

IN BOARD OF SELECTMEN
TUESDAY, APRIL 1, 2003

Present: Chairman Lawrence W. O'Brien, Selectmen Kirsten D. Roopenian and John C. Drobinski.

The statutory requirement for notice having been met, the meeting was convened at 7:30 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

Chairman O'Brien expressed appreciation to Town staff for an efficient Town Election on March 31, specifically Art Richard, Dennis Mannone, Jim Kelly for preparing facilities, and the Town Clerk's staff in preparing election materials and running the election.

Chairman O'Brien expressed disappointment only 960 residents voted in the Town Election, and reminded viewers living in a democracy gives individuals the right to vote, and encouraged residents to exercise that right in future elections.

FY04 Budget Discussion

Present: State Senator Pam Resor; Kerry A. Speidel, Finance Director; Dr. John Ritchie, Superintendent, Lincoln-Sudbury Regional High School; William Braun, Alexa Crowe, Susan Iuliano, Karen Krone, Richard Robison, Jane Santinelli, Sudbury School Committee; M. Tracy Billig, Donald Hutchinson, Robert Jacobson, John Nikula, Martha Ragones, Finance Committee; Mark Collins, Renel Fredriksen, Eileen Glovsky, Eric Harris, Pauline Paste, Jack Ryan, Charles Schwager, Lauri Wishner, Lincoln-Sudbury Regional School Committee; Janet Silva, Administrative Assistant to Board of Selectmen.

Chairman O'Brien briefly reviewed the events leading to tonight's discussion as to strategy on presenting budget information at the 2003 Annual Town Meeting.

Town Manager Valente briefly review the three possible options available for discussion. Each option uses different pieces of information and cost-cutting strategy, but all acknowledge the lack of information regarding funding that may or may not come through state aid.

Town Manager Valente presented Town Counsel responses on questions raised at last week's meeting:

- 1) Town Meeting must first be opened before it can be postponed to a time certain.
- 2) Part of the budget can be voted at Town Meeting with another portion considered at a later date.
- 3) Additional contingent appropriations cannot be made based on funds that may or may not become available – too speculative.
- 4) Town budget can be voted as a bottom line budget without specific cuts announced.
- 5) Until a final "cherry sheet" is received from the state, any budget can be voted, and is not considered unbalanced until after cherry sheet is received.
- 6) Two budgets cannot be voted, as guesses.
- 7) A majority of Town Meeting voters is required to postpone an article; two-thirds vote is required to adjourn and suspend the meeting until a later date.
- 8) An additional override vote can be taken in addition to regular budget.
- 9) The Town Clerk will withhold any submissions to the State until conclusion of all Town Meeting sessions.

10) No opinion yet on crafting a motion to adjust the Budget depending upon which agency receives the Chapter 70 funds.

Tracy Billig stated the FinCom was favoring Option C, but had not reached a consensus on either A or B, should Option C fail. Some members are uncomfortable with Option B. She stated the Committee is meeting again on Monday, April 7, as some members were unable to attend previous meetings. Ms. Billig reminded attendees that the budget previously voted by the Finance Committee was based on the knowledge state aid and labor costs were uncertain.

Town Manager Valente expressed concern for starting a budget year on July 1 with uncertain funding. She opined such action implies "permission" to spend money that may not be available through revenues.

Robert Jacobson, Finance Committee, expressed concern for pulling money away from cost centers without being able to assess the impact on decreased/lost services.

Chairman O'Brien stated his belief that the Finance Committee would present its report at Town Meeting under Article 4, and propose a continuation of the budget discussion and vote.

Concern was expressed that the schools must plan their expenditures for staffing and other costs by mid-May, making June too late to be of use to them.

Janet Silva confirmed that a Special Election may take place no sooner than 35 days after the Board of Selectman vote the question. Town Manager Valente stated if the Selectmen vote an override question on May 1, an Election could not happen until June 5.

John Nikula asked if the budget must be fixed at a later date. Town Manager Valente stated the tax rate cannot be set in December if the revenues do not exist. She clarified having the funds is only part of the issue, which also must consider the legal voted amounts (Town Meeting action).

Ms. Billig asked if a budget could be voted assuming state aid is not cut, and an override would be requested later in the fall to raise property taxes if state aid was unavailable. Town Manager Valente stated bills submitted to the Town Accountant must be paid if appropriations have been made by Town Meeting vote. An override is not automatic if funds run short; it must always be requested by the Board, and come before the voters in an election. If it fails, spending must be reduced.

Mr. Jacobson stated the Finance Committee intends to hold hearings in May to assess how cuts would impact various cost centers and services. Ms. Billig stated the Finance Committee is uncomfortable changing the budget so close to Town Meeting, with little additional information.

Town Manager Valente opined hearings would be helpful, and could be scheduled if the matter is postponed until a later date. She stated she has asked cost centers to begin preparing reports on possible cuts.

Chairman O'Brien concurred, stating additional time allows everyone to give thoughtful consideration to how cuts can be made.

Donald Hutchinson asked if an override question could be prepared to offset proposed deficiencies in state aid. Chairman O'Brien responded one override question may not be adequate if cuts are more severe than anticipated. Janet Silva stated the latest date a Town Election could be held would be September 15.

Lauri Wishner expressed concern for Chapter 70 assessment potentially not coming to the high school, and the impact of that. Pauline Paste stated the L-S School Committee supports the Town Manager's preference for Option C at this time.

Eric Harris asked if the Town of Lincoln would need to have a Special Town Meeting if Sudbury decides to have one. Town Manager Valente stated it would be depend on how Lincoln's appropriations were made and whether they had the revenues to cover those appropriations.

Rich Robison stated the Sudbury School Committee has been working on determining cuts using the worst-case scenario of 20%. He opined a June 16 announcement of a state budget is optimistic. He opined further that budget cuts could be made without calling for a Town Meeting, by just reducing expenses. He expressed the Committee's preference for Option B, as waiting longer (Option C) may not be very helpful.

Senator Pam Resor reported the House Ways and Means Committee is scheduled to announce its budget on April 23rd. Several days are allowed for amendments to be submitted. By the first week of May, it will go to the Senate, who will announce its budget around May 10. After an additional amendment period, both houses should complete their work by the end of May. The Conference Committee will complete its work, blending the two budgets, by June 15. Ms. Resor opined the previous formula for distribution may be used by the state, which would set aside the proposed new one. Responding to a question from Selectman Roopenian, Ms. Resor stated the two budgets are not very far apart in their figures.

Selectman Roopenian opined the existing State aid categories are important, and funds should be continued in these programs for the present. Ms. Resor asked that those comments be sent to the Chairmen of both Ways and Means Committees for their consideration in maintaining the existing distribution formulas. Interested parties may contact her by email at presor@senate.state.ma.us.

Town Manager Valente asked Ms. Resor if the "wealthy" communities would be treated differently than the more moderate-income communities. Ms. Resor opined additional assistance may be built into the distribution given to those moderate-income communities, but could not offer any further information at this time.

Bill Braun expressed concern for the timing of an override question, and reiterated that staffing decisions will be made at the schools in the next few weeks.

Lauri Wisher suggested sending the letter previously sent to Senator Resor to the Ways and Means Committees; Senator Resor concurred.

Jack Ryan expressed the opinion that a Special Election or Town Meeting should be earlier rather than later, mid-to-late May if possible. Town Manager Valente agreed, yet expressed concern that the timing of budget announcement may not be as scheduled. The Memorial Day holiday must be considered, as well as availability of the auditorium, and other factors.

Rich Robison agreed that sooner is better than later. Once classes and staff are in place in the fall, there is little point in having additional funding come through at that time. The classes will not be realigned nor will additional staff be hired at that late date.

Charles Schwager opined action later would be better, with regard to L-S High School. Even if something better came along after a budget is voted, there is nothing they can do without the benefit of Town

Meetings in both Sudbury and Lincoln. Once appropriations are made in conjunction with a budget, those appropriations are set. This would be Option C with a date certain sooner than June 16.

Jack Ryan suggested postponing Article 4 to the end of the Warrant, which would allow a little more time for groups to meet.

Discussion followed on proposed Town Meeting dates for postponement.

Town Manager Valente stated the Town is planning to postpone Article 2 as well. Stating the lack of information from the state would be helpful at Town Meeting, and especially helpful if Senator Resor would be in attendance to explain their schedule.

Mr. Schwager opined that the best fallback position for L-S is Option A, not B. If A is approved as the fallback choice, L-S will simply cut its budget and not spend on appropriations.

Town Manager Valente opined the best May dates to be May 12 or May 19, providing the auditorium is available on those dates. Jack Ryan promised the L-S School Committee will make the auditorium available whenever it is needed. Ms. Valente stated it is unclear whether the Monday-Wednesday sequence must be followed. Jan Silva opined a postponement to a date certain does not necessarily have to follow the sequence outlined in Town bylaws, and could be scheduled for a Wednesday, for example. Discussion followed. Various individuals opined it is beneficial to have the Monday and Tuesday of that week to meet with their groups. Chairman O'Brien suggested if the meeting starts on a Wednesday, and is not concluded that evening, it should be postponed until the following Tuesday, again allowing time for groups to meet. An opinion from Town Counsel will be requested.

Senator Resor thanked everyone for inviting her to tonight's meeting and giving her the opportunity to hear firsthand the concerns of local budgeting groups. The Board thanked her for attending.

Chairman O'Brien summarized the proposed plan as follows: Open Town Meeting, and Articles 2 and 4 until Wednesday, May 14. If Town Counsel says a Wednesday meeting cannot continue to Thursday, the meeting shall be scheduled for Tuesday, May 13. There was a unanimous show of hands.

Town Manager Valente suggested announcing at Town Meeting that the Board will propose a Special Town Meeting if Option C fails. This means incurring the costs of a Special Town Meeting, printing a Warrant, mailing, etc., and may not force the issue of choosing Option A or B. At this time the Finance Committee does not have a consensus of a preferred backup Option. Information could be presented in such a way that a postponement makes sense and allows more time to gather pertinent information from the state.

Karen Krone asked if information can be presented in general terms, the level of cuts, without presenting the specific cuts. Specifics can then be presented at the Special Town Meeting. She opined too much information at once may be very confusing to people unfamiliar with the budgeting process.

Mr. Jacobson opined the Finance Committee and Town staff need to be able to adequately discuss Options A and B, in order to present C in a good light. Without a specific dollar amount of cuts, it will be difficult to identify the impact to various cost centers.

Eileen Glovsky opined general terms are acceptable, but that stating the range of cuts is helpful to residents. She stated she would be uncomfortable hearing that "we don't know what the cuts are, but here's how we want you to vote."

Chairman O'Brien suggested the school committees work with the Town Manager to craft appropriate language on presenting the scenarios. Mr. Braun suggested all discussion be in general terms, and allow the Town Manager to elaborate as necessary.

Donald Hutchinson opined the two-thirds vote may be difficult if a large number of senior citizens attend who prefer that taxes do not increase. Chairman O'Brien suggested it be made clear that the budget situation must be resolved, regardless of the outcome.

Action Summary: Proceed with Option C, with the primary motion crafted by Town Manager and Finance Committee; all parties be prepared to discuss all options; school committees be prepared to identify potential cuts if asked; support from Board of Selectmen.

It was suggested all information can be presented with Article 2, move Article 4 to end of warrant, and then postpone to a date certain. If not postponed, then discussion and actual vote could fall on different nights. Jane Santinelli opined people may not want to come back a second night due to work or child care issues. Chuck Schwager opined other money issues will be considered first, if the budget is moved to the end of the warrant, and those issues may affect how people vote on the budget.

Chairman O'Brien summarized: Plan 1 – Articles 2 and 4 continued until May; Plan B – Articles 2 and 4 postponed until end of Warrant, then if successful with Option C, postpone to May. Bill Braun opined it would not save time as people would want to know why a postponement is sought. Most people are accustomed to dealing with budget issues in the beginning. Eileen Glovsky opined a consensus of opinion would be evident within ten minutes of discussion.

Mr. Jacobson asked what happens if either motion to postpone fails at the end of Town Meeting. Town Manager Valente will consult Town Counsel for an opinion.

Town Manager Valente asked for a consensus to let the Board make the decision on how to proceed. It was agreed to let the Board use input offered tonight and Town Counsel's opinions to draft a strategy.

The Board thanked everyone for their participation.

Blue Ribbon Housing Site Selection Committee

The Board reviewed a list of Site Selection Panel issues, noting site evaluation criteria and tasks involved, utilizing a three-phase program of information gathering.

Town Manager Valente reminded the Board that the Housing Authority had suggested an approach for forming a committee to conduct site evaluation. She felt a Blue Ribbon Site Evaluation Committee formed by the Board of Selectmen would be better for several reasons. First, she would be more willing to allow participation by Town staff if the committee did not report to the Housing Authority; second, the objectivity of the committee would be enhanced by not reporting to the Housing Authority; and third, the mission of the committee could be made broader than simply identifying sites for the Housing Authority's current proposal. She felt it critical to separate the issues of site evaluation from determining which sites are brought forward to Town Meeting. She emphasized that this committee would prepare a report, not necessarily recommendations. The Housing Authority would then examine the list and move forward with those sites that meet their criteria. Keeping this timetable in mind, by 2004 Annual Town Meeting, a viable list of suitable sites would have been determined. The finished report could also be utilized by other groups charged with evaluating housing needs.

Selectman Drobinski asked how it would dovetail with the Community Housing Committee. Ms. Valente responded each committee is defined with different missions and task lists.

Selectman Roopenian advised the committee consist of 5-7 members, with representation from various entities, opining a larger group could become unwieldy. Discussion followed on including the Council on Aging, Land Use Priorities Committee, Housing Authority, Conservation Commission, and Planning Board and one or two citizens. Chairman O'Brien opined a Selectman should not serve on the Committee as future conflict with Community Housing Committee may arise.

It was on motion unanimously

VOTED: To finalize the formation of the Blue Ribbon Housing Site Selection Committee, with members appointed by the Board of Selectmen as follows: two citizens-at-large, one member from Council on Aging, Land Use Priorities Committee, Sudbury Housing Authority, Conservation Commission, and the Planning Board. Town Manager Valente will notify Town entities to forward names of individuals, and solicit applications from interested residents, all for appointment by the Board of Selectmen.

Town Meeting Action

The Board spent time determining its position on various articles. Chairman O'Brien stated he had been contacted by proponents who intend to vote for indefinite postponement of their Articles 56 and 57. Regarding Article 40, Sign Bylaw, it was noted the Building Inspector had some concerns on enforcement of banners. Mr. Kelly will get input from Town Counsel.

It was on motion unanimously

VOTED: To SUPPORT Article 40 – Sign Bylaw.

Selectman Drobinski suggested moving to postpone Article 2 to be considered immediately after Article 4, and then move Article 4 to the end of the Warrant. The Board briefly discussed Town Meeting and how attendance each night may affect the budget articles. Selectman Roopenian expressed dismay that an important issue as the budget would not bring residents out of their homes. Child care issues can be easily handled if one parent attends Town Meeting and the other stays with the children, if an independent babysitter cannot be hired. Town Manager Valente pointed out that one night's Town Meeting action could potentially undo something done on an earlier night.

It was on motion unanimously

VOTED: To support the postponement of Article 2 to follow Article 4, with Article 4 postponed until the end of the Warrant (subsequently followed by Article 2).

There being no further business, the meeting adjourned at 10:58 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk