

IN BOARD OF SELECTMEN
MONDAY, DECEMBER 6, 2004

Present: Chairman John C. Drobinski, Selectmen Lawrence W. O'Brien and William J. Keller, Jr.

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

Opening Remarks

Chairman Drobinski suggested residents use extra care in traveling wintry roads, to dig out fire hydrants and to check on elderly or disabled neighbors regularly.

Chairman Drobinski announced the Hosmer House is open to the public on various dates this month and encouraged residents to visit to enjoy the beautiful decorations and entertainment.

MetroWest Growth Management Committee

Present: Donna Jacobs, Executive Director, MetroWest Growth Management Committee.

The Board welcomed Ms. Donna Jacobs, new Executive Director for the MetroWest Growth Management Committee.

Ms. Jacobs briefly reviewed her experience and goals for the position as well as the direction she sees the Committee heading in the near future. There was brief discussion on MBTA assessments, what the Committee can do for suburban communities such as Sudbury, and whether state laws can help resolve local planning issues.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of November 16, 2004, as drafted.

Executive Office of Elder Affairs Grant

It was on motion unanimously

VOTED: To accept a grant in the amount of \$13,775 under the FY05 Formula Grant from the Executive Office of Elder Affairs and to authorize its expenditure by the Council on Aging.

Town Walkway Fund Donation

It was on motion unanimously

VOTED: To accept the following donations to the Townwide Walkway Fund to be expended by the Director of Public Works: 1) \$6,450 from N.F.B. Realty Partners LLC, developers of Whitehall Estates, and 2) \$3,420 from Andrew Donovan, developer of Kayla Court.

Federal Emergency Management Agency

It was on motion unanimously

VOTED: To accept a grant in the amount of \$79,737.03 from the Federal Emergency Management Agency for snow expense reimbursement.

U.S. Dept. of Justice Grant

It was on motion unanimously

VOTED: To accept a grant in the amount of \$75,000 under the COPS Fast U.S. Dept. of Justice program received over a three-year period (2002-2004).

One-Day Liquor License – Buffet Way Catering

It was on motion unanimously

VOTED: To grant a one-day License for the Sale of Wines and Malt Beverages Only to Buffet Way Catering, 31 Curtis Avenue, Marlboro, MA 01752, to be exercised on December 18, 2004, from 6:00 p.m. to 12:00 a.m., for a private party.

Notice Announcing New Polling Location

It was on motion unanimously

VOTED: To approve a Notice prepared under the direction of the Town Clerk and Town Counsel notifying registered voters of Northwood Drive of their precinct and new polling location.

Proclamation – Ruth Griesel Day

It was on motion unanimously

VOTED: To sign a proclamation in honor of Ruth A. Griesel upon her retirement as Director for the Council on Aging.

Extended Hours – New Year's Eve

It was on motion unanimously

VOTED: To grant permission for holders of restaurant and club alcoholic beverages licenses to remain open and serve alcohol on New Year's Eve until 2:00 a.m. on January 1, 2005.

Permission to Sell Alcoholic Beverages during March 28, 2005 Election

It was on motion unanimously

VOTED: To grant permission to holders of package store, restaurant and club alcoholic beverages to sell alcoholic beverages during the polling hours of the Annual Town Election on March 28, 2005, in accordance with M.G.L. c. 138, s.33.

Joint Meeting with the Board of Assessors – Appointment

Present: Maureen Hafner, Director of Assessing; Trevor Haydon, Liam Vesely, Board of Assessors; David G. Berry, former member, Board of Assessors; Joshua Fox and Robert Kaldenbach, Candidates.

At 7:45 p.m. Chairman Drobinski convened a joint meeting of the Board of Selectmen and the Board of Assessors for the purpose of interviewing candidates and appointing by roll call vote a member to serve on the Board of Assessors until the effective date of the 2005 Annual Town Election, to fill a vacancy occasioned by the resignation of David. G. Berry dated October 15, 2004.

It was on motion unanimously

VOTED: To appoint Maureen Valente as Clerk for these proceedings.

Chairman Drobinski welcomed candidates, Mr. Joshua Fox, 12 Indian Ridge Road, and Mr. Robert Kaldenbach, 55 Hudson Road, to the meeting and thanked them for their willingness to serve.

Mr. Kaldenbach stated he lived in the Sudbury in the past, and moved back after a short time away. He worked as a residential real estate appraiser while living in Maryland and Virginia. He stated he has no previous experience in Town government, though he has been attending meetings of the Community Housing Committee. Mr. Kaldenbach stated he is a curious person, loves to learn new things and sees involvement in community activities as an extension of that curiosity. He stated the need for real estate appraisers has sharply declined, and he is not considering obtaining a license in Massachusetts at this time.

Mr. Fox stated he is a lifelong resident of Sudbury, presently working as an attorney, and stated his belief that his legal skills and experience in research would prove beneficial to the Assessors. Responding to a question from Selectman O'Brien, he stated he would recuse himself from any issue that would present a conflict of interest with regard to his legal practice. He stated further that, to date, none of his clients have applied for an abatement from the Board of Assessors.

Selectman Keller reminded the candidates the appointee would be required to attend a two-day course in assessing before beginning their duties.

David Berry, former member, Board of Assessors, stated members have recused themselves from matters in the past, i.e., if they were personally acquainted with the candidate.

Mr. Trevor Haydon, Board of Assessors, asked both candidates if they were willing to run for election in the 2005 Annual Town Election. Both responded in the affirmative. Mr. Haydon cautioned candidates that sometimes meetings run long, and members are expected to do whatever it takes to complete the task at hand.

Responding to a question from Chairman Drobinski, Mr. Fox stated he has not attended a Board of Assessors meeting in Sudbury, but has in other communities. Mr. Kaldenbach stated he has not attended any in any community.

In closing, Mr. Fox stated that, if appointed, he would treat this position with the same professional attitude and dedication as he would any other job.

It was on motion by Selectman Keller and Chairman Drobinski respectively to nominate Joshua Fox and Robert Kaldenbach for the vacant position on the Board of Assessors. Selectman O'Brien seconded the motion.

It was on motion by roll call unanimously

VOTED: To appoint Joshua M. Fox, 12 Indian Ridge Road, to the Board of Assessors until the effective date of the 2005 Annual Town Election, pursuant to M.G.L. Ch. 41, s.11, to fill a vacancy in accordance with the resignation of David G. Berry dated October 15, 2004. (Chairman Drobinski, Trevor Haydon, Selectman Keller, Selectman O'Brien, Liam Vesely all cast votes for Mr. Fox. Mr. Kaldenbach received no votes.)

The Board encouraged Mr. Kaldenbach to pursue involvement in Town government, specifically in the area of affordable housing. Mr. Kaldenbach asked the Town Manager to forward his information to the appropriate parties.

The joint meeting of the Board of Assessors and Board of Selectmen adjourned at 8:10 p.m.

Annual Renewal of Licenses

The Board reviewed the following information: (a) list of license renewals; (b) report, dated December 2, 2004, from the Fire Chief, reporting on various license holders with regard to inspections; (c) report, dated November 22, 2004, from the Building Inspector, stating he has no issues or concerns to report regarding annual inspections performed on the list of businesses requesting license renewal; (d) report, dated December 3, 2004, from the Health Inspector reporting no problems with licensees; (e) report, dated November 12, 2004, from the Town Treasurer to Mary Daniels, Selectmen's Office, submitting information on license renewal applicants with taxes in arrears [bills attached]; and (f) report, dated December 6, 2004, from Jan Silva, Selectmen's Office, submitting license changes requested by applicants.

The Board discussed various license renewals. Selectman O'Brien expressed concern for outdoor speakers still in place at Acapulco's which can be a problem in early morning hours. Town Manager Valente noted that Sudbury Auto Sales has been asked to produce documentation they have permission to operate at that location. Discussion followed regarding licensees with unpaid real estate taxes.

It was on motion unanimously

VOTED: To renew Alcoholic Beverages, Common Victualler, Entertainment, and Motor Vehicle licenses, which expire December 31, 2004, for calendar 2005, as shown on the "Licensee List 2005", attached and incorporated herein; excepting those in arrears of real estate taxes as listed in a report from the Town Treasurer, dated November 12, 2004; and to forward the appropriate renewal forms to the Alcoholic Beverages Control Commission where applicable; said licenses to be held until payment of the required license fees, compliance with the Selectmen's Alcohol Training Policy, correction of any/all outstanding health, safety or zoning violations, receipt of verification of Workers' Compensation Insurance for the licensing period, and the payment of all outstanding personal property taxes, real estate taxes and state taxes; said licenses shall also be subject to all previous restrictions; with the following amendments: 1) with regard to Acapulco's, that the outdoor speakers shall be removed, and 2) with regard to Sudbury Auto Sales that

“Harold Salant produce documentation satisfactory to Town Counsel that Sudbury Auto Sales has authority to operate its business at 9 Old County Road;” and

VOTED: To renew Sunday Entertainment License of Papa Gino’s Acquisition Corporation, d/b/a Papa Gino’s, 104 Boston Post Road, for operation of a juke box during 2005, for the hours of 11:00 a.m. to 10:00 p.m.

Tax Classification Hearing

Present: Maureen Hafner, Director of Assessing; Cynthia Gerry, Assistant Director of Assessing; Sue Petersen, Finance Director/Town Accountant; Andrea Terkelsen, Treasurer-Collector; Trevor Haydon, Liam Vesely, Board of Assessors; David Berry, former Board of Assessors member; Ron Stephan, 86 Thunder Road.

At 8:20 p.m., Chairman Drobinski convened a Public Hearing in accordance with General Laws Chapter 40, section 56, as amended, to determine what percentage of the local tax levy will be borne by each class of real and personal property relative to setting the Fiscal Year 2005 tax rate.

Ms. Maureen Hafner, Director of Assessing, distributed informational booklets describing the tax classification process and guided the discussion, allowing for questions from the Board, if any. The booklets contained present and historical information as well as information pertaining to surrounding communities.

With regard to **Open Space**, she stated the Board of Assessors has designated no land as open space.

It was on motion unanimously

VOTED: To approve no discount for Open Space.

With regard to a **Residential Exemption**, Ms. Hafner indicated this exemption could actually hurt low-income senior citizens whose properties are valued higher than the Average FY05 Single Family Assessment of \$601,800. The tax burden for the properties with lower assessments with this exemption would then shift to the remaining properties in the class. Discussion followed.

It was on motion unanimously

VOTED: To approve no Residential Exemption at this time.

With regard to a **Small Commercial Exemption**, Ms. Hafner stated the Board of Assessors has not designated any small business parcels that may be eligible for a small business exemption. She noted that the exemption would go to the property owner, not the owner of the business occupying the space. No entities meet the criteria for such a designation at this time, i.e., 10 or fewer employees, with a property valuation of less than one million, and all businesses in a building must qualify for the exemption.

It was on motion unanimously

VOTED: To approve no Small Commercial Exemption.

The Board briefly discussed aspects of setting the **Residential Factor** which calculates how much of the tax burden will be borne by the residential class. Chapter 200 of the General Laws limits the Town of

Sudbury to a maximum factor of 150%. As these factors are determined annually, it is possible to have a significantly higher factor one year than the previous, in order to allow some sort of tax relief from time to time. Any tax relief granted to either the commercial or residential sector would then be shifted to the other for that taxable year.

Mr. Ron Stephan, 86 Thunder Road, representing the Sudbury Chamber of Commerce, noted communities such as Acton, Concord and Wayland have held their residential factor close to 1.00 for several years, while Sudbury seems to be in line with larger communities of Framingham and Marlborough. He wondered why Sudbury's rate jumped by twenty points in one year. Selectman O'Brien responded that the jump was to help offset the impact of potential residential tax increases caused by revaluation last year.

Ms. Hafner stated the Board of Assessors are now required by the State to revalue property on an annual basis, and must make sure a property's assessed value is not less than 90% of the fair market value when it is sold.

Ms. Kirsten VanDijk, 37 Landham Road, suggested the Board of Assessors review the neighborhood codes more carefully, noting that Landham Road has the same code as Demarco Road, and they are very dissimilar in her opinion.

After discussion, it was on motion unanimously

VOTED: To set the Residential Factor at 97.0108 with a CIP shift of 1.48, setting the residential tax rate at 13.46, the commercial and industrial and personal property at 20.54, pending certification by the State Department of Revenue.

The Board thanked Ms. Hafner and the Board of Assessors for their hard work in revaluation of properties this year.

St. Anselm Task Force

Present: Jody Kablack, Town Planner; John McGee, 143 Victoria Road; Kirsten VanDijk, 37 Landham Road, Jeff Quinn, 5 Blackmer Road, Ara "Buzz" Yacobian, 23 Anselm Way; Sohrab Mansouri, 34 Anselm Way; numerous residents.

At 9:15 p.m. Chairman Drobinski welcomed members of the St. Anselm Task Force and the presentation of its final report. He noted that, while the property has not yet been offered for sale, it is prudent to have an idea of potential uses for the property, should the Town wish to purchase it.

Town Manager Valente stated there is presently no article prepared for the 2005 Annual Town Meeting based on the activities of this task force.

John McGee, 143 Victoria Road, presented the majority report of the St. Anselm Task Force, outlining task force meetings and a public hearing, and presenting its final recommendations, primarily that of affordable housing.

Kirsten VanDijk, 37 Landham Road, presented a non-majority perspective, stating the task force received limited information which was poorly analyzed. She advocated the property's use as a community center with a limited amount of affordable housing, noting this use would be in line with the Master Plan.

Jeff Quinn, 5 Blackmer Road, presented another minority report, advocating that the property is not suitable for housing of any kind, due to impact on schools, traffic concerns and impact on municipal expenses.

Ara "Buzz" Yacobian, 23 Anselm Way, presented a third minority report. He also disagreed with the placement of low income housing on the property. He opined such housing decreases the value of abutting single-family homes by as much as 20%. His report quoted excerpted statements from the Master Plan, desiring to keep Sudbury housing low density, and finally, advocated use of Community Preservation Act funding instead of clumsy 40B projects.

Sohrab Mansouri, 34 Anselm Way, presented a fourth minority report, stating members of the task force opposing housing are abutting property owners. Concerns include no buffer zone to minimize impact on the neighborhood, traffic impact, overcrowding at Loring Elementary School and depreciation of values. He included comparative information on high density housing developments in Sudbury and surrounding communities.

Reports concluded at 9:55 p.m. Chairman Drobinski stated the Selectmen would naturally prefer the church remain open to its parishioners. He noted there are neighborhood concerns, but it is better to be prepared for the possibility that the property may be sold, and potentially out of Town control. He praised the membership for its ability to work on this task force and maintain professional demeanor, while advocating different views. Mr. Drobinski summarized that working together like this is the true spirit of Sudbury.

2005 Annual Town Meeting Selectmen Articles

The Board reviewed a list of possible Board of Selectmen articles for the 2005 Annual Town Meeting prepared by the Town Manager. Ms. Valente reported the article on Land Acquisition – St. Anselm's Church has been withdrawn as it has not yet been offered for sale nor has the matter come before the Community Preservation Committee.

After discussion, it was on motion unanimously

VOTED: To approve the following six articles for submission to the 2005 Annual Town Meeting, the last two to be prepared and returned to the Board for further approval:

- Hear Reports
- FY05 Budget Adjustment
- Stabilization Fund
- Rental Property Revolving Fund
- Special Act – Post Retirement Health Benefits
- Amend Bylaws, Article XXV, Capital Planning (to eliminate standard expenditures from the CIP process and/or increase the cost of applicable expenditures)

Capital Improvement Planning Committee – Appointment

Town Manager Valente stated David Wallace, a Selectmen's appointee for the Capital Improvement Planning Committee, has stepped down, and she needs to have a quorum in order to conduct time-sensitive business. Ms. Valente stated her belief that the new appointee should be someone who is familiar with Town government and could get up to speed quickly. She suggested former Selectman Kirsten Roopenian for this

position, effective only until the close of 2005 Annual Town Meeting. New appointments will be made at that time.

It was on motion unanimously

VOTED: To appoint Kirsten Roopenian to the Capital Improvement Planning Committee for a term to expire at the close of 2005 Annual Town Meeting, replacing David Wallace who has resigned.

FY06 Budget – Preliminary Discussion

Town Manager Valente presented two drafts of the FY2006 Town Budget, one reflecting a 3% increase and the other reflecting a 5% increase in expenses. She noted two positions within the Fire and Police Departments have been added, deemed necessary due to the growth of the Town. Public Works expenses (materials) have gone up, but no additional staff is requested. Discussion on other areas of change followed.

Executive Session

At 10:25 p.m. it was on roll call

VOTED: To go into Executive Session for the purpose of approving expenditures from the Discretionary Fund and to discuss collective bargaining matters.

Chairman Drobinski stated regular session would not reconvene following Executive Session.

There being no further business, the meeting adjourned at 10:35 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk