: To close executive session and resume open session.

There being no further business, executive session was adjourned at 6:55 p.m.