

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, NOVEMBER 25, 2008

Present: Chairman Lawrence W. O'Brien, Vice-Chairman William J. Keller, Jr., Selectman John C. Drobinski (arrived at 7:55 p.m.), and Town Manager Maureen G. Valente

The statutory requirements as to notice having been complied with, the meeting was convened at 7:36 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:36 p.m., Chairman O'Brien opened the meeting, and he wished the community a happy and safe Thanksgiving holiday. He noted that Selectman Drobinski will be arriving late to the meeting, due to holiday traffic.

Chairman O'Brien announced that the Sudbury Chamber of Commerce and many local merchants have commenced a "Shop Sudbury" program. In addition, he announced that a new Asian cuisine restaurant, *Lavender*, is now open for business in Sudbury.

Citizen's Petition - Robert Stein

Robert Stein, 7 Thompson Drive, presented the Board with a citizen's petition regarding two suggestions. Mr. Stein requested that the Board consider establishing a Blue Ribbon Committee to study the feasibility of combining the Sudbury Public Schools and Lincoln-Sudbury Regional High School (L-SRHS) as a cost-savings measure for the Town, setting a goal of March 2009 for completion of the study. Mr. Stein further requested that this Committee also study the feasibility of combining other Town Departments, including the Police and Fire Departments, with nearby communities.

Mr. Stein stated that he has spoken with many citizens regarding last year's failed override. He noted that he has heard many people would have voted differently last year had more options been presented to the voters. Thus, he requested that the Board consider providing voters more choices with a menu ballot in upcoming elections. Mr. Stein further suggested that there should be an option given to choose a freeze for all spending, by all departments. He noted that, given the current local and national economic conditions, many businesses and organizations have had to implement freezes on expenditures.

Chairman O'Brien stated that the Board has not yet determined what the upcoming election ballots will include. He noted that information gathering and data assessments will occur during the coming months. Mr. Stein suggested that the Board solicit citizens thoughts regarding future ballot questions. Mr. Stein stated that some citizens might choose to support Sudbury Public Schools so as to avoid layoffs such as those that occurred this year, but might not choose to support additional funds be given to L-SRHS, which implemented no layoffs this year. He also noted that he has heard community support for appropriately funding Town Police, Fire and Department of Public Works' needs. Chairman O'Brien clarified that L-SRHS averted layoffs by increasing school fees. He stated that, historically, it has been the Board's position that all town entities either succeed or fail together as one team. However, Chairman O'Brien reiterated that the Board has not determined what its philosophy will be this year.

Chairman O'Brien further noted that combining the two school systems is a very complex endeavor, given that two communities will need to reach consensus on all matters. He stated that considerably more time would be needed to explore this possibility than is available prior to the December 31, 2008 deadlines for presentation at the Annual 2009 Town Meeting. However, Chairman O'Brien noted that the Budget Review Task Force has been studying many cost-saving recommendations, including regionalization opportunities.

The Task Force subcommittee will present its report to the Finance Committee and Selectmen on December 15, 2008.

Chairman O'Brien reported that he and Town Manager Valente recently met with the Town Administrator and Selectmen Chair from Wayland to discuss many ideas for sharing and combining resources in the future. Chairman O'Brien thanked Mr. Stein for his input and feedback.

Citizen's Petition - Daniel Consoletti

Daniel Consoletti, 1 Cail Farm Road, presented the Board with a citizen's petition regarding two matters. Mr. Consoletti noted that he had not received a response to questions he had previously sent in writing to the Town Manager and Selectmen. The Board and Town Manager did not recall seeing the correspondence, and Chairman O'Brien apologized for the lack of communication.

As a former police officer, Mr. Consoletti noted his concern for the safety of officers directing traffic in dark locations during evening hours. In particular, Mr. Consoletti noted an incident a few weeks ago, when an officer could barely be seen performing his duties on Concord Road by L-SRHS. He believes the situation is dangerous. Mr. Consoletti recommended that a spotlight be directed towards the officer to increase visibility in these situations. The Board concurred with this recommendation, and it asked Town Manager Valente to pursue discussions with the Department of Public Works and Police Department to provide proper lighting during such details.

Mr. Consoletti asked the Board for clarification of the status of Sudbury's Fire Station 3. He stated that his home is located closer to that Station than to the Hudson Road station, and he has noticed that sometimes Station 3 is closed. Mr. Consoletti is concerned that response time to his home would not be adequate from the Hudson Road Fire Station. Thus, he requested that the Board continue providing coverage to North Sudbury from Station 3 operations.

Chairman O'Brien clarified that Station 3 has been intermittently closed when proper staffing or adequate funding was not available. Town Manager Valente clarified that Fire Station 3 is never open with only one person, but rather is always staffed with a minimum of two firefighters. She stated that an analysis of evening calls indicated that timely service can be provided to all Sudbury locations, if necessary, from the Hudson Road Fire Station. Ms. Valente emphasized that ambulance service to the community has not been altered, since it is provided from the Hudson Road location.

Chairman O'Brien assured Mr. Consoletti that no decision has been made regarding permanently closing Station 3. However, Chairman O'Brien noted that such cost-saving measures by the Town may be necessary in the future. At 7:58 p.m., Chairman O'Brien thanked Mr. Consoletti for the feedback and concluded the Citizen's Petition.

Public Hearing: Tax Classification

Present: Maureen Hafner, Director of Assessing, Cynthia Gerry, Assistant Director of Assessing, Liam Vesely, Chairman of the Board of Assessors, Trevor Haydon and Joshua Fox, members of the Board of Assessors

At 7:59 p.m., Chairman O'Brien opened the Public Hearing to determine what percentage of the local tax levy will be borne by each class of real and personal property relative to setting the FY 2009 tax rate. He thanked the Board of Assessors, Director of Assessing Maureen Hafner, and Assistant Director of Assessing Cynthia Gerry for providing the Board with this information tonight so that a thorough evaluation and deliberation can occur in advance of the requisite December 31, 2008 deadline.

Chairman of the Board of Assessors Liam Vesely briefly summarized the informational booklets containing present and historical information previously provided to the Board for review. He explained that the assessments are finalized into the following various classes for valuation: residential, open space, commercial, industrial and personal property. Mr. Vesely highlighted that the Board will need to consider whether or not to allow a residential property exemption, a small commercial exemption, or an open space exemption. In addition, the Board will need to select a minimum residential factor.

Chairman O'Brien noted that the Board does not have a history of granting a residential property, a small commercial, or open space exemptions. Chairman O'Brien stated that there have not been too many new Sudbury commercial businesses established in the past year.

A brief discussion ensued regarding the intended use of an open space exemption. Vice-Chairman Keller noted that Sudbury has no open space which would be classified for such an exemption.

It was on motion unanimously

VOTED: To not grant an **open space tax exemption**.

Vice-Chairman Keller briefly reviewed the intended use for small commercial exemptions. Ms. Hafner clarified that only 31 taxpayers might potentially qualify for the exemption. She further confirmed that no small business owner has ever requested the exemption.

It was on motion unanimously

VOTED: To not grant a **small commercial exemption**.

The Board next reviewed the need for a residential exemption, which would designate a reduced value to all properties that have a dwelling in which the person who owns the property also resides. Vice-Chairman Keller observed that the exemption allows for a tax reduction to properties below the median area prices, and increases taxes on properties above the median area costs. He noted that such an exemption is unnecessary, since most of the homes in Sudbury are owner-occupied. The Board emphasized that its philosophy has been to maintain equity throughout this process. Thus, the Board does not support shifting the burden to the remainder of a class to offset a discounted group.

It was on motion unanimously

VOTED: To not grant a **residential exemption**.

A discussion ensued regarding aspects of setting the residential factor for the residential class, including discussion of the amount to be shifted this year to the Commercial, Industrial and Personal Property (CIP) classes. Mr. Vesely referenced charts provided to the Board, depicting Sudbury's historical tax shift data and comparative tax shift data from surrounding communities. Selectman Drobinski noted that it has been the Board's precedent to keep the tax increases as equally distributed as possible between the residential and commercial classes.

Based upon its distribution of values this year, Chairman O'Brien noted that the maximum shift allowed for Sudbury is 150%. He reviewed that, if a shift of 1.27% is maintained, the residential tax rate would increase by 3.4%, from \$14.27 per thousand dollars to \$15.25, and the commercial tax rate would increase by 6.9%, from \$18.47 to \$19.76.

Ms. Hafner confirmed for Chairman O'Brien that this year's median residential value of \$662,000 reflects a decrease from \$683,000 last year. She emphasized that the Board of Assessors is required by law to use sales market data from 2007, and the valuations as of January 1, 2007, to create the database. Ms. Hafner stated that, on average, residential assessments were lowered by 3%. She further stated that commercial assessments were similar to those of last year, except for the smaller business condominium assessments, which decreased this year by 12%. Ms. Hafner briefly summarized the many factors and approaches used for determining values, including neighborhood and building styles.

Vice-Chairman Keller clarified that, at the Annual Town Meeting in April, the Town determined that \$63 million must be raised from the tax levy, and that tonight's discussion is only to determine how much of that amount will be paid by each taxpayer. Given that 93% of the tax levy is raised from the residential class, Vice-Chairman Keller opined that the Selectmen have a very small area of discretion in which to effect the resulting percentages.

Board of Assessors member Trevor Haydon clarified information on the FY09 Residential Tax Increase/Decrease handout, noting that the table also reflects the difference of valuation from FY08 to FY09, and that it reflects the average increase. Ms. Hafner clarified that the table's example of a 1.24% factor should reflect a 3.7% difference across all residential assessment categories. Selectman Drobinski opined that the residential and commercial information provided for a 1.24% factor appears the most equitable to both classes. Vice-Chairman Keller concurred, noting that in the present economy, everyone will be affected by any increase in taxes.

It was on motion unanimously

VOTED: To set the Residential Factor at 98.2326 with a CIP shift of 1.24, pending certification by the State Department of Revenue.

Ms. Hafner noted that there will be an excess levy capacity of \$400,000, primarily due to new taxes on utilities. However, Ms. Hafner and Town Manager Valente further stated that the Town has been advised by the Department of Revenue to not immediately utilize these funds, but rather await the outcome of any pending appeal processes.

Mr. Vesely thanked Ms. Hafner, Ms. Gerry and the staff of the Sudbury Assessor's Office for the tremendous job they did to collect and coordinate the necessary information for tonight's earlier deadline.

At 8:52 p.m., the Board closed the Public Hearing and thanked the Board of Assessors, Ms. Hafner and Ms. Gerry for their thorough presentation.

Public Hearing - Grille 103 on the Post Road, LLC d/b/a Grille 103

Present: Applicant and Manager Linda J. Baldelli and Attorney for the Applicant Robert Dionisi

At 8:53 p.m., Chairman O'Brien opened the Public Hearing for the application of Grille 103 on the Post Road, LLC d/b/a Grille 103, for the Sale of All Alcoholic Beverages, Linda J. Baldelli, Manager, which was continued from November 12, 2008. Chairman O'Brien reported that the Board approved the Entertainment and Common Victualer Licenses requested by Ms. Baldelli at its November 12, 2008 meeting.

As previously requested by the Board, Town Manager Valente reported that research performed by Town staff and Town Counsel indicates that if the liquor license application were to be approved by the Alcoholic Beverages Control Commission (ABCC) on appeal, rather than by the Selectmen, the Town of Sudbury

would still retain authority for future renewal decisions. Ms. Valente further reported that an affidavit indicating an additional funding source, which satisfies the requirements of the ABCC, has been provided by Ms. Baldelli, added to the application file and was previously distributed to the Board for review.

Selectman Drobinski noted that, since there were operational concerns when Ms. Baldelli was the manager at the American Legion Post, the Board wants to ensure that such infractions do not occur again at this new location. Attorney for the applicant Robert Dionisi responded he is confident that such problems will not occur in the future, since this is solely Ms. Baldelli's business. Mr. Dionisi further stated that Ms. Baldelli was not a member of the Legion while she worked there in a subordinate position. Selectman Drobinski stated that while the Selectmen support the success of local businesses in all ways possible, the Board also requires that all applicable laws are upheld by establishments in an ethical manner.

As Chairman O'Brien opined at the November 12, 2008 meeting, he stated that he remains uncomfortable approving a liquor license based upon information provided by Police Chief Peter Fagden, detailing many infractions which occurred while Ms. Baldelli was the American Legion Post Manager, which included illegal gaming activities and illegal procurement of alcohol. Mr. Dionisi responded that, in his attempts to examine over 40 years of American Legion business records, he was unable to determine who was ultimately responsible for the daily operations of Post activities when the past transgressions occurred. Mr. Dionisi further stated that Ms. Baldelli had not been in favor of the illegal gaming activities.

Selectman Drobinski stated that, although he shares the concerns posed by Chairman O'Brien, he believes the Board maintains the authority to closely monitor Ms. Baldelli's new operation for a year and, if transgressions occur, then the Board will have grounds to not approve future license renewals. Vice-Chairman Keller concurred, noting there will be no ambiguity regarding ownership at Ms. Baldelli's new location. Thus, Vice-Chairman Keller believes Ms. Baldelli will be solely accountable for how her business operates. Mr. Keller reinforced that, although the Board is supportive of local businesses, it will act swiftly to correct any wrongdoing it becomes aware of throughout the year. Vice-Chairman Keller also urged Ms. Baldelli to keep her counsel informed throughout the year regarding her business activities.

It was on motion

VOTED: As the Licensing Authority for the Town of Sudbury, in accordance with MGL c138, s.12, to approve an All Alcoholic Beverages restaurant license for Grille 103 on the Post Road, LLC, d/b/a Grille 103, located at 103 Boston Post Road, to Linda J. Baldelli, Manager, as requested in an application dated October 10, 2008, said license to expire on December 31, 2008, subject to tonight's discussion and that all employees are TIPS trained and certified.

Chairman O'Brien opposed the motion.

It was also on motion unanimously

VOTED: To close the Public Hearing regarding an All Alcoholic Beverages restaurant license for Grille 103 on the Post Road, LLC, d/b/a Grille 103, located at 103 Boston Post Road, to Linda J. Baldelli, Manager.

Selectman Drobinski informed Ms. Baldelli that the Sudbury Police Department performs routine sting operations throughout the year.

Cheri-Anne Cavanaugh Fund - Donation

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a \$100 donation to the Cheri-Anne Cavanaugh Trust Fund to be expended under the direction of the Town Social Worker, given in memory of Roberta Grierson, grandmother of Cheri-Anne Cavanaugh, by Jody and Mark Kablack, and to send a letter of appreciation to Mr. and Mrs. Kablack.

Minutes

It was on motion unanimously

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

Girl Scout Gold Award

It was on motion unanimously

VOTED: To sign a letter of congratulations to Grace Gunderson, 95 Fox Run, on achieving the high honor of Girl Scout Gold Award.

Military Training Field - Donation

Town Manager Valente noted that the funds from this donation will be expended under her direction.

It was on motion unanimously

VOTED: To accept a \$5,000 contribution from Trask Development towards restoration of the Military Training Field on Old County Road, as noted in condition IV.21 of the Comprehensive Permit decision dated July 18, 2006, said funds to be expended under the direction of the Town Manager.

Sudbury Fire Department - Adequate Fire and Emergency Response Grant

Town Manager Valente noted that these grant funds will be expended under the direction of the Sudbury Fire Chief.

It was on motion unanimously

VOTED: To accept a reimbursement gift in the amount of \$101,970 to the Sudbury Fire Department under FEMA Staffing for Adequate Fire and Emergency Response grant program for the hiring and training of Call Fire Department personnel, as requested by Fire Chief Ken MacLean in an email dated November 10, 2008, said funds to be expended under the direction of the Sudbury Fire Chief.

September 11 Memorial Garden Trust Fund - FY09 Expenditure Limit

It was on motion unanimously

VOTED: Acting as co-trustees of Town Trust Funds, to increase the FY09 spending limit of the September 11 Memorial Garden Trust Fund from \$2,700 to \$3,400 to fully cover the cost of lighting which was added to the Garden this year, as requested by the Finance Director Andrea Terkelsen and Trust Fund Committee Chair Beth Farrell.

2009 Annual Town Meeting - Dates

It was on motion unanimously

VOTED: To announce that Monday, April 6 is the start of the 2009 Annual Town Meeting and that all articles for inclusion in the Annual Town Meeting Warrant must be received in the Selectmen's Office no later than Wednesday, December 31, 2008, at 5:00 p.m.

Rubbish Disposal - Bid Award

It was on motion unanimously

VOTED: To approve award of contract by the Town Manager for Calendar 2009 rubbish disposal services to Allied Waste Services, Tyngsborough, MA, based upon the bid for Calendar 2009, dated November 22, 2006, and Town Specifications.

Conservation Restriction - 89 Old Sudbury Road

It was on motion unanimously

VOTED: To approve a Conservation Restriction, donated by Walter and Christa Oechsle, 89 Old Sudbury Road, to the Sudbury Valley Trustees, to permanently preserve 8.9 acres along Old Sudbury Road, at the "gateway" into Sudbury, as shown on "Compiled Plan of Land in Sudbury, MA" by Beals and Thomas, Inc., dated March 28, 1991.

Reports From the Board of Selectmen

Selectman Drobinski reported that the Community Preservation Committee conducted the first of two public hearings regarding the proposals received for Community Preservation Act funding to be approved for presentation at the Annual 2009 Town Meeting. He commended Director of Planning and Community Development Jody Kablack for the terrific job she has done in coordinating the applications and materials for the committee and community.

As the Board's liaison to the Lincoln-Sudbury Regional High School (L-SRHS) Committee, Vice-Chairman Keller attended the meeting last week regarding the adoption of Section 18. He briefly explained that Section 18 of M.G.L. Chapter 32B requires that an employee, if eligible, must participate in the Medicare program as the primary payer once one reaches age 65. L-SRHS had not yet adopted Section 18, however, the Town and Sudbury Public Schools had done so a few years ago. Mr. Keller reported that the L-SRHS School Committee decided to enact Section 18 for its employees. He opined that the Medicare programs will continue to provide excellent health coverage to eligible enrollees, and that the Selectmen believe this decision was proper and financially prudent. Chairman O'Brien also attended this meeting. Town Manager Valente noted that, by law, the Medicare Plus programs provided will be actuarially similar regarding employee benefits, yet the tax savings will be considerable.

Chairman O'Brien reported that he and Town Manager Valente met with their Wayland counterparts, Fred Turkington and Michael Tichnor to discuss whether the two towns can combine services to realize cost savings. He noted that future discussions will be scheduled to further pursue these opportunities.

In addition, Chairman O'Brien attended the Finance Committee meeting last week, where Town Manager Valente and the two School Committees presented information on FY09 budget status.

Chairman O'Brien announced that he will represent the Board at a Martin Luther King luncheon on November 26, 2008, and at the Girl Scout Gold Star Award Ceremony on November 29, 2008. He also spent time recently explaining town government to local Boy Scouts pursuing their Eagle Scout rank.

Chairman O'Brien reported that the Budget Review Task Force cost reduction subcommittee is finalizing its report to be presented to a joint meeting of the Selectmen and the Sudbury Finance Committee on December 15, 2008 at the Grange Hall. The report will include the suggestion that the L-SRHS and the Sudbury Public School systems be combined, since Superintendent John Ritchie has announced his plan to retire. In response to a question from Vice-Chairman Keller as to whether this suggestion can be actualized, the Board requested that Town Manager Valente research further whether this will require a legislative change to the school charter. Ms. Valente opined that she assumes this matter will also be researched by the Budget Review Task Force cost reduction subcommittee. Town Manager Valente highlighted that this type of recommendation will require adequate time to reach consensus regarding numerous administrative logistics by both Lincoln and Sudbury.

Reports From the Town Manager

Annual Town Election and Town Meeting - Study of Proposed Date Changes

Town Manager Valente reported that she and Tim Higgins, Lincoln Town Administrator, have requested that the Lincoln and Sudbury Town Clerks investigate the many factors which would need to be considered and/or altered to change the date of the Annual Town Election to the last Tuesday in April and the Annual Town Meeting to the first Monday in May, to allow for receipt of more definitive information regarding State aid to Sudbury.

Department Budget Hearings

Town Manager Valente announced that she and Sudbury Finance Director Andrea Terkelsen have conducted budget hearings with Town Department Heads. They have asked that department budgets be submitted which reflect no more than a 2.1% increase over last year, including the cost of benefits. She is impressed with the suggestions, large and small, being made by Department Heads to save money. However, Ms. Valente noted that she is unwilling to accept the suggested \$200,000 cut to road work by the Department of Public Works (DPW) in order to balance its budget. She is committed to retaining these funds in the DPW budget so that roads and sidewalks can be safely maintained for the public. Ms. Valente also noted that the Capital Improvement Planning Committee has also begun meeting with the Department Heads to review priority projects.

Further, Ms. Valente commended resident Carole Flynn, who has written excellent articles for the *Sudbury Town Crier*, explaining the work done by Town departments.

Revenue Generating Ideas - State Representative Tom Conroy

Town Manager Valente asked the Board to submit any revenue-generating ideas for the State to help municipalities to her or Chairman O'Brien prior to December 15th. Ideas presented will be forwarded to the attention of State Representative Tom Conroy's office. Sudbury will be suggesting that towns be allowed to assess its own community education surcharge. Selectman Drobinski suggested that towns be given credits/reimbursements for renewable energy efforts.

Executive Session

At 9:39 p.m., Chairman O'Brien announced the close of the regular meeting and it was on roll call unanimously

VOTED: To go into Executive Session for the purpose of discussing litigation and contract negotiation.

Chairman O'Brien announced regular session would not reconvene following Executive Session.

There being no further business, the meeting adjourned at 9:39 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk