

IN BOARD OF SELECTMEN
MONDAY, DECEMBER 19, 1994

Present: Chairman Lawrence L. Blacker, John C. Drobinski, and Maryann K. Clark.

The statutory requirements as to notice having been met, the meeting was convened at 7:30 p.m. at the Fairbank Senior Center by Chairman Blacker.

Tax Classification Hearing - FY 1995 Tax Rate

Present: Assessor/Appraiser Daniel Loughlin; David E. Tucker, Board of Assessors; approximately 3 residents and business property owners.

At 7:30 p.m. Chairman Blacker convened a public hearing jointly with the Board of Assessors, in accordance with General Laws Chapter 40, s.56, to determine what percentage of the local tax levy will be borne by each class of real and personal property in setting the Fiscal Year 1995 tax rate. Notice of the hearing was published in the Sudbury Town Crier on December 8, 1994, and in The Middlesex News on December 3, 1994.

Mr. Loughlin informed that four primary issues will be covered at tonight's hearing in order to come to a decision for setting the FY1995 tax rate: 1) Residential Factor, 2) Open Space Classification, 3) Residential Property Exemption, and 4) Small Commercial Exemption.

Upon review of the chart showing the comparison of Property Values by Class, contained in the information packet compiled by the Assessors, Mr. Loughlin noted the changes in property values which are a result of reassessments. He pointed out that the market has inflated since the reassessment in FY1992, and that the Town will be reassessed again in FY1995. He added that because there are not many sales of commercial properties in Town, the Assessors look at commercial activity by per square foot rental rates and vacancy rates. He said that calendar year 1994 was a good year for commercial properties, and because land values have increased, residential property values have been driven up.

The effects of possible shifts in the tax burden was explained with the help of a hand-out showing split tax rates for both commercial and residential and showing the percent and the amount of the change that would occur on a tax bill. Mr. Loughlin pointed out that the residential assessments appreciate at a more rapid rate and take on a bigger share of the tax burden. The burden is balanced by shifting some of the tax burden onto the commercial segment; however, he said that it is not possible to have equal increases for both the commercial and residential this year because of formula calculations.

Mr. Ronald Stephen, President of the Chamber of Commerce, commented that the business community is not well represented at the hearing tonight because it was their feeling that they would not receive much support since residential has risen and the commercial has fallen; however, the commercial sector would like to see the commercial factor continue to be lowered in small increments. He noted that it is very difficult for commercial businesses to obtain a mortgage, and that resale is hurting them.

Selectman Clark questioned when the reassessment dates are, recalling that it is a requirement every three years. Mr. Loughlin stated the Town will be required to do a full reassessment for FY1995, and that the last one was done in FY1992.

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Selectman Drobinski commented that there will still be an increase in the residential rate regardless, but that the Board made a commitment last year to bring the commercial shift down to 150% after keeping it at 155% for the two previous years.

Selectman Drobinski made a motion to set the FY1995 residential tax rate at 15.69 and the commercial rate (with a 150% shift) at 24.51. Chairman Blacker seconded the motion. Selectman Clark disagreed and discussion ensued. Ms. Clark noted the possible tax foreclosures that may occur in Town and stated that she believes that these are difficult times for fixed-income families and does not wish to increase their tax burden.

Chairman Blacker expressed that it is no different for commercial properties, and that commercial properties do not draw services from the Town, such as the schools. Ms. Clark stated that the commercial received the lower classification benefits in the early 90's and to put more burden on the residents seems inequitable.

Selectman Drobinski reminded that the commercial goal is 100%. Ms. Clark asked that the Board look at the increase for residential and consider the fact that residences are not income generating as are the commercial properties. Chairman Blacker offered that the solution to the problem regarding the residential might be to let Town Meeting say they want half the services performed and then watch the tax rate go down.

Businessman Alan Marrone remarked that the commercial properties use very little of the Town's services, and he does not think it fair to have to pay higher taxes just because they are generating income to take care of their families like everyone else. Ms. Clark responded that the commercial properties are benefiting from the market they are in.

Following discussion, it was on motion by Chairman Blacker, unanimously

VOTED: To assess no Residential Exemption, Open Space Exemption or Small Commercial Exemption.

On motion by Selectman Drobinski, based on a commercial shift of 150%, it was

VOTED: To compute the Fiscal Year 1995 tax rate based on the minimum residential factor, 0.959959, which will result in a tax rate of approximately \$15.69 for residential (+6.9%) and a tax rate of approximately \$24.51 for commercial, industrial and personal property (-13.7%).
(Chairman Blacker and Selectman Drobinski in favor; Selectman Clark opposed.)

With regard to the new consideration of a Small Commercial Exemption, Chairman Blacker requested that the Assessors compile the necessary information and bring this option back to the Board next year. Mr. Loughlin explained briefly what was involved and said that his Department will proceed to make the necessary requests to make this an informed consideration for next year's tax hearing.

Wingate of Sudbury - Landscape Plan

Present: Willy Sclarsic, Wingate of Sudbury.

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The Board acknowledged receipt of a communication dated December 14, 1994, from Frank W. Riepe, Chairman of the Design Review Board, which lists comments from the Design Review Board relative to the landscape plans for Wingate at Sudbury.

Verbal comments from the Building Inspector included his questioning the practice of the Design Review Board questioning a professional landscape architect with regard to tree and plant species and suggesting substitutions.

The Board expressed its desire to have the columns very visible rather than hiding their view with street trees. The Board also thought they had already approved the landscape plan, but Mr. Thompson reminded them that they had not, and were waiting for the Design Review Board to comment on the plans.

Chairman Blacker expressed that landscape considerations such as color of shrubs, different species is beyond the scope of the Design Review Board to comment on, and should be left to the landscape architect that has been hired by Wingate of Sudbury.

The Board reviewed the Design Review Board's concerns with Mr. Sclarsic and concurred with him to proceed with the landscape plan being presented by the developer. The landscape documents are being reviewed by the Building Inspector and the Town Engineer and will be forwarded along with a complete set of site plan documents to the Board of Selectmen for signing.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of December 13, 1994.

Council on Aging - Van Donation

It was on motion unanimously

VOTED: To accept \$116.57 in miscellaneous donations for deposit into the Council on Aging Van Donation Account and to authorize the Council on Aging to expend the same for purposes of operating and maintaining the Council on Aging vans.

Negotiating Advisory Committee Meeting

Present: Marjorie R. Wallace, Chairman; Roy T. Sanford, and Charles R. Schwager, NAC; Karen Palmer, Chairman, Finance Committee.

At the request of the Negotiating Advisory Committee, the Board met with them to review positive and negative features of the process and possible recommendations for next year. It was agreed, since the original adoption of the negotiating process was made in executive session and because of some of the recommendations that will be made, to go into Executive Session.

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Executive Session

At 8:40 p.m., it was on motion by roll call unanimously

VOTED: To go into Executive Session with members of the Negotiating Advisory Committee to discuss collective bargaining, tactics and techniques.

(Chairman Blacker, aye; Selectman Drobinski, aye; Selectman Clark, aye; Marjorie R. Wallace, aye; Roy T. Sanford, aye; Charles R. Schwager, aye; Karen Palmer, aye).

Chairman Blacker announced that public session would reconvene immediately following Executive Session.

"COPS FAST Application"

The Board acknowledged receipt of a "COPS FAST Application" completed and signed by Police Chief Peter B. Lembo, which is an application for a grant from the U.S. Department of Justice under the federal Violent Crime Control and Law Enforcement Act of 1994, to pay for a portion of the salary and benefits for three new police officers.

Selectman Drobinski stated he believes this application to be for short-term positions. He questioned if the Town really needs these positions or is the Town doing it because of a short-term windfall from the grant. Chairman Blacker commented that Chief Lembo had said previously that once positions are hired through this grant, it is almost impossible to terminate them.

Secretary Thompson voiced the Police Chief's feeling that he is currently searching for a new dispatcher and a sergeant, so why not use the grant to hire the needed personnel.

After a brief discussion, which included some misunderstanding of the intent of the application and the grant, it was on motion unanimously

VOTED: To table further discussion or approval of the "COPS FAST Application" submitted by Police Chief Peter Lembo, and ask Chief Lembo or Lt. Ronald Nix to meet with the Board to come to a better understanding and clarification.

Town Manager Screening Committee - Organizational Meeting

Present: All ten members of the Town Manager Screening Committee which include: Susan B. Bistany, Michael C. Dunne, Jane A. Evans, Josiah F. Frost, Karen Anderson Palmer, Kathleen C. Precourt, Roy T. Sanford, Edward T. Sooper, James Vanar, and David A. Wallace.

Mr. Sanford informed that the Committee met for the first time last week and in preparation for tonight's meeting discussed recommendations, ideas and other issues that they wish to share with the Board. He added that he was appointed as Chairman of the Committee, while David Wallace will be Vice-Chairman. They set their meeting dates for every other Wednesday, meeting twice a month from 8:00 p.m. until around 10:00 p.m. He expressed the Committee's view that their meetings be held in open session to

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every extent possible and to promote open access by the Town, given the spotlight that this issue has been put into.

With regard to the scope of the Committee, Mr. Sanford stated that the Committee views itself like an executive search firm looking for a CEO for the Town, and assured the Board that the Committee is intent on meeting the deadline of six months from election. He said they will be preparing a job role and description.

Mr. Sanford explained that the Committee will be expecting input from the Selectman concerning issues such as: dollars for the contract, should relocation expenses be involved, etc. The Committee also expects the Board to be proactive in making recommendations and to tell the Committee when to stop. He continued that the Committee will be ratifying a selection process and giving a timetable. The final five candidates will be available by the end of February or sooner added Mr. Sanford, who stressed the need for input and involvement on the part of the Selectmen.

With regard to the advertisements, Mr. Sanford stated that the Committee recommends receiving all responses from a Post Office Box. He said it will accomplish keeping the process consistent in terms of what information the candidates are learning about who else might be applying for the position and making it more comfortable for all candidates in Town to be sending their resumes to a P.O. Box.

Regarding the cost of the advertisements, after a brief discussion, it was decided that the expense would come out of Selectmen's General Expense as much as possible and then seek a transfer from the Reserve Fund. Chairman Blacker stated he would like to entrust the Committee to decide the wording of the advertisements and which papers or periodicals to advertise in. The budget number was discussed concerning how much money might be spent on advertisements and if relocation expenses would be included. In any case, whatever is decided should come back to the Board for approval. Mr. Blacker said he has faith that the Committee will develop a job description in light of the special act that was passed in order to attract the right kind of people.

Mr. Blacker expressed his agreement with the following changes made to the ad that had been drafted: 1) Inclusion that Sudbury is an Equal Opportunity Employer, and 2) Eliminate the requirement that the applicant be knowledgeable in Massachusetts laws and open town meeting form of government. He also preferred to change experience with "computer systems" to Management Informations Systems (MIS). The Board agreed.

Mr. Sanford pointed out the following other issues that need to be considered:

1. What are the priorities for the Town that the Board of Selectmen has set forth. What are the top five or (?) that the Board would like to see the Town Manager implement within say a certain number of months.

In response to No. 1, Chairman Blacker asked if the Committee could come up with a list for the Board of Selectmen to rank since they are just as aware of the needs of the Town.

2. The Town Manager form of government is going to effect a change in how the Selectmen work with department heads and how they work with the Board and what the Board's position will be with the

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Town Manager. The Selectmen's role will change. They will become more the legislators rather than the administrators.

Mr. Sanford cautioned that only the Selectmen can set the expectations of department heads about what will happen when the Town Manager begins. These need to be made known within the next few months--i.e. who the department heads report to, etc.

Mr. Edward Sooper asked who decides the salary range to be advertised. Upon review, it was decided that several factors will be considered, and one will be obtaining information from other similar towns. As far as who makes the decision, Mr. Sanford stated that it will be part of the job description, and will be recommended by the Committee. Mr. Blacker commented that it may depend on who walks in the door.

Chairman Blacker thanked the Committee for accepting their positions and for all the time and effort that will be expended in the next few months. Selectman Drobinski commented that this Committee is a "positive" for the Town and it will be faced with a big challenge.

Town Group Health Insurance - Reinsurance (Stop Loss)

In an effort to come to closure on the signing of a contract for the Town Group Health Insurance Reinsurance (Stop Loss), the Board reviewed several documents received from New England Trust (N.E.T.), Insurance Services, Inc., and Sterling Administrators.

Documents received from N.E.T. included the following:

1. A communication dated November 4, 1994, from N.E.T. Sales Manager, Don Sharry, which includes rates for stop-loss insurance coverage which would be provided through N.E.T. Insurance Services, Inc. from The Insurance Company of North America (I.N.A.).
2. A letter from Walter N. Coolidge, dated December 14, 1994, President of New England Trust Ins. Services, as well as sole stockholder.
3. A list of 46 references located here in MA that are currently under contract for medical stop-loss coverage with New England Trust.
4. A letter registered with the Secretary of State's Office, dated June 23, 1994, stating who the Board of Directors are at New England Trust.
5. A letter from the Managing General Underwriter for the Insurance Company of North America, dated December 15, 1994, confirming N.E.T.'s submitted rates.

Communications received from Sterling Administrators include:

1. Communication dated December 16, 1994, from Sterling Administrators Arthur L. Bomengen, explaining the process that took place between Boston Mutual and Crosby Benefit Systems which resulted in the submitted quotes from Crosby Benefit Systems plus additional services at no cost to

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the Town (referenced in a communication to Mr. Arthur Bomengen from Patricia L. Colbert, Crosby Benefit Systems, dated December 16, 1994).

Other communications include:

1. Communication dated November 29, 1994, to the Board of Selectmen from Brian J. Boyle, Account Manager, Cook & Company, offering to quote reinsurance rates to the Town upon submission by the Town of certain information.
2. Communication dated December 9, 1994, from Budget & Personnel Officer Terri Ackerman, to Arthur Bomengen, Sterling Administrators, requesting a reinsurance quote from Cook & Company, and stating that Mr. Boyle of Cook & Company would prefer a sealed bid process.
3. Communication dated December 19, 1994, from Budget & Personnel Officer Terri Ackerman to Art Bomengen, Sterling Insurance, asking Sterling Insurance to answer questions regarding a letter received from Patricia Colbert of Crosby Insurance concerning: 1) services offered by Crosby, and 2) what services would Crosby provide for each of COBRA, Flexible Spending Accounts, and Form 5500s.

Following review of these communications, Chairman Blacker explained the difference between claims incurred in 12 months and paid in 18 and incurred in 12 months and paid in 24. The rates for these two categories is slightly different. He noted that rates for a paid contract is a better policy, but more expensive.

Mr. Blacker further informed that he does not know how much risk is involved with signing a contract with N.E.T. because of a certain conversation with Mr. Bomengen, our insurance consultant. However, Mr. Blacker pointed out that we received a list of several other towns that have contracts with N.E.T.

The bidding process was discussed and it was agreed that it should be more formalized next year. Mr. Blacker continued that the letter received from Michael S. McGrath, Managing General Underwriters from the I.N.A. and dated December 15, 1994, does not say that I.N.A. will honor anything and is not on I.N.A. letterhead. It is not what Mr. Blacker requested.

Mr. Thompson noted that the Minuteman Nashoba Health Group (L.S.R.H.S.) will be contracting with Cook & Company (Southland Insurance Co. 12/24 payment) this next year instead of N.E.T. because their quote was lower.

Because of the need to wrap up this contract before year end, it was on motion by Chairman Blacker unanimously

VOTED: To confirm the acceptance by the Town of Sudbury of Reinsurance Stop Loss rates quoted by New England Trust (N.E.T.) Insurance Services, Inc. under date of November 4, 1994, for a contract, effective for claims incurred during calendar 1995, to cover losses incurred in twelve months and paid in eighteen months, with a specific deductible of \$50,000 and payment of premiums - Individual at \$15.50 and Family at \$33.10 per month - said rates confirmed by Insurance Company of North America

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under date of December 15, 1994, by M. S. McGrath, Vice President, Managing General Underwriters, I.N.A.; this vote is subject to receiving a letter from I.N.A. confirming that upon acceptance by the Town of Sudbury and payment of premium, Insurance Company of North America is committed to paying Town of Sudbury claims in excess of the \$50,000 deductible as outlined in the contract.

Group Health Insurance Program - 1995 Contract

After review and a brief discussion of the contract between the Town of Sudbury and Sterling Insurance Administrators, dated November 15, 1993, relative to the Town's Group Health Insurance Program, and on the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To extend the contract for consulting and advisory services, program review and monitoring and filing of claims for the Town's group health insurance program with Sterling Insurance Administrators for the period of January 1, 1995 through December 31, 1995, for the same terms, rates and conditions written in the January 1, 1994 - December 31, 1994 contract.

Land Management Reports

The Board reviewed the Land Management Assignments, noting that many have expired and some terms are unspecified. The Board also acknowledged receipt of 1994 reports on the use and land management of Feeley Park, Heritage Park and Haskell Recreation Area dated November 22, 1994 from the Park and Recreation Commission, and a 1994 Land Management Report dated December 16, 1994 from the Conservation Commission.

Selectman Clark asked if there were any major vandalism problems on any of the properties. Secretary Thompson reported that occasionally there are problems in the Raymond Road area.

On the recommendation of Executive Secretary Thompson, it was on motion unanimously

VOTED: To accept the land management reports from the Conservation Commission and Park and Recreation Commission, and to maintain the current land management assignments for calendar year 1995.

The Board asked the Executive Secretary to bring the question of transferring Surrey Lane to the Conservation Commission back for further discussion.

Access Easement - Wolbach Road

The Board acknowledged a request, dated December 14, 1994, from Town Planner, Jody A. Kablack, to accept an access easement on Newton Farm off Wolbach Road.

Selectman Clark questioned if there were problems with back taxes owed. Upon review of the information and the description, which states the purpose of the easement is for ingress, turning around and egress, on that portion of land leading from Wolbach Road, there remained several unanswered questions by the Board with regard to the purpose of the easement and who has the rights to its use.

It was on motion unanimously

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VOTED: To table approval of the Access Easement on Wolbach Road granted by Robert A. Newton and Marian W. Newton, shown as .24 acres +/- adjacent to Lot B on a plan entitled, Definitive Subdivision Plan, Newton Farm in Sudbury, Mass., dated August 25, 1993, and revised December 9, 1993, drawn by Aneptek Corporation until further information is available and clarified.

Conservation Restriction to Sudbury Valley Trustees - Wolbach Road

The Board acknowledged receipt of a communication dated December 15, 1994, from Sudbury Valley Trustees Director Stephen T. Johnson, requesting that the Board endorse a Conservation Restriction from Robert and Marian Newton to Sudbury Valley Trustees.

In addition, the Board is in receipt of a communication dated January 11, 1994, from the Conservation Commission recommending that the Board endorse the above mentioned Restriction as being part of an overall plan for the area developed in conjunction with the U.S. Fish & Wildlife Service to protect the Sudbury River watershed. The specifics of this plan which is located in the Newton Farm Subdivision are outlined in a communication dated October 14, 1993, from the Conservation Commission and in the actual printed Conservation Restriction to Sudbury Valley Trustees, Inc., also attached.

Selectman Clark raised the question of back taxes, suspecting that this might be the reason for the granting of a Conservation Restriction. She stated that it is not right for property owners to avoid paying taxes in this manner. The Board discussed and reviewed the information and concluded that enough information was not available with regard to the exact location of the land in question, the fact that there is no street address, whether the land is buildable, and what exactly the Town is getting.

It was on motion unanimously

VOTED: To table approval of the grant of a Conservation Restriction dated December 8, 1994, to Sudbury Valley Trustees, Inc., by Robert A. Newton and Marian W. Newton on a parcel of land comprised of approximately 11.76 acres on Wolbach Road, until further information is available.

Sudbury, Assabet and Concord Rivers Wild and Scenic Study Committee - Member Appointment

In response to a request dated November 17, 1994, from William Buffett, Department of the Interior, for submission of two names to be considered for appointment to the above mentioned Committee because Mr. H. Alexander Porter's term has expired, it was on motion unanimously

VOTED: To submit the single recommendation of H. Alexander Porter for reappointment to the Sudbury, Assabet and Concord Rivers Wild and Scenic Study Committee, because of the fine job he has done on the Committee.

Mr. Thompson explained that two names were requested, but he would honor the Board's request to submit only one name.

Selectmen's Annual Report

Upon review of a draft of the Selectmen's Annual Report, changes submitted by Chairman Blacker and Selectman Clark were documented in an effort to fine-tune the report for final approval at a future date.

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Haynes Meadow House - Lease Agreement

Upon review of the Lease Agreement for the Haynes Meadow House, it was on motion unanimously

VOTED: To sign an agreement in conjunction with the Conservation Commission to lease the "Haynes Meadow House", 489 Peakham Road, to Gregory & Elizabeth Sobel, for the term of November 15, 1994 through November 14, 1995 at 12:00 a.m.

Voting Equipment - Draft Article

Upon review of a new draft for the article for Voting Equipment, Chairman Blacker questioned why the Town is currently confined to two polling locations rather than four as proposed with the new equipment. Mr. Thompson explained that there are not enough machines currently to spread out among four polling locations.

Mr. Blacker also remarked that positive, affirmative statements about the new equipment should be included in the second paragraph. The warrant report will be reworked and resubmitted for the Board's approval.

Mass. Collectors and Treasurers Association - Award for Mary Ellen Dunn

In response to a communication dated December 8, 1994 from Charles E. Patterson, President, Massachusetts Collectors and Treasurers Association advising that Town Collector Mary Ellen Dunn has earned the designation of Certified Massachusetts Municipal Collector, the Board requested Secretary Thompson send a letter of congratulations to Ms. Dunn.

Boston Globe Article - Part-Time Hires

Chairman Blacker referenced an article in the Sunday Boston Globe dated December 11, 1994, concerning hiring retirees to work for their towns on a part-time basis in exchange for a reduction of their tax bill. He commented he thought it was a great idea and would like to see some follow up.

There being no further business, the meeting was adjourned at 10:45 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk