

IN BOARD OF SELECTMEN  
TUESDAY, MARCH 25, 2003

Present: Chairman Lawrence W. O'Brien and Selectman Kirsten D. Roopenian. Selectman John Drobinski was absent.

**Opening Remarks**

Chairman O'Brien announced the following:

- \* Residents must license their dogs by March 31.
- \* Annual Town Election is March 31 with polls open from 7 a.m. to 8 p.m. Absentee ballots are available at the Town Clerk's office.
- \* Annual Town Meeting begins on April 7 at 7:30 at Lincoln-Sudbury Regional High School.

Town Manager Valente announced the Town Clerk's office assisted with a very successful Rabies Clinic recently where dog owners could license their dogs and get their animals vaccinated on the same visit.

Chairman O'Brien asked that all residents keep our armed forces personnel in thoughts and prayers during this time of international conflict.

**Chamber of Commerce Banner Program**

Present: David Levington, Sudbury Chamber of Commerce.

The Board reviewed the following information: (1) memo, dated March 4, 2003, from David Levington, outlining the Chamber of Commerce's proposed banner program of 50 banners, announcing a "No Place for Hate" theme, and requesting the Town's financial support for police details necessary during installation and removal of the banners; (2) report, dated March 21, 2003, from the Building Inspector, stating the Zoning Bylaw does not address the subject of multiple, remotely placed banners, and noting that a special permit is required from the Board of Appeals; and (3) memo, dated March 20, 2003, from David Levington, noting Mill Village only uses the Chamber's banners, and Roche Brothers and CGI Management have used banners and Gravestar now has light standards which will support banners, with individual wall banners for each tenant.

Mr. David Levington submitted color printouts for the Board's review. He pointed out the theme of "No Place for Hate" depicted on this group of banners. He stated no new locations will be used, and that the four shopping plazas will be using six banners in each plaza.

Chairman O'Brien reminded Mr. Levington a special permit must be obtained from the Board of Appeals in addition to the Selectmen's vote. Town Manager Valente clarified that if the banners are put up, and the Board of Appeals declines the permit, the banners must then come down. The Selectmen's approval would only be temporary until Board of Appeals has had opportunity to consider the special permit request as banners are not covered in the Town's sign bylaw. She noted that once a permit is granted by the Board of Appeals, a more regular procedure would be established and would allow for a renewal of the permit.

Mr. Levington expressed concern with spending the money for the banners before having all approvals. It was suggested he contact the chairman of the Board of Appeals to put the matter on that board's meeting agenda.

Mr. Levington announced the banner design this year was contributed *pro bono* by Wade Designs.

It was on motion unanimously

VOTED: To approve the Sudbury Chamber of Commerce “No Place for Hate” banners in the Boston Post Road business area, subject to the granting of a special permit by the Board of Appeals.

**General Obligation Bond Sale**

Present: Kerry A. Speidel, Finance Director; David Eisenthal, Unibank Fiscal Advisory Services.

The Board reviewed a memo, dated March 20, 2003, from the Finance Director, presenting the bid information received on March 18, 2003, for \$5,730,000 in General Obligation Bonds, and recommending the Board award the bid to low bidder, Corby Capital Markets, Inc.

Town Manager Valente stated the Board must vote on the bond sale and sign the bonds in order for the bonds to become legal documents.

Kerry A. Speidel, Finance Director, briefly reviewed the bidding procedure and bids received, as presented in her memo of March 20, 2003. Five bids were received on March 18, 2003 with the low bidder being Corby Capital Markets, Inc. at a net interest cost of 2.833155%, and a net cost to the Town at maturity of \$851,134.70. She stated the funds will be used to finance the construction of the new DPW building (\$5,730,000) as well as Sudbury Public Schools construction/renovation projects (\$1 million).

Mr. David Eisenthal, Financial Advisor, Unibank Fiscal Advisory Services, stated the Town’s credit rating of AAA makes the Town’s bonds very desirable, thereby attracting bidders with low interest rates. He stated that, if the Town had opted for a longer bonding period, the interest rate might have been 3.5% or higher. Town Manager Valente opined that savings to be approximately \$800,000.

It was on motion unanimously

VOTED: That the sale of the \$5,730,000 Municipal Purpose Loan of 2003 Bonds of the Town dated April 1, 2003, to Corby Capital Markets, Inc. at the price of \$5,841,440.30 and accrued interest, is hereby confirmed. The bonds shall be payable on April 1 of the years and in the principal amounts and bear interest at the respective rates, as follows:

| <u>Year</u> | <u>Amount</u> | <u>Interest Rate</u> |
|-------------|---------------|----------------------|
| 2004        | \$1,000,000   | 2.00%                |
| 2005        | 530,000       | 2.00%                |
| 2006        | 525,000       | 2.00%                |
| 2007        | 525,000       | 2.50%                |
| 2008        | 525,000       | 2.50%                |
| 2009        | 525,000       | 3.00%                |
| 2010        | 525,000       | 3.00%                |
| 2011        | 525,000       | 4.00%                |
| 2012        | 525,000       | 4.00%                |
| 2013        | 525,000       | 4.00%                |

**FY04 Budget Meeting**

Present: Kerry A. Speidel, Finance Director; William Braun, Karen Krone, Kathy Precourt, Richard Robison, Jane Santinelli, Sudbury School Committee; M. Tracy Billig, Robert Hurstak, Donald Hutchinson, Robert Jacobson, John Nikula, Larry Rowe, Finance Committee; Pauline Paste, L-S Business Manager, Lauri Wishner, Lincoln-Sudbury Regional School Committee.

Chairman O'Brien briefly explained the potential loss of State funds makes cost cutting a necessity, and this meeting is to discuss how best to approach those cuts. He suggested continuing the discussion next week, if necessary. Participants reviewed a report from the Town Manager, presenting various options and timelines in considering budget issues.

Town Manager Valente briefly reviewed FY04 budget cuts and the previous round of cuts. This new situation is created by the Governor's reduction in state aid to communities. The FY04 revenue reduction is approximately \$350,000. She suggested three possible ways to handle this situation. She stated further more definite numbers from the State may not be available until mid to late May. She expressed concern about recommending a budget for Town Meeting approval when it is unknown whether the revenue to support that budget will be available. She also realizes some planning needs to begin soon as the schools must make some budgeting/personnel decisions in the next few weeks.

Bill Braun asked if the receipt of the Chapter 70 money from Minuteman Regional Technical School was a certainty. Ms. Valente responded neither the amounts nor the recipients are certain. If money is allocated one place by Town Meeting vote, and then has to be moved, it is important to make such changes by July 1, if possible.

Lauri Wishner stated that if the money generally received by the High School and used as an offset to the school budgets goes to the Town, other funds from the Town must be provided in order to support the L-S budget.

Town Manager Valente stated cuts have been borne by all cost centers so that no one center bears the brunt of the cuts. In addition, she stated this entire process is predicated by the necessity to have financial matters in hand when it is time to set the tax rate in December. Tax bills must go out on time in order for the revenue to come in. Conversely, if additional money is received from the State, a plan for restoration of spending should be determined beforehand.

Town Manager Valente briefly reviewed Plans A, B and C from her report.

Summary of reductions:

- \$226,236 – to close budget gap in January to produce balanced budget in Warrant
- \$357,240 – impact of House One – impact of a 15% local aid loss
- \$357,240 – if further local aid cut is 20%

Ms. Valente expressed concern with presenting an unbalanced budget at Town Meeting, and added that she will check with Town Counsel as to legal implication of such a move.

Ms. Valente stated she personally advocates Plan C, but there are benefits to the other Plans as well. She acknowledged other people will have valid reasons for preferring other Plans, and these discussions are intended to air those ideas and suggestions. She noted Plan C allows more time to prepare a solid presentation.

There was brief discussion on Special Town Meetings, including the fact that it is still an open meeting where amendments and other business can be enacted. A continuation of the Annual Town Meeting until June limits the action to the agenda already prepared.

Bill Braun opined such a continuation requires a vote at Town Meeting, which is not certain to pass. He opined that Plan A, using the unbalanced budget printed in the Warrant, is fiscally irresponsible and would never be approved at Town Meeting. He opined that Plan B, a conservative budget based on a "best guess" on the Local Aid funds as well as a reasonable set of assumptions, would be a better choice. Mr. Braun stated that contract negotiations and settlements should not be considered in this discussion, as those matters will just have to fit within whatever budget the Town has.

Chairman O'Brien suggested presenting a Plan B budget, with the explanation at Town Meeting, then asking for a recess until June before the budget is voted. Mr. Braun responded that April Town Meeting and the continued Town Meeting will be populated by different groups of people, which can affect how the information is received and acted upon. He reiterated his position that waiting may not do the Town any good, as the Local Aid may still not be determined by June.

Town Manager Valente stated that, due to the absence of Lincoln-Sudbury School Committee members, no decision should be made tonight. Another meeting should be scheduled for next Tuesday night.

It was noted that by that time, the Town Election would be concluded.

John Nikula agreed that newly elected people should be a part of this discussion and process.

Lauri Wishner opined Plans A and B both imply an unbalanced budget and expressed concern for legal implications. She stated timing of any kind of cuts impacts the schools significantly, due to making staff changes.

Larry Rowe suggested employing the maximum cut and asked if that motion can include a method for re-appropriating budget cuts, should the state funds come through. Town Manager Valente opined appropriated funds cannot be revised. Mr. Rowe clarified that a formula could possibly be used as a contingency factor. Ms. Valente stated Town Counsel would have to give some guidance.

Karen Krone asked if a state aid reduction could be greater than 20%. Town Manager Valente stated various percentages have been stated from time to time, and it is difficult to predict. Ms. Krone opined knowing a ballpark percentage would be helpful in developing a strategy. Chairman O'Brien stated a 10% reduction has already been built into the Finance Committee's budget, so another 10% needs to be addressed.

There was brief discussion on the State Budget preparation timetable. Town Manager Valente stated that, according to published reports, the Legislature may make their decision by mid-May. Chairman O'Brien opined that it is also unclear whether existing or new formulas will be used.

Bob Hurstak asked if the entire Annual Town Meeting can be postponed. Town Manager Valente responded that she believed it would have to be opened, then postponed, but agreed to pursue the matter with Town Counsel. She stated the Moderator, Tom Dignan, has been asked to keep several potential dates open for such a postponement. She stated in many towns Annual Town Meeting must follow Town Election by a defined length of time, and she was unsure if that was the case in Sudbury.

Mr. Hurstak opined two separate meetings is confusing, a waste of time and resources doing it twice, and basically foolhardy. Chairman O'Brien responded that using Plan C might be the preferred course of action in that regard, allowing time to inform and educate the residents before they are required to make a decision, and time for the state aid figures to be announced.

Rich Robison opined waiting to hear from the State may not make a difference, and noted that moving forward with some kind of plan now is reasonable, re-assessing needs in the fall when local aid is defined. He stated some safeguards can be built into the budgetary action. Chairman O'Brien stated that all options can be explored, but suggested that school superintendents, the Finance Director, Town Manager and others would need to be a part of developing that safeguard strategy. Mr. Robison stated the Sudbury School Committee has been considering three scenarios, using \$600,000 as their reduction figure, including collective bargaining expenses.

Lauri Wishner stated if the L-S School Committee budget is reduced further because the local aid reduction is 20%, the total reduction would be around \$750,000, significantly beyond what is appropriate.

Town Manager Valente stated the cuts for Town departments would be around \$200,000 and require staff reductions, curtailment of services, etc., without considering salary increases or collective bargaining expenses.

Selectman Roopenian opined any kind of cuts impact the way cost centers are managed, and the deeper the cut, the more difficult the situation.

Robert Jacobson suggested planning for Plan B, yet proposing Plan C. He opined this would eliminate the possibility of new business being introduced at a Special Town Meeting. He expressed concern that an override would be considered without knowing how contract negotiations and settlement figures will be when finalized. He stated those considerations are an important part of financial planning.

Chairman O'Brien asked if the objective is to have an agreement [contract negotiations] in place by Town Meeting. Town Manager Valente replied it was difficult to say.

Bill Braun stated that, even if the state aid is unknown, baseline cuts will have to be determined, as a budget needs to be ready for presentation in any event. An advantage of a Special Town Meeting is that the Warrant can be somewhat restrictive. Chairman O'Brien clarified that a citizen petition could still be presented at that time. Mr. Braun opined putting off the matter until June will not make the cuts any less painful. He stated his preference for making the cuts, and then being able to add back if state funds come through.

Town Manager Valente pointed out that a Special Town Meeting requires printing and mailing costs for the Warrant, holding all the hearings, etc., as opposed to recessing Annual Town Meeting and continuing a single item to a later date which is much less costly. She opined the schools can make their basic reductions without actually revealing specific cuts right away, while she as Town Manager needs to have her cuts in place in order to present at Town Meeting. If Plan C is chosen as the strategy, it allows more time to consider how and where those cuts would be most effectively made.

Kathy Precourt raised the question of the override process, and this was reviewed.

Mr. Jacobson expressed concern for still not knowing the impact of collective bargaining and special education programs, even if revenues are determined.

Ms. Krone asked if an override can be considered at the same time as the original budget article at Town Meeting. Town Manager Valente responded she asked Town Counsel, and his response was that both could be voted under the present Article 4.

Mr. Braun opined that, for the schools, waiting until June almost eliminates the opportunity for an override, especially if Town Meeting vote does not allow a continuation of the discussion. He suggested using worst case scenario now. Waiting until June does not allow remedial measures via an override. A Special Town Meeting could be convened in the fall, if necessary. Town Manager Valente agreed that type of action allows the ability to add back cut funds if the state funding comes through. She stated all cost centers will need to determine their cuts before April 7.

Chairman O'Brien stated an important consideration is that the school calendar differs significantly from the municipal calendar. The schools need to make staffing decisions in a few weeks, whereas the Town does not have to make decisions so quickly. He pointed out that the Finance Committee will speak on Article 4, and then it will be opened up for discussion. Mr. O'Brien opined a unified approach from the cost centers presents a more cohesive plan to the residents, and opined further that the voters may opt for the most conservative approach.

Mr. Braun asked how other towns are dealing with this issue. Town Manager Valente responded some towns have either planned an override or are delaying their budget discussion. Some towns are exploring the mechanism of postponing their Town Meetings. Sudbury is one of the earliest Town Meetings in the State. Lauri Wishner noted the Lincoln Town Meeting is this Saturday, with proposals for voting their budget and an override.

Ms. Wishner asked when a final number of expense reduction has to be determined, noting any wiggle room in a timetable would be helpful. Chairman O'Brien stated the actual numbers have to be printed in the motions.

Town Manager Valente outlined a tentative schedule of how an override calendar might work, beginning with the earliest possible election on May 15, if the Board votes an override question on April 8.

Mr. Robison stated the Sudbury School Committee has been working with the original \$357,000 figure and stated further, if additional local aid funds are received, layoff notices can be rescinded. Laying people off at a late date is more difficult.

It was asked if options are eliminated the longer the decision is postponed. Ms. Valente responded the cost centers have to determine the priority of their expense reductions. The total potential cuts total almost a million dollars, and taking a piece at a time decreases the significance of the reductions, making it seem like an easy thing to accomplish.

Mr. Braun expressed his preference for taking the large cut now, and saving the option of remediation if funds come through.

Town Manager Valente stated there is little time now for Finance Committee public hearings to allow the public to hear and respond to cuts in Town services. It is important for voters to know what services will be affected by the cuts. The schools are better able to make their reductions without identifying specific cuts at this time.

Kathy Precourt suggested combining Town cost centers into a Town bottom line budget, allowing the specific cuts to be detailed after Town Meeting. Ms. Valente stated that would also allow more flexibility for the voters to express their thoughts on where the cuts should occur, but did not know if the Finance Committee would agree to it.

Mr. Robison expressed concern that hard work has brought many things to Sudbury, and it is difficult to think those cherished items could be lost due to funding.

Tracy Billig stated the Town needs to know specifically why an override is necessary, and expressed concern that such an announcement cannot be determined within ten days. Jane Santinelli also expressed concern that these decisions must be considered carefully and that may be difficult to do that quickly.

Mr. Braun suggested developing a plan that retains the most options, and using as few unknowns as possible.

Ms. Wishner expressed concern that other School Committee members need to be involved in this discussion. Chairman O'Brien concurred, responding no decision will be made this evening.

Chairman O'Brien suggested meeting on Tuesday, April 1, a date already tentatively on the Selectmen calendar. After discussion, it was agreed to meet on Tuesday, April 1, at 7:30 in Lower Town Hall. All groups will communicate this to their own members, and an agenda will be posted as a regular Selectmen meeting.

Kerry Speidel, Finance Director, summarized the questions that had been raised tonight, as follows:

- \* Can the opening of Town Meeting be postponed until a later date?
- \* Can the school budgets be voted in April, with the Town's budget voted later?
- \* Can appropriations be made at Town Meeting, with a specified formula to restore allocations without coming back to Town Meeting?
- \* Can the Town have a bottom line budget, without specific cuts announced?
- \* Legality of unbalanced budget even being proposed

Chairman O'Brien stated the figures to consider are as follows: \$357,000 (original funding reduction) and \$715,000 (potential total funding reduction). The percentage reductions are 27% for the Town Departments/Services, 23% for L-S High School and 50% for Sudbury Public Schools.

Mr. Braun commented the Chapter 70 funds that eventually come to Lincoln-Sudbury Regional High School will change the 23% reduction figure. Chairman O'Brien responded that adjustments would certainly be made if the Chapter 70 monies come directly to the Town instead of the schools.

The Board thanked all participants for their attendance and input. Chairman O'Brien requested all cost centers begin making their lists of potential cuts.

### **Minutes**

It was on motion unanimously

VOTED: To approve the regular and executive sessions of March 11, 2003 and the special Local Aid meeting of March 4, 2003.

**Muscular Dystrophy Bike Marathon**

The Board reviewed a letter, received March 7, 2003, from Neil Keane, Boston Firefighters, Muscular Dystrophy Association Committee, requesting permission to use Route 20 in Sudbury as part of a bike marathon on June 7, 2003. The Town has previously granted permission for this marathon. The Board also received a report, dated March 12, 2003, from Safety Office Ronald Conrado, stating he sees no problems with this event.

It was on motion unanimously

VOTED: To grant permission for the Muscular Dystrophy Bike Marathon to go through Sudbury along Route 20 on June 7, 2003, as set forth in a letter received March 7, 2003, from Neil Keane, Boston Firefighters M.D.A. Committee, subject to any requirements of the Sudbury Police Department.

**Proclamations**

It was on motion unanimously

VOTED: On behalf of the Townspeople and employees of the Town of Sudbury, extend sincere best wishes to Anthony M. (Tony) Deldon, Bruce C. Noah, and Wayne M. Shurley on their retirement from the Sudbury Police Department, with deepest appreciation and recognition of their long and outstanding service, and to sign Proclamations to that effect.

**Sudbury Earth Week**

It was on motion unanimously

VOTED: To proclaim the week of April 27 to May 3, 2003 as Sudbury Earth Week and designate Saturday, May 3, 2003 as Spring Cleanup Day.

**Cable Television Committee Appointment**

It was on motion unanimously

VOTED: To appoint Linda M. Wade to the Cable Television Committee for a term to expire April 30, 2004, as requested by the Cable Television Committee.

**Goodnow Library Trustees Resignation**

It was on motion unanimously

VOTED: To acknowledge notice dated March 20, 2003, from the Goodnow Library Trustees through their Director, William Talentino, of a vacancy on their Board occasioned by the resignation dated March 13, 2003 of Hans Lopater, and the Trustees' request to jointly fill said vacancy.



**Mass. House of Representatives Task Force on Local Government**

The Board reviewed a memo, dated March 12, 2003, from State Representative Patricia Walrath, inviting municipal officials to a public hearing hosted by the House of Representatives Task Force on Local Government on March 27, 2003. The Board opted to send testimony as attendance was not possible.

It was on motion unanimously

VOTED: To instruct the Town Manager to edit and forward a letter outlining the Board's position on proposed policies and legislation, as previously communicated to elected officials.

**Zoning Reform Working Group**

The Board reviewed information from the Zoning Reform Working Group, dated March 2003, asking for support for the Coalition for Zoning Reform. After discussion, it was agreed to forward this information to Park and Recreation, Board of Appeals, Water District, Sudbury Housing Authority, Building Inspector, Town Counsel, Conservation and the Planning Board for their input and recommendations. Chairman O'Brien noted there is no deadline date for responses; Town Manager Valente will contact Sen. Resor's office for it.

**Town Manager Employment Agreement**

Town Manager Valente reminded the Board they approved this Agreement at their last meeting, and stated this is the final edited copy for their signature.

After review, it was on motion unanimously

VOTED: To sign the Employment Agreement between the Town of Sudbury and Maureen G. Valente, dated March 20, 2003, previously approved by the Board and signed by Town Counsel. [Chairman O'Brien and Selectman Roopenian signed the Agreement; Selectman Drobinski will sign it upon his return.]

There being no further business, the meeting adjourned at 10:42 p.m.

Attest: \_\_\_\_\_  
Maureen G. Valente  
Town Manager-Clerk