

IN BOARD OF SUDBURY SELECTMEN

EXECUTIVE SESSION

TUESDAY, JUNE 5, 2018

Present: Chairman Robert C. Haarde, Vice-Chairman Daniel E. Carty, Selectman Patricia A. Brown, Selectman Leonard A. Simon, Selectman Janie Dretler, and Town Manager Melissa Rodrigues.

The statutory requirements as to notice having been complied with, the meeting was convened at 6:00 p.m. in the lower Town Hall, 322 Concord Road.

Open in regular session, and immediately vote to enter into Executive Session to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares (Eversource, Frost Farm, Broadacre Farm); and also to conduct strategy sessions with respect to collective bargaining as an open meeting may have a detrimental effect on the bargaining position of the government body pursuant to General Laws chapter 30A, §21(a)(3).

It was on motion unanimously

VOTED: To open in regular session, and immediately vote to enter into Executive Session to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares (Eversource, Frost Farm, Broadacre Farm); and also to conduct strategy sessions with respect to collective bargaining as an open meeting may have a detrimental effect on the bargaining position of the government body pursuant to General Laws chapter 30A, §21(a)(3).

At 6:00 p.m., Chairman Haarde opened the executive session meeting.

Town Manager Rodrigues stated she sent a letter to the tenant at Frost Farm House, officially notifying him that the current lease will not be renewed as of 1/30/19. She said that the Frost Farm House had been added to the list of Historical Properties in 2007, and even if the building were to be demolished, it appears it would still be regarded as a historical site. Town Manager Rodrigues added that further research must be done on this, and stated that she would arrange a site visit for the Board. She also informed the Board that she had contacted SPS Superintendent, Anne Wilson, regarding interest in the Frost Farm House. Superintendent Wilson said that the School Department was looking for a space that would include 6,000 square feet, and the Frost Farm House was not that large.

Selectman Brown asked whose responsibility is the Frost Farm House. Town Manager Rodrigues answered that it is the responsibility of Town Manager, and that she could require a special permit; and mentioned there may be a conflict when considering the historical status. Town Manager Rodrigues stated that the Director of Planning and Community Development, Meagen Donoghue, has been researching the historical significance aspect.

Chairman Haarde said there is a possibility that CPC funds could be used for this project.

Town Manager Rodrigues said that she and Ms. Donoghue would continue working on the historical status implications, and she read aloud the historical property document definition.

It was on motion unanimously

Voted: To support Town Manager and Director of Planning and Community Development to continue researching and taking appropriate action in regard to the historical significance of the Frost Farm House.

Town Manager Rodrigues opened the discussion concerning Broadacre Farm, and stated that the owner appears to want the full assessed value of the property, without discount and is meeting with her tax consultant. The owner's

plan is to renovate her home on parcel 1A, so she can have the house fit her needs in order to live in it for the remainder of her life.

Town Manager Rodrigues explained that soil testing was performed by Schofield Brothers, whose report was submitted to Debbie Dineen of Conservation. The report showed there are a total of 17 buildable lots on the Broadacre property; three buildable lots on Parcel 1A, nine buildable lots on Parcel 1B, and five buildable lots on Parcel 2. Town Manager Rodrigues said that Landvest will be submitting their official appraisal of the Broadacre property on Monday.

Selectman Brown stated the area titled Parcel 2 of the Broadacre Farm has a total of 60 parcels, and Parcel 1B is a 40-parcel lot.

Town Manager Rodrigues stated that the biggest issue now, is timing and partnering with SVT (Sudbury Valley Trustees), in order to get the initial monies requested by the owner. Under this described option, SVT would provide the owner the \$350,000 seed money in order to hold an option for the Town, and if negotiations with the Town fail, SVT would have the right to buy the property. The logistics of this partnering with SVT has not been officially worked out, and there was indication that SVT did not want the whole property. Town Manager Rodrigues said that SVT meets next Wednesday.

Vice-Chairman Carty asked what is the market value of the property. Chairman Haarde replied that he thought the market value was \$350,000 per lot. Selectman Simon stated that amount would reflect the \$6 million figure. Chairman Haarde thought that the owner was considering \$8 million as a selling price. He added that the elderly owner wants to spend the remainder of her life there; and the unrelated heir, who manages the horse farm, wants the life estate now so there are many moving parts with this scenario.

Vice-Chairman Carty said that he understands that the owner has concerns about capital gains, and the town only has 120 days to match what she needs.

Chairman Haarde suggested that it would be wise to view the current Power of Attorney document. Town Manager Rodrigues recommended that after the appraisal is received, the Town might consider appointing another executor based on counsel input.

Chairman Haarde mentioned that the lower section of Parcel 1B is all well, and a significant part of it is developed. It is very important the owner make a decision about the tax ramifications. He also mentioned that at Fall Town Meeting, the Board can ask if the Town wants to purchase the property.

Selectman Brown stated that SVT would be interested in buying the property, but not at the \$6 million figure. Chairman Haarde said that it is possible the Town could use the house on Parcel 1A when the estate passes. Selectman Simon asked if the existing house is recognized as a historical building.

Town Manager Rodrigues replied that by sharing the appraisal with SVT that might help answer the related question, and other considerations.

Selectman Dretler asked if the Friends of Broadacre had started fundraising yet. Town Manager Rodrigues said not.

It was on motion unanimously

VOTED: To agree that Town Manager Rodrigues will confirm the Power of Attorney status at Broadacre Farm.

Town Manager Rodrigues opened the discussion regarding employee contracts, and the final language associated with contract negotiations is being worked on now with emphasis on the post-accident drug testing aspect in

association with opioid issues, and GPS in vehicles. She stated that it is agreed that waiting on a final contract for the DPW unions is not good for morale. Town Manager Rodrigues pointed out that when she first assumed her position as Town Manager, there were no family sick days, and now there is with 6 vacation days being allowed as family sick days. She mentioned that another morale booster for that group is the fact that the Transfer Stations would not have to be covered on Thanksgiving.

Town Manager Rodrigues recommended that the Board change the previously approved unit schedule and approve a 2% increment effective 7/1/19.

Vice-Chairman Carty asked how many different Town unions are included in the contract. Town Manager Rodrigues replied that there are seven unions.

It was on motion unanimously

VOTED: To authorize Town Manager Rodrigues to enter into contract negotiations with said unions; and change the requested schedule if necessary, to reflect:

Effective 7/1/18 – 1%

Effective 7/1/19 – 2%

Effective 7/1/20 – 1.5%

And Town Manager retains option for:

Effective 6/30/21 – 1%

Discussion and potential vote to release legal opinion regarding the rail trail design contract

Town Manager Rodrigues opened the discussion regarding the Bruce Freeman Rail Trail Design Contract, and referred to the Town Counsel – Attorney Jonathan Silverstein’s response to Selectman Simon’s request, regarding the design procedure contract.

Selectman Simon stated that Attorney Silverstein’s opinion provides guidance for the Board and the Town Manager as it maintains transparency and can be referenced in the future to modify existing policy. He added that this legal opinion should be made public.

Chairman Haarde stated that he was not sure that this legal opinion provided a legal guidepost, because this is an opinion offered for one particular case. The proposed contract was subject to the approval of the Board as a matter of good practice, and the Board voted to send the related RFP out to bid.

Selectman Simon said that part of Attorney Silverstein’s opinion is a matter of legal guidance, which advocates openness and transparency.

Selectman Brown stated that this topic could be further discussed in open meeting. Selectman Simon said that this is a legal counsel determination made by Attorney Silverstein, and it should be made public. Chairman Haarde stated that in Attorney Silverstein’s opinion, Town Manager Rodrigues was not required to bring her decision before the Board, but she followed good governing practice and form in presenting to the Board, and the RFP was then sent out to bid. Selectman Simon responded that because Town Meeting voted that Town Manager be authorized to enter into a contract for the Bruce Freeman Rail Trail Design services going forward, these aspects must be made public.

Selectman Dretler asked what the downside is to sharing this with the public. Vice-Chairman Carty stated that he saw no downside to sharing this with the public, and he wanted to be sure that matters are being handled

consistently, and not just because the topic is the Rail Trail project. Chairman Haarde added that this is not precedent. Selectman Simon said that this matter was voted upon at Town Meeting. Vice-Chairman Carty stated that he felt that all the Board members were saying the same thing, and he was curious to know if there have been any similar cases. Town Manager Rodrigues answered affirmatively.

Vice-Chairman Carty responded that faulty wording should not have an effect, as it did with Peter's Way. Selectman Dretler said that she was not sure that this was a case of faulty wording. Chairman Haarde stated that clarity is most important.

Selectman Simon recommended that more extensive discussion is needed; as this is timely for the upcoming Policy discussion.

Chairman Haarde said that action is dependent on the particular topic, and this topic is controversial.

It was on motion unanimously

VOTED: To release the opinion of Town Counsel.

Vote to close Executive Session and resume Open Session.

It was on motion unanimously

VOTED: To close Executive Session and resume Open Session.

There being no further business, Executive Session was adjourned at 7:00 p.m.

Attest: _____

Melissa Murphy-Rodrigues

Town Manager-Clerk