

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, FEBRUARY 26, 2008

Present: Chairman John C. Drobinski, Vice-Chairman Lawrence W. O'Brien, Selectman William J. Keller, Jr., and Town Manager Maureen G. Valente

The statutory requirements as to notice having been complied with, the meeting was convened at 7:32 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

Chairman Drobinski encouraged residents to attend Candidates' Night on March 6, 2008, at the Goodnow Library at 7:00 p.m., to acquaint themselves with those running for Town elections.

On behalf of the Town, Chairman Drobinski thanked The Sudbury Foundation for its donation of \$800,000 to the Knox Trail Council for the Nobscot Reservation property acquisition proposal. He stated that this project will be an article for further discussion at the 2008 Annual Town Meeting.

Town Manager Valente announced that the 2008 Annual Town Meeting Warrant will be posted on the Town website soon.

Sudbury Fire Department - Proclamation from the Town of Uxbridge & Grant Updates

Present: Fire Chief Kenneth MacLean

At 7:34 p.m., Sudbury Fire Chief Ken MacLean presented and read to the Board a proclamation from the Town of Uxbridge to the Sudbury Fire Department in recognition and appreciation for its assistance during the devastating Bernat Mill fire last July. Chief MacLean explained that staff from his department assisted in fighting the Uxbridge blaze, at the over 400,000 square-foot mill, for over a 24-hour period of time. Sudbury Engine #2 was instrumental in pumping water to the site during the efforts to contain the fire. Chief MacLean reported that Uxbridge has prepared proclamations of gratitude to each of the 46 Massachusetts and Rhode Island cities that helped their town during that difficult time. Chief MacLean proceeded to read the Proclamation from the Town of Uxbridge Board of Selectmen, Fire Chief and other key staff members into the record.

On behalf of the Town, the Board thanked Chief MacLean and his department for their exemplary service during that time and throughout the year. Upon the suggestion of the Board, Chief MacLean stated the Proclamation will be exhibited in the Sudbury Fire Station.

Chief MacLean provided a brief summary for the Board of the applications he and his department have pursued for grants. He reviewed several recent grant awards including those for turnout gear, commercial equipment, radio relocation equipment, and the Student Awareness Fire Education Program. In the last four years, Chief MacLean has prepared applications for over \$2.3 million dollars in grant funding. During that time, Sudbury has received \$368,000 from those efforts, while another \$490,000 of that sum is still pending.

Vice-Chairman O'Brien noted it appears that the addition of an Assistant Fire Chief has achieved the goal of providing Chief MacLean more time to pursue alternative revenue sources. Chief MacLean agreed that the addition of Assistant Fire Chief Michael Carroll to his staff has been invaluable in achieving these grant results, and establishing other successful programs such as the Community Emergency Response Team, the Local Emergency Planning Committee, and the occasional table top events sponsored by the Department.

Town Manager Valente commended Chief MacLean on his accomplishments. She noted that the grants totaling \$368,000 are funds that would otherwise need to be provided by Sudbury taxpayers. She stated that these time-consuming grant applications are pursued by every Town department to help reduce the Town budget, and they should be highlighted more to the community. Chairman Drobinski suggested including a summary of grant activities in the Town Report.

Chief MacLean also reported that a new fire truck is expected in mid-summer. He also stated that there will be an upcoming request for a new ambulance at the Annual Town Meeting.

Fugakyu Cafe - Change of Manager Petition

Present: Applicant Maria Wong, and her attorney Gerard Fong

At 7:50 p.m., the Board considered a petition dated February 12, 2008, for a Change of Manager for the Fugakyu Café, 621 Boston Post Road, in connection with its Club License to sell All Alcoholic Beverages, for the Entertainment License and as a Common Victualler, from Feng Hua Chow to Maria Wong.

Town Manager Valente reported that the application was complete. Selectman Keller asked the applicant to describe the restaurant, which is located at the intersection of Route 20 and Horse Pond Road. Due to laryngitis, Ms. Wong had difficulty but was able to respond to questions succinctly. Attorney Fong explained that the menu, hours of operation and facility will remain the same, and that the only change is the manager. Ms. Wong stated that the restaurant specializes in Japanese style sushi and sashimi. However, she noted that cooked meals featuring beef and poultry are also available at the restaurant or for take-out dining.

Vice-Chairman O'Brien commended Ms. Wong for providing staff TIPS certification information as part of the application package. Chairman Drobinski informed the applicant that inspections and sting operations are routinely performed by the Fire and Police Departments.

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, in accordance with MGL c138, to approve a change of manager for Fugakyu Café Corp., d/b/a/ Fugakyu Cafe, 621 Boston Post Road, from Feng Hua Chow to Maria Wong, as requested in an application dated December 23, 2007.

Senior Tax Deferral - Discussion

Present: David Levington and Sudbury Director of Assessing Maureen Hafner

Sudbury resident David Levington updated the Board on the recent work of the Senior Tax Deferral Committee. He mentioned his fellow Committee members by name, and stated that they have spent time researching why the Deferral Program has been successful. The Committee has collected information from the Sudbury Assessor's Office, as well as the Department of Revenue. Mr. Levington reported that the Committee believes that the 2002 Special Act passed in Sudbury primarily accounts for the program's success and increase in participants. He noted that Sudbury allows tax deferrals beginning at age 60 as compared to the State's requiring age 65 to begin deferring taxes. Sudbury also allows citizens with yearly incomes up to \$60,000 to defer taxes at a 2.5% interest rate compared to the State's limitations of yearly income of only \$20,000, which is assessed at an 8% interest rate.

Mr. Levington reported that the number of applicants has grown from 33 in 2005 to 62 in 2007. Of the 62 applicants, 41 have incomes under \$40,000, and 21 applicants have incomes between \$40,000 and \$60,000. He further reported that the average of their assessed property values is \$423,000, and that the average tax

deferred is \$5000. Statistics also reveal that 48 of the applicants are over the age of 70. It was noted that several program participants live at Frost Farm.

The Committee believes the Deferral Program is very valuable for the Town in that it benefits both the Town and the citizens. Mr. Levington noted that the Town does have a minimal carrying cost for the program. However, he noted that, in the future, if the Town needs to borrow money to fund the program, it will still be more advantageous for the Town to do that at a more favorable interest rate, which can then be passed on to senior citizens. The Committee believes more data collection to further assess the costs and benefits to the Town should be pursued and provided to the Selectmen for review on a yearly basis. The Committee's analysis suggests that it is possible the Deferral Program could grow to include 150-200 households.

The Committee has recommended that the Board support an article at the 2008 Annual Town Meeting to increase the current deferral income limit from \$60,000 to \$72,000 to be similar to the Circuit Breaker 2006 limit. If possible, the Committee also suggested keeping the interest rate at 2.5%, or if needed, modifying it slowly over time by no more than 1% per year. The Committee also believes the program should be better advertised, and that counseling by Sudbury's Assessor's Office be augmented by the Senior Center.

Mr. Levington and Mr. Bill Maloney emphasized that there is a benefit to the overall Town budget by having these 60 senior households remain in Sudbury as they do not have children adding to the Town's costs for schools. Chairman Drobinski agreed that having senior households is valuable to the community monetarily and for diversity of population, talents and skills. Chairman Drobinski also stated that he is inclined to recommend that the program's interest rate remain at 2.5% for next year. Selectman Keller concurred. Town Manager Valente affirmed that the Program's interest rate must be voted each year, applying to all applicants equally each year. Ms. Valente suggested that the Board present its position on the Senior Deferral Program interest rate at the Annual Town meeting. g

Mr. Levington stated that the Committee decided there was no need to include a Sunset Provision to guard against abuse of the policy. If needed, the Board will have the option of limiting the program in the future.

Vice-Chairman O'Brien opined that he supports all the recommendations presented this evening. He suggested that the Board tape a future episode of *Town Hall Matters* highlighting the Senior Tax Deferral Program.

Sudbury Director of Assessing Maureen Hafner stated that the deadline to file for a 2008 tax deferment is March 31, 2008. She encouraged anyone interested in participating in the program to contact her office for assistance with the process and completing the forms. Ms. Hafner emphasized that participants have relayed to her that the money they save through the deferment program is used for necessary purposes such as medications and home repairs.

Town Manager Valente noted that senior citizens do not have to defer their entire property tax bill, but may choose any amount of the bill to defer. She opined that her hope is for the program to continue indefinitely in Sudbury because of its many benefits. She further stated that the program can eventually pay for itself as the deferrals are paid off with future home sales.

Town Manager Valente suggested that the Board consult Town Counsel Kenny about drafting a legislature bill to send to State Representative Tom Conroy, regarding changes to the Circuit Breaker legislation. Mr. Levington suggested also enlisting the help of the AARP organization and the State Council on Aging.

It was on motion unanimously

VOTED: To request that the Town Manager instruct Town Counsel to draft a letter of endorsement from the Board, including appropriate language, to amend the State's Circuit Breaker legislation regarding income taxes.

Ms. Hafner stated that because Sudbury is so financially proactive, the Town has already indexed a cost-of-living increase to all of the allowed exemptions. She further stated that the regional Board of Assessing organization works on presenting recommendations to legislators on an ongoing basis to improve the guidelines for all senior citizens. Ms. Hafner will continue to share Sudbury's concerns and suggestions with her colleagues.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of February 6, 2008, and the regular and executive session minutes of February 12, 2008.

Town Trust Funds - Unaudited Financial Statements

It was on motion unanimously

VOTED: As Co-Trustees of Town Donations, to accept the unaudited Town Trust Funds FY08 second quarter statements for the period ending December 31, 2007, as requested by the Finance Director, Andrea Terkelsen, in a memo dated February 14, 2008.

Joyce Endee Productions Special Permit

It was on motion unanimously

VOTED: To grant a special permit to Joyce Endee Productions for two juried Arts & Crafts Shows to be held on the Wayside Inn grounds on Sunday, May 4, 2008, and Sunday, September 7, 2008, subject to conditions and permits required by the Fire, Police, Health and Building Departments.

Mary Kay Charitable Foundation - Special Permit

It was on motion unanimously

VOTED: To grant a special permit to Joy DiMaggio, 401 Hudson Road, for a 5K walk to support the Mary Kay Charitable Foundation on Sunday, May 4, 2008 from 9:00 a.m. to noon, beginning at the Curtis Middle School, proceeding down Pratt's Mill Road, to Dutton and Hudson Roads, returning via the same route to the Curtis School, and including a provision for Police Department support, and cleanup of any litter created by the race participants or staff.

Knights of Columbus One-Day Wine and Malt License

Chairman Drobinski asked if a license is required if no alcohol is to be sold. Town Manager Valente clarified a license and insurance liquor liability certificate of coverage are required when an event has an admission charge.

It was on motion unanimously

VOTED: To grant a one-day Wine and Malt License to Francis T. Lyons, 157 Wayside Road, representing the Knights of Columbus, to be exercised on Saturday, March 15, 2008 from 6:30 p.m. to 11:00 p.m., at Our Lady of Fatima Church, Concord Road, to accommodate a dinner-dance fundraising event.

MetroWest Regional Transportation Authority

Town Manager Valente provided a brief update on the MetroWest Regional Transit Authority's (MWRTA) contract process with the Town of Sudbury. She explained that the draft contract covers the same 35 hours a week of transportation within Sudbury and to a few nearby destinations for seniors and those with disabilities. The contract allows Sudbury to be reimbursed for the costs of the service related to its operation. A special fund will be established by Town Accountant Barbara Chisholm to receive the funds and pay the bills. The Department of Public Works will invoice the Sudbury Senior Center for van gas and time used for maintenance. Ms. Valente stated that she, Director of Planning and Community Development Jody Kablack and Council on Aging Director Kris Kiesel have worked on the contract terms with MWRTA, and they recommend its acceptance.

Town Manager Valente emphasized that the contract will provide an alternative revenue source to fund the van service, which has previously been paid for by taxpayers. While explaining what the "cherry sheet" includes, Ms. Valente explained that now Sudbury will actually be able to use the \$100,000 it has been charged for the MBTA towards transportation services versus receiving no services for the same amount of money. She also noted that the program can begin on March 1, 2008, which is earlier than the previously expected July 1, 2008 transition date.

Selectman Keller opined that the arrangement seems to be a good way to provide services while reducing Town costs. Vice-Chairman O'Brien concurred, and stated his satisfaction with the way the program has been structured.

It was on motion unanimously

VOTED: To approve the contract between the Town of Sudbury and the MetroWest Regional Transit Authority to provide transportation services currently provided by the Council on Aging van as presented this evening.

Reports From the Board of Selectmen

Selectman Keller reported that the Town budget seems to be a consistent topic with residents. He clarified that the Town is facing an override vote in order to maintain current services, however, he explained that there is not Town-wide consensus on how much of an override should be sought. The Finance Committee has recommended an override figure of \$1.8 million to provide less services than are presently available. The School Committees feel it is important to maintain services at current levels, which requires a \$2.8 million override. Selectman Keller stated that the ballot question presented to the voters on March 31, 2008 will give the public a choice of these two options along with the opportunity to vote "yes" or "no" for each. He emphasized that the ballot will be determined by which option carries a majority vote. Therefore, if a voter supports the \$2.8 million override, they must vote yes for that choice as well as the \$1.8 million override. Selectman Keller opined that it will be important to communicate the potential voting outcomes to the public so that voters can feel confident that their ballots reflect their intended vote.

Town Manager Valente clarified that only the highest override passed by a majority of the voters will be adopted, and that the two amounts are not cumulative for a \$4.6 million result.

Vice-Chairman O'Brien announced that the Budget Review Task Force resumed its meetings after a six-week hiatus. The Task Force members have compiled a 26-page list of suggestions to enhance Town revenues and/or reduce expenses. He stated that, a priority with many was the development of a wastewater treatment facility on Route 20 to attract more commercial business and tax dollars to Sudbury. Interest was also expressed to pursue commercial development at the Melone gravel pit site before considering more recreational fields. He reported that the Task Force will meet again on March 3, 2008.

Vice-Chairman O'Brien asked the Town Manager to explain the process for reporting pot holes needing repair. Ms. Valente responded that residents can assist the Police Department and Town Staff by reporting unsafe road conditions directly to the Department of Public Works.

Vice-Chairman O'Brien mentioned that the coverage in local newspapers of the lawsuit between Wayland and Sudbury has also generated Town interest. Town Manager Valente noted that since the matter relates to current litigation, it is not open for public discussion. Selectman Keller further noted that Sudbury had no choice in the timing of this matter once the Wayland Planning Board's decision was made. He further stated that, according to law there was only a certain timeframe in which Sudbury could appropriately appeal the decision to protect its rights.

Reports From the Town Manager

GIS Aerial Photography & Digital Mapping Services - Award Contract

Town Manager Valente briefly explained that the GIS Committee reviewed four submitted Aerial Photography & Digital Mapping Services proposals in connection with the Town's Request for Proposal. References were also checked. After review of the pricing proposals, the Committee selected one proposal for recommendation to the Selectmen.

It was on motion unanimously

VOTED: To approve the award of contract for GIS Aerial Photography and Digital Mapping Services to InfoTech Enterprises America, Inc., on the recommendation of the GIS Committee, pursuant to the Town's Request for Proposal, advertised January 17, 2008, and the InfoTech proposal dated February 8, 2008, subject to finalization of Agreement by Town Counsel.

Chairman Drobinski stated this will be a useful resource for Sudbury.

2008 Annual Town Meeting Warrant

Town Manager Valente reported that the 2008 Annual Town Meeting Warrant has been completed, and is now being printed. She thanked the Town offices and staff who worked on the document, and in particular, noted the many hours devoted to its preparation by Mary McCormack, Elaine Jones, Andrea Terkelsen, Mark Thompson and the Finance Committee.

There being no further business, the meeting adjourned at 9:15 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk