

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, APRIL 28, 2009

Present: Chairman Lawrence W. O'Brien, Vice-Chairman William J. Keller, Jr., Selectman John C. Drobinski, 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

At 7:32 p.m., Chairman O'Brien opened the meeting. He reminded the community that the Annual 2009 Town Meeting will continue on Monday May 11, 2009, beginning with a discussion of budget-related articles.

Chairman O'Brien announced that the Sudbury Board of Health has updated its section of the Town website with information regarding the Swine Flu epidemic and will keep the community appropriately apprised. He encouraged the community to follow advice to wash hands frequently and drink plenty of fluids. The Town's school systems are also carefully monitoring the situation and will be informing parents and students by email, as needed. Chairman O'Brien also noted that Sudbury has established an Emergency Medical Response Team, ready to respond, if necessary. Town Manager Valente stated that Sudbury Public Schools Superintendent John Brackett reported today that no student cases have been reported to date.

National Park Services - Grant

Present: Lee Steppacher, Wild and Scenic River Stewardship Council Member; John C. Drobinski, Wild and Scenic River Stewardship Council Vice-Chair; Susan Crane, Sudbury Ponds and Waterways Committee Chair and Michael Dufault, Sudbury Ponds and Waterways Committee member

At 7:45 p.m., Chairman O'Brien welcomed Wild and Scenic River Stewardship Council Member Lee Steppacher to present a grant to the Town of Sudbury in the amount of \$650 from the National Park Services, to be used for the purchase of eco-friendly lawn signs. Ms. Steppacher explained that the grant has been awarded from the Council's small grants program, which helps build relationships with local towns. She emphasized that Sudbury's lawn care program is a natural connection to the Council's work to promote protection of the surrounding rivers. Ms. Steppacher complimented Sudbury on its initiative, noting that other cities and towns have recognized the value of Sudbury's program proposal and want to implement similar programs in other communities.

Council Vice-Chair Drobinski briefly introduced the work of the Council, and noted the enthusiastic and fine work accomplished by its members in several Massachusetts communities. He also stated that Sudbury received earnest kudos from the Council for its establishment of a Ponds and Waterways Committee.

Ponds and Waterways Committee member Mike Dufault reviewed the Committee's mission and commitment to preservation of local waterways and promotion of water conservation, with a recent emphasis on organic lawn care. He described a voluntary program for homeowners to participate in eco-friendly lawn practices, and noted that additional information is available on the Town website. Mr. Dufault highlighted that the Town and schools already incorporate such practices into the maintenance programs for many Town-owned properties. Mr. Dufault exhibited signs which residents can display on their properties, and he encouraged the Town to also post signs as a positive role model. Mr. Dufault stated that the signs are free and participation in the lawn program is based upon an honor system. Approximately 30 Sudbury homes are already displaying the signs to promote better lawn practices throughout the community. Through this program, the Committee hopes to reduce phosphorous and nitrogen levels generated by traditional lawn

care systems, which travel through local storm drains and are detrimental to local waterways.

In response to a question from Chairman O'Brien, Mr. Dufault reviewed guidelines for homeowners to follow for program participation, including: infrequent watering, infrequent mowing (recommendation of no mowing under three inches), no bagging of lawn clippings, no use of inorganic chemical fertilizers, no use of organic fertilizer containing phosphorous, and no use of pesticides or herbicides except for spot treatments.

Selectman Drobinski asked how donations to the Ponds and Waterways Committee can be best handled. Committee Chair Susan Crane asked if a Revolving Fund could be established. Ms. Crane also stated the Committee wonders whether the Town could start off such a fund with a nominal contribution of \$200 or so. Town Manager Valente noted that the Town budget is very tight. However, Ms. Valente encouraged Ms. Crane to speak with the Town's Finance Director and the Town Accountant to determine what type of account would best suit such donations.

Ms. Steppacher announced that the Wild and Scenic River Stewardship Council will soon launch another round of its small grant program. She stated that the Council would welcome another submission from Sudbury's Ponds and Waterways Committee or other relevant Sudbury entities.

Chairman O'Brien referenced the Stormwater Bylaw recently passed at the beginning of this year's Town Meeting, and he noted that all of these initiatives support one another. Ms. Crane stated that the Committee strongly supported the bylaw. Town Manager Valente mentioned that the Ponds and Waterways Committee has also initiated an education and public outreach campaign with a recent article printed in the *Sudbury Town Crier* featuring its objectives.

Chairman O'Brien suggested that the Committee send written material to local lawn care companies, requesting that they recommend eco-friendly products to their customers. Mr. Dufault stated that the Committee would like to expand its message in this and other ways. Vice-Chairman Keller suggested that the Committee solicit volunteers from local Boy Scouts, who might need to complete community development projects. Mr. Dufault stated the two groups are already collaborating on future ideas.

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a \$650 grant from the National Park Services Wild and Scenic River Stewardship Council to the Ponds and Waterways Committee to be used for the purchase of "Eco Friendly" lawn signs and frames, to be expended under the direction of the Town Manager.

Reports from Town Manager

Expertise from Residents - Gratitude

Town Manager Valente thanked Sudbury resident Rick Johnson who offered to help the Town review a bid it had received to purchase electricity for the Town, as he performs these services for his company. She noted that due to the foresight of Building Inspector Jim Kelly, recognizing that electric rates had dropped significantly in recent months, and with assistance from Mr. Johnson and Selectman Drobinski, Ms. Valente reported the Town was able to lock in a new electric rate, which will result in significant savings. Ms. Valente noted that many residents offer their expertise to the Town, and it is very much appreciated.

Sudbury Public Safety Personnel - Recognition and Gratitude

Town Manager Valente reported that, unfortunately the Sudbury Police and Fire Departments had the responsibility of responding to two automobile accidents, each with resulting fatalities, within hours of each other last week. Under extremely difficult and stressful circumstances, both departments served Sudbury well with their professionalism, responsiveness, and compassion. Town Manager Valente thanked and acknowledged the following police officers: Lt. Scott Nix, Sgt. Robert Grady, Officers John Perodeau, Paul Johnston, Ethan Karol, James Espinosa, and Michael Curran, Detectives Wayne Shurling and Stephanie Howe, and Dispatcher Keith Robinson. Ms. Valente also thanked and acknowledged the following firefighters/EMTs: Lt. Kevin Moreau, Capt. Brian Lewis, Robert Boyd, Tim Howe, Josh McLeod, Gary Isaacs, Michael Hamill, Kevin Cutler, Mike Desjardins and Dan Wells. Ms. Valente asked the Board to also recognize the dedication of Sudbury's public safety personnel, noting that such recognition will be recorded in the minutes of tonight's meeting, and forwarded to each individual to have for their records.

It was on motion unanimously

VOTED: To endorse the public recognition of members of the Sudbury Police and Fire Departments for their outstanding service to the community, following two recent fatal automobile accidents and to thank them for their professionalism.

State Aid - Update

Town Manager Valente reported that the House of Representatives recently passed an increase to the State's sales tax. She also stated that the Senate's budget may be available in the next few weeks. As new numbers become available, Finance Director Andrea Terkelsen will work to assess how they will alter the Town's budget and Ms. Valente will keep the Board apprised.

Credit Rating Presentation - Update

Town Manager Valente reported that on May 8, 2009, she and Finance Director Andrea Terkelsen, Town Accountant Barbara Chisholm and Director of Planning and Community Development Jody Kablack will meet with Standard & Poors in connection with obtaining a credit rating for the bond to be issued in connection to the Nobscot Land protection the Town purchased last year.

Illegal Trash Dumping

Town Manager Valente reported that there has been a recent incident of illegal dumping of trash on Town property. She emphasized that such activity inappropriately uses Town financial and personnel resources to rectify. Ms. Valente urged citizens to utilize proper trash removal options, and cautioned that illegal dumping is a prosecutable offense.

Annual Sudbury Day Cleanup - Staff Recognition

Town Manager Valente recognized and thanked Patricia Golden and Dev Glaser from the Board of Selectman's Office for the great job they did in organizing the Annual Sudbury Day Cleanup last Saturday. The day was a success and the Town looks better due to the efforts of Patty, Dev and the many volunteers who participated.

k"City and Town" - New Issue

Town Manager Valente distributed copies of the newest issue of "City and Town." She highlighted an article on the expected decreases in motor vehicle excise revenue to Sudbury.

Town Auditors - FY08 Report

Present: Andrea Terkelsen, Town Finance Director/Treasurer Collector; Barbara Chisholm, Town Accountant; Chris Rogers and Matt Hunt, Sullivan, Rogers & Company, LLC

At 8:09 p.m., Chairman O'Brien asked Town Manager Valente to introduce the audit presentation. Ms. Valente emphasized that the independent audit process is one of the most important activities performed each year by the Town to provide financial transparency to the community. She acknowledged the outstanding job done by Town staff, led by Town Finance Director Andrea Terkelsen and Town Accountant Barbara Chisholm, to ensure an efficient and cooperative process occurs with Sullivan, Rogers & Company, LLC. Ms. Valente also thanked the audit firm for the sound guidance and analysis it has provided Sudbury through the years.

Town Finance Director/Treasurer Collector Andrea Terkelsen also expressed her gratitude to Town staff for their cooperation throughout the year, resulting in a better audit process each year. She introduced Chris Rogers and Matt Hunt from the Town's auditing firm, Sullivan, Rogers & Company, LLC.

Mr. Hunt began the presentation by thanking Ms. Terkelsen, Ms. Chisholm and their staffs for working so cooperatively with the auditors. He provided a brief review of the audit reports for the fiscal year ended June 30, 2008.

Mr. Hunt presented highlighted information from the financial statements, which were prepared as a qualified opinion. He explained that the same item noted last year relating to the Wayland-Sudbury Septage Facility necessitated the qualified opinion. He further stated that the remainder of the financials received an unqualified opinion, meaning that the information provided is free of misstatements and has been prepared according to Generally Accepted Accounting Principles (GAAP). Vice-Chairman Keller opined that he had thought the Septage Facility financials had been updated, and he asked when the facility was last audited. Mr. Hunt responded that, although he believes 2008 financials have since been prepared, they were not available for review at the time of his firm's audit. He later suggested that the Facility conduct an annual audit by the close of the calendar year, enabling the results to be reviewed as part of the Town's audit process.

Mr. Hunt reported that the General Fund balance was approximately \$9 million at the close of FY08. He stated that this Fund includes self insurance activities, noting that \$1.2 million is designated as reserve for encumbrances, and \$6.7 million is for employee benefit reserves. The undesignated fund balance was \$544,573 of the total General Fund balance of \$9,043,356.

Mr. Hunt highlighted that the Town's reserves have decreased in recent years, as it has had to use free cash to fund its operating budget. The undesignated fund balance ratio was 0.7% this year of the total general fund expenditures and transfers out. He noted that, ideally the ratio should be closer to 5% or greater.

Mr. Hunt stated that the Town's General Fund decreased \$1,093,554 during FY08. The decrease can be attributed primarily to the use of unreserved funds (\$3,655,603), conservative spending against budgeted appropriations and a net increase of self-insurance activities reported in the General Fund for GAAP (\$1,063,661).

Mr. Hunt noted that, as in previous years, the Town's Stabilization Fund reflected little activity in FY08, with an ending balance of \$1.8 million, reflecting an increase of approximately \$100,000, mostly due to investment income and a \$50,000 transfer in from the General Fund.

According to Mr. Hunt, the Community Preservation Act Fund balance for FY08 was \$8.2 million, including surcharges and matching State funds. He further stated that the majority of expenditures in this Fund were for debt service on previous projects. Chairman O'Brien asked if a decrease in future Community Preservation Act funding would be viewed negatively regarding bond determination. Mr. Hunt responded that, most likely, it would not negatively impact the Town's rating. Selectman Drobinski stated that the Community Preservation Committee carefully monitors its current debt obligations, as well as its ability to take on future debt.

Mr. Hunt briefly reviewed the Swimming Pool and Landfill Enterprise Funds. He stated that both funds posted activity which was fairly consistent from FY07 to FY08. In addition, Mr. Hunt noted that the Affordable Housing Trust Fund revenues increased by \$221,709.

Mr. Hunt also reported that the Town's debt service totaled \$4.5 million, reflecting a 5.6% ratio of overall expenditures. He emphasized that long term debt at the close of FY08 was \$38.5 million, a decrease of \$3,585,000 from FY07, of which approximately \$15.9 million will be reimbursed by the State to the Town over the next several years for school construction projects. Mr. Hunt highlighted that no new debt was issued during FY08.

Town Manager Valente noted that it does not seem accurate to reflect in the audit figures that the Town pays for 85% of Lincoln-Sudbury Regional High School expenditures, but not also include 85% of the School's reserves along with those of the Town. She asked if this could be factored into the statistics in the future. Mr. Hunt responded that the issue could be reviewed.

Mr. Hunt next reviewed the Management Letter, which included comments for areas which could use improvement. Mr. Hunt clarified that no material areas of weakness were found, however, control efficiency recommendations were made to the Town. He emphasized that a few new items have been added this year to others highlighted in previous letters. He reported that the procedures at the Transfer Station were scrutinized as part of this year's review. Mr. Hunt reported that the Transfer Station has no written policies or procedures manual, nor a procedure to reconcile the number of stickers issued to cash receipts on a daily basis. Improvements are also needed regarding security for cash collection and frequency of bank deposits. Recommendations have been made to improve these conditions, including the collection by the Town Accountant's Office of invoices generated for trash bags sold by Town vendors. This will enable a receivables account to be established to more accurately reflect payment collections. Another recommendation noted was to split responsibilities for an activity between employees so as to minimize the risk for asset misappropriation.

Mr. Hunt reported that a follow-up review was performed on recommendations made last year for the Police Station. Although improvements were noted, there is still no financial policies and procedures manual. Deposit turnovers to the Town Collector are not always reviewed, and three sample time sheets were not signed by either the employee/supervisor or both.

The Management Letter also suggested that an annual physical inventory of capital assets be maintained. In addition, the letter noted that Massachusetts General Laws (M.G.L.) require that the Town's Enterprise Funds be allocated as Investment Income, which is not currently reflected as such by the Town. It was also suggested that all policies and procedures for indirect costs be documented in writing. Mr. Hunt further

noted that, regarding the Student Activity and Affordable Housing Funds, M.G.L. also states that an annual audit should be performed, which is not currently done in Sudbury. He suggested that the Town contact the Department of Revenue to obtain audit guidelines.

As identified last year, the auditors again reported that more can be done with the Town's Fraud Risk Assessment Program, to be monitored at least twice a year, to help identify areas where the Town is at risk for fraud or asset misappropriation.

Mr. Hunt noted that previous compliance recommendations for Federal Award Programs, and specifically, Special Education and Title I Grant records, have been implemented and corrected.

Selectman Drobinski stated that the Town has prepared a response to the concerns posed in the Management letter. Town Manager Valente stated that the Town seriously considers each comment and suggestion. However, she noted that the lack of personnel resources sometimes hinders the ability to implement the recommended improvements as soon as the Town would like.

At 8:48 p.m., Chairman O'Brien thanked Mr. Hunt and Mr. Rogers for their thorough report.

It was on motion unanimously

VOTED: To accept the June 30, 2008 (FY08) audited financial statements as presented this evening by the Town auditing firm, Sullivan Rogers and Company, LLC.

Agricultural Commission - Member Candidate Interview

Present: Applicant Pamela Lupo

Chairman O'Brien welcomed Pamela Lupo to the meeting to explain to the Board her interest in serving on the Agricultural Commission.

Ms. Lupo stated she has only lived in Sudbury for two years, although she previously worked in Town and has been familiar with the area for a long time. Ms. Lupo grew up on a farm in Marlborough and has established herself as an equestrian. She recently purchased the Churchill farm, which is now North Gate Farm at 999 Concord Road, where she maintains a show stable, a riding academy, and boarding facilities. The facility also offers an equestrian camp for ages 6-15, on Monday through Friday during school vacation weeks and the summer months. Ms. Lupo emphasized that the agricultural roots of Sudbury are very appealing to her, and she would like to help maintain that history for future generations.

Selectman Drobinski stated that he met Ms. Lupo at a recent Agricultural Commission meeting, and he recommended she become more actively involved with the group. Chairman O'Brien opined that Ms. Lupo's background would be a welcomed addition to the Commission.

It was on motion unanimously

VOTED: To approve the appointment of Pamela Lupo, 999 Concord Road, to the Agricultural Commission as recommended by the Commission in an email dated March 9, 2009, for a term to expire on April 30, 2010, filling a vacancy occasioned by the relocation of Jennifer Churchill.

Town Manager Valente observed that a portion of Ms. Lupo's application was incomplete. The missing page will be forwarded to Ms. Lupo to appropriately sign and return to Town staff for filing.

New England Wildflower Society Executive Director - Meet and Greet

Present: New England Wildflower Society Executive Director Debra Edelstein and New England Wildflower Society Board member Barbara Pryor.

At 8:55 p.m., Chairman O'Brien welcomed New England Wildflower Society Board member and Sudbury resident Barbara Pryor to the meeting. Ms. Pryor proudly and enthusiastically introduced the Society's new Executive Director Debra Edelstein to the Selectmen and Town Manager Valente.

Ms. Edelstein thanked the Board for welcoming her to the area. She has had a longstanding interest in conservation-related matters in the Commonwealth and is excited about her new responsibilities for the Society and the endeavors of Garden in the Woods. She reported that over 35,000 visitors come to the 45-acre site each year to enjoy the nature trails, botanical gardens, nursery, gift shop and botany and horticultural library. Ms. Edelstein emphasized that this type of non-profit activity brings much-needed revenue benefits to local businesses, as well as open space benefits for residents. She encouraged the Board and the Sudbury community to visit Garden in the Woods, noting that interpretative signage has been incorporated onto the property this year. Other new additions are American made pottery and an organic compost tea system. Tours are available daily (\$8 for adults). Hours of operation are Tuesday through Sunday 9:00 a.m. to 5:00 p.m., except for Thursday and Friday, when the site closes at 7:00 p.m.

In response to a question from Chairman O'Brien regarding the availability of eco-friendly products, Ms. Edelstein stated that, although such products are not available, the site exclusively houses native plants, which are pesticide-free.

At 9:03 p.m., the Board wished Ms. Edelstein well in her new position and thanked her for the update on the Society's activities.

Public Hearing: MetroPCS Massachusetts, LLC

Present: Director of Planning and Community Development Jody Kablack and MetroPCS attorney Scott Lacy, Prince, Lobel, Glovesky & Tye LLP

At 9:04 p.m., Chairman O'Brien opened the Public Hearing for Minor Site Plan #SP09-003 application of MetroPCS Massachusetts, LLC for a site plan proposal to install and operate three panel antennas for wireless communications entirely within a proposed steeple of the Sudbury Methodist Church, located at 251 Old Sudbury Road, Assessor Map H09 - 0053, zoned Single Residential A, which was continued from March 10, 2009. Vice-Chairman Keller noted that at the conclusion of the last discussion the Board requested that a draft decision be prepared for review prior to tonight's meeting.

Director of Planning and Community Development Jody Kablack announced that since Chairman O'Brien was absent for the March 10, 2009 meeting, he has since signed a certification attesting that he has availed himself of recordings of the proceedings to enable him to participate in the discussion and vote this evening. She also reported that no significant materials have been added to the file since the last discussion. However, Ms. Kablack updated the Board that in the interim, the Zoning Board of Appeals has granted the requested variances to the applicant. She further reported that the applicant has been scheduled to meet with the Sudbury Historic Districts Commission on May 7, 2009.

MetroPCS attorney Scott Lacy, Prince, Lobel, Glovesky & Tye LLP stated that the applicant has no concerns with the Draft Decision. He also distributed revised plans to the Board, which reflect the requested changes.

In response to a question from the Board regarding co-location, Ms. Kablack responded that, although determination of a co-locator location would need to be assessed by a structural engineer, co-location would be allowed without the need for an additional Special Permit.

Two representatives of the Church in attendance at tonight's meeting confirmed that the Sudbury Methodist Church supports the application request.

Vice-Chairman Keller thanked the applicant for its contribution of \$2,500 to the Town's wireless and municipal communication initiatives. He wished the applicant well in its new endeavors in Sudbury, emphasizing that the Board wishes all Sudbury businesses to be as successful as possible.

It was on motion unanimously

VOTED: In accordance with Town of Sudbury Zoning Bylaw Art. IX, Section 4340, to approve Site Plan application SP#09-003 for MetroPCS Massachusetts, LLC to install and operate three panel antennas for wireless communications entirely within a proposed steeple of the Sudbury Methodist Church, 251 Old Sudbury Road, Assessor Map H09 - 053, zoned Single Residential A.

It was also on motion unanimously

VOTED: To close the Public Hearing for Site Plan application SP#09-003 for MetroPCS Massachusetts, LLC to install and operate three panel antennas for wireless communications entirely within a proposed steeple of the United Methodist Church Sudbury, 251 Old Sudbury Road, Assessor Map H09 - 053, zoned Single Residential A.

Reports From the Board of Selectmen

Chairman O'Brien referenced the minutes of the January 20, 2009 meeting when the Board prioritized the Budget Review Task Force's (BRTF) recommendations. Although the BRTF has accomplished what the Board intended for this year, he believes some BRTF members would be willing to continue to work in small subgroups to further develop expense reduction and revenue generation recommendations. Chairman O'Brien noted that a working group has already been created by volunteers to further assess the possible consolidation of school administrations in Sudbury. This working group has met twice and will meet again on May 7 to discuss staffing, and on May 19 and May 21 to discuss superintendency union governance issues.

Town Manager Valente distributed copies to the Board of two spreadsheets she has compiled of expense reduction and revenue generation recommendations made by the BRTF and other Town entities. She stated that the spreadsheets could be posted on the Selectmen's website and provide the community with status updates. The compilation of information could also be useful as a point of departure for the May 13, 2009 discussions with the BRTF. The Board concurred, and Chairman O'Brien requested that the spreadsheets be revised to incorporate his suggestions previously provided to Ms. Valente and then circulated in advance to the May 13, 2009 Board meeting to all relevant parties.

Town Manager Valente recommended that a Green Ribbon Committee be created to assess energy savings and other priorities suggested for revenue generation and that interested members be invited to attend the May 13, 2009 meeting.

Chairman O'Brien suggested that the recently passed article at the beginning of the Annual 2009 Town Meeting regarding Sudbury administering the Septage Facility billing should be added to the revenue

generation spreadsheet. Town Manager Valente will add that revenue information along with the other article passed at this year's Town Meeting regarding fire alarm monitoring fees.

Vice-Chairman Keller cautioned that some priorities listed are long-term endeavors and should be carefully presented so as not to intimate that they can be quickly achieved.

Selectman Drobinski reported that he recently attended a Wild and Scenic River Stewardship Council meeting. He will also participate in the Reading Program at the Loring School at 8:30 a.m. on April 29, 2009. Chairman O'Brien will also be a reader for the Loring program.

Vice-Chairman Keller reported that the Lincoln-Sudbury Regional High School Committee is working diligently to resolve collective bargaining contract issues, although no details can be disclosed at this time. Chairman O'Brien stated that, similarly, the Sudbury Public Schools is actively engaged in its collective bargaining process as well. Chairman O'Brien stated that he and Town Manager Valente attended a productive meeting with the Sudbury Educational Association last night. Town Manager Valente noted that Sudbury Public Schools Superintendent John Brackett sent a note of thanks this morning for their participation.

D.A.R.E. - Donation

It was on motion unanimously

VOTED: To accept a \$1,000 donation from the Joseph Warren-Soley Lodge F. & AM Masonic Hall of Lincoln, MA to the D.A.R.E. donations account, to be expended under the direction of Interim Police Chief Glavin, as requested in a letter dated March 30, 2009, from D.A.R.E. Officer Ronald Conrado.

Sudbury Fire Department - Safe Program Donation

It was on motion unanimously

VOTED: On behalf of the Town of Sudbury, to accept a \$1,000 donation to the Sudbury Fire Department Safe Program from the Joseph Warren-Soley Lodge of Masons, said funds to be expended under the direction of the Fire Chief.

Boy Scout Troup 63

It was on motion unanimously

VOTED: To enter into the Town record and sign letters of congratulations to David Benhaim, 7 Cider Mill Road, Matthew Hanson, 36 Cutler Farm Road and Jake Kallarackal, 405 Peakham Road of Boy Scout Troop 63 on achieving the high honor of Eagle Scout at a Court of Honor ceremony to be held on May 11, 2009 at St. Anselm's Church.

Highway Department Equipment - Award Approval

It was on motion unanimously

VOTED: Pursuant to ATM 08/Art, 6 FY09 Capital Budget, to approve award by the Town Manager for the purchase of the following Highway Department equipment: 2009 Compact Track Loader with accepted options and with a trade-in of a 1997 Bobcat 763H with attachments.

Exterior Cleaning Place, Inc. - Contract Award

It was on motion unanimously

VOTED: To approve award of contract by the Town Manager for the painting of the Fire Headquarters to The Exterior Cleaning Place, Inc., in the amount of \$12,580, pursuant to bids received on April 9, 2009, subject to review by Town Counsel.

Campbell Construction Group, LLC - Loring Parsonage -Bid Award

It was on motion unanimously

VOTED: To approve a bid award by the Town Manager for the historic restoration (exterior) of the Loring Parsonage, including installation of a cedar shingle roof, clapboard replacement, window restoration, door replacement (includes installation of handicapped entrance door) and painting, to Campbell Construction Group, LLC, in the amount of \$194,000, as recommended by the Sudbury Historical Commission, and as approved by Town Counsel (bid opening 3/26/09), subject to funding approval under Art. 26 at the continuation of the Annual Town Meeting.

Annual Sudbury Spring Sprint Triathlon

Selectman Drobinski stated that he supports approval of the event request, subject to inclusion of the condition, recommended by Interim Police Chief Richard Glavin, that the race organizers meet with a representative of the Police Department 24 hours prior to the event to review safety issues.

It was on motion unanimously

VOTED: To grant a special permit to Bill Fiske, Race Director, for the Annual Sudbury Spring Sprint Triathlon, a swim/bicycle/foot race event on Sunday, May 10, 2009, from 7 a.m. to 10 a.m., utilizing the loop of Fairbank, Maynard, and Hudson Roads for a bicycle race and the loop of Fairbank Road, Butler Place, Willis Lake Drive, Basswood Avenue, Crystal Lake Drive and Hudson Road for a foot race, beginning and ending at the Atkinson Pool, conditioned on a meeting within 24 hours of the event with the Sudbury Police Department, which has safety concerns, including the provision of three paid police details to direct traffic, and the applicant providing for cleanup of any litter created by race participants or staff.

Sullivan & Rogers Company - Audit Firm Bid and Award of Contract

It was on motion unanimously

VOTED: To approve an award of a three-year audit contract by the Town Manager to Sullivan & Rogers Company as requested in a letter from Finance Director Andrea Terkelsen, dated April 27, 2009.

Board Annual Appointments and Accepting Resignations

The Board initially reviewed a listing of individuals seeking reappointments to, and resignations from, Town boards and committees, which did not include appointments made by the Town Manager.

It was on motion unanimously

VOTED: To make the following annual appointments (all appointments are subject to acceptance):

Aging, Council on: To reappoint Elizabeth David and Marilyn Goodrich for terms of three years to end on April 30, 2012.

Agricultural Commission: To reappoint Nicholas Clayton for a term of three years to end on April 30, 2012.

Board of Appeals: To reappoint Jonathan G. Gossels for a term of five years to end on April 30, 2014, and Benjamin D. Stevenson for a term of one year to end on April 30, 2010.

Capital Improvement Committee: To reappoint Jose A. Garcia-Meitin and Derek O. Oram for terms of three years ending on April 30, 2012.

Civil Defense, Assistant Director of: To reappoint I. William Place for a term of one year to end on April 30, 2010.

Civil Defense, Director of: To reappoint Kenneth J. MacLean for a term of one year to end on April 30, 2010.

Civil Defense, Radio Operator: To reappoint James S. Idelson for a term of one year to end on April 30, 2010.

Community Preservation Committee: To reappoint Sheila A. Stewart for a two-year term to end on April 30, 2011, and Georgette Heerwagen and Lynne H. Remington for terms of three years to end on April 30, 2012.

Design Review Board: To reappoint Patricia A. Windle and Daniel A. Martin for terms of three years to end on April 30, 2012.

Earth Removal Board -- Bd. of: To reappoint Jonas DL. McCray and Benjamin D. Stevenson, each for a term of one year to end on April 30, 2010.

Fence Viewers: To reappoint John C. Drobinski, William J. Keller, Jr., and Lawrence W. O'Brien, each for a term of one year to end on April 30, 2010.

Green Landscaping at the Dump: To reappoint Sally J. Caira, Armando J. Caira, June E. Allen and I. William Place, for terms of two years to end on April 30, 2011.

Historic Districts Commission: To reappoint Linda G. Hawes and Lee Swanson for terms of five years to end on January 1, 2014.

Local Emergency Planning: To reappoint Richard L. Simon for a term of two years to end on April 30, 2011.

Mass. Bay Transportation Authority: To reappoint Maureen G. Valente for a term of one year ending on April 30, 2010.

Memorial Day Committee: To reappoint Peter R. Harvell and Laura B. Abrams for terms of three years to end on April 30, 2012.

Permanent Building Committee: To reappoint Craig E. Blake for a term of three years ending on April 30, 2012.

Permanent Landscape Committee: To reappoint June E. Allen for a term of three years ending on April 30, 2012.

Ponds and Waterways Committee: To reappoint David A. Blohm, Mary L. Addonizio and Stephen C. Gabeler for terms of three years ending on April 30, 2012.

Preservation and Management of Town Documents: To reappoint Lee Swanson and Sally B. Wadman for terms of three years ending on April 30, 2012.

Registrars, Board of: To reappoint Kathleen C. Precourt for a one-year term to end on April 30, 2010.

Sealer of Weights and Measures: To reappoint Courtney W. Atkinson for a term of one year ending on April 30, 2010.

Septage Committee: To reappoint Robert A. Gottberg for a term of one year ending on April 30, 2010.

Solid Waste Management Options Committee: To reappoint Peter R. Harvell, Thomas E. Powers, Craig Blake, Carolyn Lee, Eric Richard, John M. Pearson, I. William Place and Nancy Brumback, each for a term of three months ending July 31, 2009.

Special Constables: To reappoint James F. Kelly, Earl D. Midgley, Kenneth J. MacLean, Joseph D. Bausk and Arthur Richard, each for a one-year term to end on April 30, 2010.

Sudbury Center Improvement Advisory Committee: To reappoint Richard H. Davison, Deborah B. Kruskal, Joseph J. Sziabowski, W. James Hodder, Frank W. Riepe, June E. Allen, Lawrence W. O'Brien, Eva H. MacNeill and Scott Carpenter, each for a term of two years ending April 30, 2011.

Sudbury Employees Group Insurance Advisory Committee: To reappoint Michael Murphy, Janet Silva, Barbara Chisholm, Christopher Felt, Rosemary B. Harvell, Joanne Bennett, Richard MacLean, Phil Salomon, Phyllis Fox and Kate Gentile, each for a three-year term ending on April 30, 2012.

Sudbury Water District Water Resource Protection Committee: To reappoint James F. Occhialini for a term of one year ending on April 30, 2010.

Surveyor of Lumber & Measurer of Wood: To reappoint Russell DiMauro for a term of one year ending on April 30, 2010.

Town Historian: To reappoint Curtis F. Garfield for a term of one year ending on April 30, 2010.

Town Report Committee: To reappoint Beth V. Farrell, and Laura Casey, each for a term of one year to end on April 30, 2010.

Traffic Safety Coordinating Committee: To reappoint I. William Place, Kenneth J. MacLean, Jody A. Kablack and Richard Glavin, each for a term of two years to end on April 30, 2011.

U.N. Day Chairman: To reappoint Elaine K. McGrath for a term of one year ending on April 30, 2010.

Veterans' Advisory Committee: To reappoint Spencer R. Goldstein for a term of one year ending on April 30, 2010.

Youth Commission: To reappoint Greg Bochicchio, Elizabeth R. Hampton, Jo-ellen Samojla and Kevin J. Matthews, each for a one-year term to end on April 30, 2010.

It was also on motion unanimously

VOTED: To accept the resignations of the following individuals at the close of term: Richard D. Vetstein (Board of Appeals and the Earth Removal Board); Hale Lamont-Havers (Council on Aging); Carolyn E. Hannauer (Green Landscaping at the Dump); Lorraine Reihle (Medical Reserve Corps Executive Committee); Gail Chapman Close, RN (Medical Reserve Corps Executive Committee); Frank D. Schimmoller (Permanent Building Committee); Bronek Dichter (Sudbury Cultural Council); and Winifred C. Grinnell (Veterans' Advisory Committee), and to send letters of gratitude for their service to Sudbury.

The Board later reviewed a listing of appointments to be made by the Town Manager.

It was on motion unanimously

VOTED: To approve the recommended appointments of the following individuals to be made by the Town Manager as presented and reviewed this evening: Parker L. Coddington (Conservation Commission); Greg J. Topham (Conservation Commission); Elizabeth A. Radoski (Historical Commission); James A. Hill (Historical Commission); Marilyn A. MacLean (Historical Commission), Sean P. Sweeney, Esq. (Labor Relations Counsel); Deborah Griffin (Police Matrons); Carol Greenwood (Police Matrons); Pamela Conrado (Police Matrons); Vanessa McGrath (Police Matrons); John A. Longo (Special Police Officers); William B. Carroll (Special Police Officers); Wayne M. Shurling (Special Police Officers); Anthony M. Deldon (Special Police Officers); Bruce . Noah (Special Police Officers); Jeffrey F. Gogan (Special Police Officers); Charles R. Quinn (Special Police Officers); Peter Walsh (Special Police Officers); Bruce Cook (Special Police Officers); Noel Evers (Special Police Officers); Melvyn W. Kramer (Town Physician); Susan J. Stockeer (Commission on Disability).

Police Station Blue Ribbon Committee and Senior Tax Deferral Study Committee - Disband

Town Manager Valente explained that both the Police Station Blue Ribbon Committee and Senior Tax Deferral Study Committee have accomplished their missions and their appointment terms have expired. However, Ms. Valente noted that monitoring Senior Tax Deferral legislation is an ongoing study. She has asked David Levington to be a Special Advisor to the Town Manager and Board of Selectmen regarding senior tax deferral issues. Mr. Levington has agreed to continue to work in that capacity.

Vice-Chairman Keller asked if a mission statement should be developed for Mr. Levington's new role. Ms. Valente stated that she will be meeting soon with Mr. Levington to develop a mission statement and position parameters.

It was on motion unanimously

VOTED: To disband the Police Station Blue Ribbon Committee and the Senior Tax Deferral Study Committee as their missions have been achieved and their appointment terms have expired, and further to send a letter of appreciation to the Committee members for their hard work and dedicated service to the Town.

Solid Waste Management Options Committee - Extension of Appointments

Selectman Drobinski asked if an extension until July 31, 2009 will be enough time for the Solid Waste Management Options Committee to complete its final report. Town Manager Valente responded that the Committee is confident it can complete the report by July 31st, since it is nearly finished now.

Vice-Chairman Keller asked if this Committee has pursued ways Sudbury and Wayland can share in use of the transfer station. Town Manager Valente responded that the Committee has not pursued this topic, since it was not within its purview. Ms. Valente will continue to pursue such discussion in the future with her Wayland counterpart.

It was on motion unanimously

VOTED: To extend the term expiration of the Solid Waste Management Options Committee from April 30, 2009 until July 31, 2009, as requested by Committee Chair, John Pearson, in an email dated April 1, 2009, to allow the Committee sufficient time to complete a final report to the Board of Selectmen.

Executive Session

At 9:53 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 collective bargaining and litigation.

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

There being no further business, the meeting adjourned at 9:53 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk

IN BOARD OF SUDBURY SELECTMEN
WEDNESDAY, APRIL 28, 2009
EXECUTIVE SESSION
(10:20 P.M - 10:26 P.M.)

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

Collective Bargaining - Contract Negotiations Updates

Town Manager Valente reported that she will meet again with the Firefighters Union in two weeks. The union has stated it will bring proposals to that meeting for discussion. Ms. Valente stated she will not bring proposals to the next meeting and clarified that, if future negotiations result in significant salary increases, staff reductions will be necessary.

Sudbury Education Association- Health Insurance Proposal

Town Manager Valente reported that she and Assistant Town Manager Wayne Walker met last night with Sudbury Education Association (SEA) regarding the Town's health insurance proposal. A consultant from the Massachusetts' Teacher Association was also in attendance and addressed health plan design options. Chairman O'Brien and members of the Sudbury Public School Committee also were present. Questions were posed as to why the interim mitigation offerings are for a limited time versus a permanent benefit. Ms. Valente clarified that the transition proposal was offered as a way to phase into longer-term plan changes. Chairman O'Brien felt the audience was satisfied to hear confirmation that money saved from health insurance benefit revisions would be given back to the Sudbury Public Schools.

Litigation - Cemetery Land Case - Decision and Possible Appeal

Town Manager Valente previously distributed to the Board copies of the legal decision regarding the cemetery land case, wherein the Town did not prevail. Town Counsel Paul Kenny has recommended, and Ms. Valente concurs, that the decision be appealed.

It was on motion unanimously

VOTED: To instruct the Town Manager to authorize Town Counsel to proceed with the appeal process regarding the cemetery land litigation case.

There being no further business, the meeting adjourned at 10:26 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk