

IN BOARD OF SELECTMEN
EMERGENCY, SPECIAL MEETING
WEDNESDAY, FEBRUARY 16, 2000

Present: Chairman John C. Drobinski, Kirsten D. Roopenian and Maryann K. Clark, Selectmen.

The statutory requirement for notice having been met, the emergency meeting convened at 8:30 a.m. at the Town Hall, 322 Concord Road, for the purpose of voting on ballot questions for the March 27, 2000 Annual Town Election.

Ballot Question - March 27, 2000 Annual Town Election

Lawrence O'Brien, Planning Board Chairman, arrived late in discussion.

Interim Town Manager Maureen Valente informed the Board of the Finance Committee's vote the previous evening to seek approval of an Operating Budget Override in the amount of \$1,740,946, to be comprised of \$919,159 (covering 21 FTE employees) for the Local Schools, \$333,139 for the Regional High School, \$162,148 (covering 2 FTE employees) for Town departments, \$126,500 for School and Town benefits, and \$200,000 for the Stabilization Fund. The Town portion would include funds for the Police Department, for the Assessors Department to handle the revaluation, for a diesel exhaust exchange system for the Fire Department, for clerical help for the Technology Department, for a shared person for Health and Engineering Departments (summer help and contracted services being reduced), and for a new generator for the Flynn Building, among other small increases.

Selectman Clark repeatedly expressed her preference for unbundling the Override amount in three separate ballot questions, believing this to be fairer for the voters and fairer for the Town, which is requesting very little in comparison with the schools. Chairman Drobinski and Selectman Roopenian stated preference for a combined Override question, as it all pertained to the operating budget, and much effort had gone into reaching mutual agreement on the numbers. They feared competing for the money via separate questions would not be good for anyone and recommended keeping a unified approach. Chairman Drobinski said that next year the process should be different; the Town Manager would review the financial situation with the School Departments before budgets were prepared. This year, he said, however, the process culminated in a joint override request. Selectman Clark agreed that future strategy in dealing with the total operating budget needs to be addressed.

Ms. Valente stated that the majority of the Finance Committee prefers to have two chances at the ballot and therefore would like the Override question placed on the March ballot; however, the Selectmen must look at all the possible Proposition 2 1/2 questions related to the Annual Town Meeting.

The Board considered the timing of ballot questions in relation to 1) Budget, 2) Little League Complex, 3) Piper Land Purchase, 4) Walkways, and 5) Haskell Recreation Area. Sponsors of the Little League Complex article advised the Board in a communication dated February 15, 2000, that it wished that question to be placed on the March ballot and the dollar figure should be \$275,000. The Conservation Commission has advised it voted on February 15 to ask that the Piper Land question NOT go on the March ballot. The Park and Recreation Commission has also advised it prefers to wait until after Town Meeting. Chairman O'Brien from the Planning Board was present and did not have a strong preference concerning the walkway question.

Selectman Roopenian stated her strong belief that putting all the questions on the March ballot was not a good idea, as it would be more likely voters would pick and choose just their favorite issue.

Following a lengthy discussion, it was concluded that the Little League matter was not ready for the March ballot, as there were too many questions outstanding relative to coordination with the Park and Recreation Department concerning the other recreation programs at Featherland Park and refinement of the amount needed after donations and grants are received. It was also strongly felt that all capital requests should have equal treatment and be presented at one time. Additionally, Town Meeting discussion and vote, and delay in going to the ballot, would clarify the ballot questions and allow more time to inform the voters.

The Board also discussed with the Interim Town Manager/Finance Director the issue of whether the capital items should be posed as a Capital Exclusion Question or a Debt Exclusion Question. Ms. Valente explained that a Capital Exclusion required immediate funding where the funds might sit unused for some time, while a Debt Exclusion meant the funds would not be borrowed until needed.

It was on motion unanimously

VOTED: To direct the Town Clerk to place the following question on the March 27, 2000 Annual Town Election Ballot:

Shall the town of Sudbury be allowed to assess an additional \$1,740,946 in real estate and personal property taxes for the purposes of funding operating expenses of the Sudbury Schools, Lincoln-Sudbury Regional District High School, and other Town departments, and for the purposes of funding the Stabilization Fund for the fiscal year beginning July first two thousand?

It was noted the two school departments have agreed to assist in preparing the explanation for this ballot question.

It was further unanimously

VOTED: To place all other ballot questions, as follows, on the ballot of a Special Election to be called in May, 2000, subject to the vote of Town Meeting:

LITTLE LEAGUE COMPLEX (ART. 15): Debt Exclusion .
PIPER LAND PURCHASE (ART. 13): Debt Exclusion.
WALKWAYS (ART. 7/19): Debt Exclusion.
HASKELL RECREATION AREA (ART. 7/14): Debt Exclusion.

Article 35 - Extend Historic District

Because a report will be required on the floor of Town Meeting from the Planning Board on Article 35, and the Historic Districts Commission will probably also want to report, it was on motion unanimously

VOTED: To take Article 35, Extend Old Sudbury Historic District, off the Consent Calendar.

Hawes Property Ch. 61A

Ms. Valente advised the Board Town Counsel has received negative feedback from the seller's attorney concerning the requirement of a trail easement for the Town, but that he will continue to pursue the matter.

Mahoney Property

The Planning Board has proposed a joint meeting of pertinent boards and Town Counsel in executive session. The Selectmen agreed to schedule it as a special meeting, separate from their regular meetings.

Town of Wayland Selectmen

Ms. Valente informed the Board that the Wayland Executive Secretary had called to set up a meeting between the two boards of Selectmen, but she had not connected yet with him to learn the subject matter. She will contact the Board when she has further information.

Cablevision Franchise Renewal

Ms. Valente reported she had received a communication by email from Jeffrey Winston, Cable Television Committee (CTC) Chairman, reporting that he and Mark Thompson, Technology Administrator, had talked and may be able to accomplish what the Technology Administration wants concerning the I-net in addition to CTC priorities. She is waiting for more information and will bring the matter back to the Board.

Special Counsel for Conservation and Environmental Matters

Ms. Valente asked the Board for clarification and direction on the scope of issues which were to be handled by Pickett & Miyares. She stated the vote of the Selectmen, (designating conservation and environmental matters), was very broad. She specifically needed to address the handling of the Piper Land purchase, which, to date, had been processed as follows: Following request of the Conservation Commission, she had given permission to use Judith Pickett for working out negotiations and planning for acquisition under the unusual circumstances of the original concept for the purchase. Since that time, it has been decided by the Piper family that a normal purchase can take place. At that point, Ms. Valente informed the Conservation Commission that Town Counsel should take over the matter, as it was a straightforward land transaction, not a specific conservation issue, which Town Counsel should handle. The Commission has objected, saying this would be contrary to the Selectmen's directive.

Ms. Valente set forth her reasons for recommending Town Counsel assume charge of handling the warrant article and purchase, as follows: 1) the work would be covered under Town Counsel's retainer, already paid for and not requiring additional legal fees; 2) if the matter is left in the hands of Judith Pickett, the Town would be writing an unlimited check - there is the purchase and sale agreement, title search, etc. involved, all matters which Town Counsel does; 3) who defends the matter - two Town Counsels would be created; 4) the Law Dept. is already over budget, and a Reserve Fund Request for \$17,000 has been requested; 5) with the Conservation Commission having separate counsel, it does not put them on the team; and 6) Town Counsel is in charge of legal issues dealing with the Warrant and Town Meeting.

Ms. Valente asked whether the work to be given to Pickett & Miyares was intended to be subject matter driven or Conservation Commission driven.

Selectman Roopenian stated her understanding was that matters would be specific ones, requiring approval by the Town Manager, for conservation issues only. She adamantly expressed her opinion that the Piper matter should be handled by Town Counsel for financial reasons. Also, she believed it was not intended for the Commission to have its own counsel, as there were other departments who also wanted special counsel.

Chairman Drobinski stated, in any event, the Conservation Commission should review the Purchase and Sale Agreement and other arrangements before they come to the Selectmen.

Selectman Clark expressed her preference for the matter continuing with Judith Pickett, reasoning: 1) the Commission and Town Counsel do not get along; 2) she thought conservation land issues were to be handled by Pickett & Miyares; 3) counsel should not be changed mid-stream.

Following a lengthy discussion, on recommendation of Selectman Roopenian, the Board requested the Interim Town Manager to do what she thought best. It was agreed to schedule a meeting with the Conservation Commission for all to obtain a better understanding of the future division of the legal work.

There being no further business to come before the Board, the meeting was adjourned at 10:30 a.m.

Attest: _____
Maureen G. Valente
Interim Town Manager-Clerk