

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, AUGUST 11, 2009

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

The statutory requirements as to notice having been complied with, the meeting was convened at 7:39 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:39 p.m., Chairman Keller opened the meeting. He noted that Police Officer Hagglund was in a recent auto accident on Route 117. However, he further stated that only minor injuries were reported.

Chairman Keller reminded residents that, if problems are still being experienced as a result of the severe micro-burst thunderstorms which traveled through Sudbury last week, they should contact Town staff and access assistance information on the Town website.

Chairman Keller announced that the Sudbury Public Schools and Lincoln-Sudbury Regional High School Committees have both completed collective bargaining negotiations with their respective teacher unions. Contract agreement information has been posted on websites for each school system.

Chairman Keller reported that the Town Hall and Flynn Building's modified summer schedule has begun for the month of August, and will extend through the week of August 24, 2009. Offices will be open Mondays, Wednesdays and Thursdays from 8:00 a.m. to 5:00 p.m., and on Tuesdays from 8:00 a.m. to 6:00 p.m. A skeleton staff is available on Fridays for emergencies.

Reports From the Board of Selectmen

Selectman O'Brien reported that the Board met with the Goodnow Library Trustees to discuss options for regionalization of services. The Board also recently met with the Sudbury Water District.

Selectman O'Brien reminded the community that schools will open prior to Labor Day this year, and to be mindful of increased traffic in September.

Vice-Chairman Drobinski reported having a busy and enjoyable summer.

Chairman Keller cautioned residents to be mindful of Town projects underway this summer related to walkway construction and roadway resurfacing.

Reports from Town Manager

Sudbury's CERT and MRC - Community Emergency Readiness Fair

Town Manager Valente announced that Sudbury's Community Emergency Response Team and Medical Reserve Corps emergency response groups are planning a Community Emergency Readiness Fair on September 13, 2009, at the Peter Noyes School, from 12 noon to 3:00 p.m. Sudbury's Fire, Police and Public Health Departments will participate in the event. The purpose is to help inform the community of the Town's emergency response capabilities. Demonstrations and activities will be planned for all family members, including CPR and medical first-aid sessions. Additional informational is available on the Town website.

Library Regionalization Discussions - Board Liaison Assignment

Town Manager Valente announced that the Board's recent meeting with the Trustees of the Goodnow Library was very productive. She stated that the Trustees are keenly aware of the financial challenges ahead related to continuing to provide library services to the Town. The Trustees are committed to pursuing all options which will best benefit the community, and provide services more efficiently. It has been suggested that a representative of the Board be designated as a liaison to the Library for further discussions. Vice-Chairman Drobinski has stated his willingness to fulfill that role.

It was on motion unanimously

VOTED: To appoint Vice-Chairman John Drobinski as the Board of Selectmen liaison regarding discussions with the Trustees of the Goodnow Library.

Town Manager Valente stated that, although Vice-Chairman Drobinski will be the appointed liaison, all Board members will be welcomed to attend future discussions.

Solid Waste Management Options Committee - Preliminary Report

Town Manager Valente read to the Board a communication received from the Solid Waste Management Options Committee (SWMOC) Chair, noting that the Committee has submitted its preliminary report dated July 20, 2009, and asking for the Board's direction for future action.

Chairman Keller asked Town Manager Valente to convey the Board's gratitude to the Committee for its report. Vice-Chairman Drobinski suggested a review of the report by the Board. Chairman Keller further requested that Board members review the report and submit questions and comments to Town Manager Valente, who will communicate them to the SWMOC and coordinate a future meeting to review the comments with the Board.

Selectman O'Brien suggested that public opinion also be solicited. Chairman Keller requested that the SWMOC report be posted on the Town website, inviting public comments.

Board of Selectmen and Sudbury Public School Goals

Town Manager Valente announced that the goals of the Sudbury Public Schools and the Board of Selectmen are posted on each entity's respective website.

Kudos for Town Departments

Town Manager Valente reported that a very complimentary letter was received recently thanking the Departments of Public Works and Parks and Recreation for the outstanding care given to the Town's playing fields. The writer described this "home-field advantage" as instrumental in a recent World Series baseball championship win.

Town Board and Committee Code of Conduct

Town Manager Valente reported that Town staff will be updating the Code of Conduct for all Town appointed Committee and Board members, to include language to require courteous behavior.

MAGIC - Regional Transportation Planning Meeting

Town Manager Valente reported that Sudbury hosted the Minuteman Advisory Group on Interlocal Coordination (MAGIC) subregion meeting last week, which focused on regional transportation planning and projects. MAGIC will be drafting a letter to be sent to State officials highlighting the region's transportation priorities, which will include Sudbury's planned corridor study of Route 20.

Sudbury's Annual Truck Day

Town Manager Valente thanked Sudbury's Police, Fire, Department of Public Works and School departments for working with the Goodnow Library to produce another successful Annual Truck Day for Sudbury residents and families.

Wayland-Sudbury Septage Facility - Update

Town Manager Valente reported that the steps and schedule for closing the Wayland-Sudbury Septage Facility have been finalized, as a result of many hours of work by Town staffs from both Wayland and Sudbury.

Budget Review Task Force - Final Report

Town Manager Valente reported that she received the final report from the Budget Review Task Force too late to add for discussion on tonight's agenda. However, she will forward the report to the Board and plan discussion time on a September meeting agenda.

Land Acquisition Review Committee

Town Manager Valente distributed to the Board copies of a revised draft Mission Statement for the recently established Land Acquisition Review Committee. She reviewed the incorporated revisions as previously suggested by the Board, and noted the addition of the last paragraph, regarding notification of required Executive Session discussions.

Selectman O'Brien reviewed the process of bringing parcels to the attention of the Board. All agreed that the Director of Planning and Community Development should be the initial contact person for the public.

It was on motion unanimously

VOTED: To approve the Mission Statement for the Land Acquisition Review Committee as presented this evening, subject to the inclusion of language designating the Director of Planning and Community Development as the public's initial contact person.

Sudbury Town Crier - CORE Article

Town Manager Valente noted that the *Sudbury Town Crier* recently ran an article regarding the many initiatives being studied and suggested by the Town's CORE Project group, which focuses on Collaboration, Outsourcing, Regionalization and Evaluation efforts to conserve Town financial and physical resources.

Town Offices - Compressed August Office Hours

Town Manager Valente asked if she could publicly respond to three questions posed in a letter to the editor regarding the decision to follow a compressed work-week schedule in August, and whether cost savings were being realized. She noted that the modified schedule is for the month of August only affecting some, but not all, Town offices, and involves employees working their required hours per week over a four-day period, with offices closed for four Fridays. A skeleton staff of Department Heads is working each of those Fridays to address any urgent service needs.

The first two questions related to what methodology was used to calculate energy cost savings from the compressed work week. Selectman O'Brien stated that the modified summer schedule was implemented last year at a time when gasoline was very costly. Thus, the alternative schedule allowed employees the opportunity to save money by commuting one less day per week. Vice-Chairman Drobinski noted that common sense indicates that some energy is conserved, and thus some savings are realized by a compressed work week. There was a consensus that efforts to precisely measure such savings would not be valuable when there would be data from just four days of offices closed. In regards to the third question, Town Manager Valente noted the Town has not experienced any actual personnel problems as a result of the program. She related that Assistant Town Manager Wayne Walker had prepared Department Heads to be attentive to potential problems, thereby preventing them from occurring.

Town Manager Valente referenced a report developed by Brigham Young University regarding cities in the United States over 25,000 populations, which indicated that alternative work schedules are becoming more commonplace in municipalities, especially in the western part of the U.S. While this report did not address energy savings from compressed work weeks, the authors noted that alternative schedules enhance the productivity and satisfaction of workers. Town Manager Valente stated that, when employees asked if the compressed work-week schedule could be repeated this summer, she was mindful of these types of benefits to employees seen elsewhere. She emphasized that Town employees are working the same number of hours during the compressed work week. Chairman Keller asked if the Selectmen's Office had received any complaints from citizens adversely affected or inconvenienced by the Friday closures, and Town Manager Valente emphasized that Town employees are working the same number of hours during the shortened work week, and in some cases staying later to ensure projects are completed on time. Town Manager Valente indicated none had been received.

Town Forum

Present: Kenneth MacLean, Fire Chief ; Richard J. Glavin, Interim Police Chief; Barbara Chisholm, Town Accountant; Andrea Terkelsen, Finance Director; James Kelly, Building Inspector; and Rosemary Harvell, Town Clerk

At 8:13 p.m., Chairman Keller convened Town Forum to hear reports given by Town Department Heads.

Fire Chief Ken MacLean provided the Board with highlights of Department activities for the past year. He reported that the Department responded to 1,955 calls, of which 988 (54%) were medical in nature. Ambulance calls continue to grow in importance for the Department's workload. Chief MacLean stated that he periodically receives positive feedback from the community regarding the quality of service provided by the firefighters and EMTs.

Chief MacLean noted that the Department faced the same budget challenges as every other Town entity this past year, with a budget reduction of \$50,000. He further noted that two of the approved 32 positions for his Department remain unfilled. Chief MacLean suggested that such budget and personnel reductions may prompt future discussions regarding the need to close Fire Station 3.

Chief MacLean highlighted the many alternative sources of funding he and his Department have pursued, including opportunities from Federal stimulus funds made available this year. He has submitted applications for Federal funds to fund the Department's two vacant positions and for a \$3 million emergency operations center. Chief MacLean is also pursuing a FEMA grant to request funding for four additional Department positions. In addition, the Department is working collaboratively with surrounding communities to apply for a paramedic training grant.

Chief MacLean reported that the Department continues its participation in public safety tabletop exercises, with one planned for the future in Acton, to help test the inter-jurisdictional effectiveness of services provided by neighboring towns. Additionally, the Department continues its work with the community on an ongoing basis, and will participate in the Community Emergency Readiness Fair on September 13, 2009. He invited the public to attend the event.

The Chief further reported that the main Fire Station was recently painted, and he thanked Building Inspector Jim Kelly and DPW Director Bill Place for their assistance with the project. Chief MacLean responded to a few questions from Board members, who commended him on the grant pursuits.

Interim Police Chief Richard Glavin reviewed a few Department personnel changes from this past year for the Board. He noted that Officer Ethan Karol recently resigned to pursue personal interests. He also described the effects experienced by the Department from the absence of two officers on long-term disability, both of whom are recovering from surgeries.

Chief Glavin summarized some of the Department's activities during the past year, including responding to 4,500 calls for service, of which 251 were for medical-aid, 815 were in response to "911" calls, and 125 were to accidents. The Chief sadly noted that two accidents, on the same evening, involved fatalities. In addition, 900 citations were written and dispensed.

Chief Glavin further reported that four officers are participating in a two-day State training program. He also summarized other training programs attended by officers on a variety of topics, including heroin awareness and domestic violence.

Chief Glavin also stated that the Department was awarded a \$26,000 grant to be used for dispatch overtime salaries, and a \$30,000 "911" grant. The Department has taken possession of its first hybrid patrol vehicle, which has initially received positive reviews.

Chief Glavin reported that air conditioning was recently added to a section of the Police Station, which has made working conditions far more pleasant for the officers. On behalf of the Department, he thanked Building Inspector Jim Kelly for his assistance with the installation.

Selectman O'Brien commended Chief Glavin and his Department for addressing the need for drug awareness within the community, and for working cooperatively with administrative personnel from Lincoln-Sudbury Regional High School and the Sudbury Public Schools to improve communications.

Town Manager Valente commended Chief Glavin and Lt. Scott Nix for their work on a Federal stimulus funds application for hiring additional officers, even though an award was not granted.

Finance Director Andrea Terkelsen reported that the past year was the most challenging budget season of her tenure as Director. Throughout that long process, the Finance Department maintained all operations and properly recorded all receipts. The Department is in the final stages of closing the FY09 budget season, and the book of appropriations will soon be posted on the Town website. The Department processed 1,300

department turn-ins, and oversaw over 50 bank and investment accounts. Ms. Terkelsen is preparing an investment summary report, which will also be available to the Board.

Ms. Terkelsen further reported that the Department became authorized to serve as a passport agency this year. This has provided a steady revenue stream, which is anticipated to be \$15,000 to \$20,000 per year, as awareness of the service grows within Sudbury and surrounding communities.

Ms. Terkelsen also reported that approximately 24,000 property and personal tax bills were processed last year in addition to 18,000 excise bills. The Department collected \$62.8 million in tax revenues. She noted that an increase in municipal lien certificates has been observed, while delinquencies seem to be similar to past years.

Ms. Terkelsen noted that the Department has also observed signs of the difficult national economy affecting local residents, with increased inquiries for options to help pay property taxes. The Department offers payment-plan options. Ms. Terkelsen also noted that property tax bills are now mailed semi-annually to save the Town the accompanying mailing and postage costs. An email reminder service has also been made available to the community, and residents can enroll in the program on the Town website.

In closing, Ms. Terkelsen stated that tax liens will be processed in the next few weeks, and that she looks forward to beginning the new budget season.

Town Accountant Barbara Chisholm reported that this is the busiest, and most satisfying, time of the year for the Accounting Department, as it closes one fiscal year and opens the next fiscal year. Ms. Chisholm stated that final balancing and reconciling of accounts is underway, with an anticipated close of FY09 in September.

As a result of the CORE project, Ms. Chisholm reported that the Town now does the payroll for Sudbury Public Schools. Through the consolidation of the payroll functions, Ms. Chisholm noted that a School position was eliminated, resulting in cost savings for the Town. The Department also decentralized accounts payable for the Goodnow Library and Police Department last year.

Ms. Chisholm further reported that \$5,000 has been saved this year as a result of discontinuing the MUNIS software for fixed asset accounting, and purchasing a cheaper software package for this purpose.

Ms. Chisholm reported that the Department completed its preliminary audit July 13 through July 15, 2009, and will prepare for the final audit in November. In closing, Ms. Chisholm reiterated her short-term goals of closing FY09 in September and certifying free cash in October.

Building Inspector James Kelly reported that his Department is also busy at this time of year. He explained that the new bylaws approved at the Annual 2009 Town Meeting are now in effect, which has increased permit activity. Mr. Kelly noted that three residents have expressed interest in pursuing compliance with the Accessory Dwelling Bylaw, to utilize their property for income purposes. He also has been reviewing the first applicant according to the new Stormwater Bylaw regulations.

Mr. Kelly briefly reviewed several projects his Department has been involved with, including Community Preservation Committee projects such as the restoration of the Loring Parsonage and restoration of the Town Hall windows. Painting of the Fire Station was finished, and the project came in under budget. The ramp behind Town Hall was restored. Mr. Kelly also highlighted lighting upgrades which qualified for financial rebates from NStar, which were completed at the Flynn Building.

Mr. Kelly noted that the Department seemed to process fewer permits this year, although there were more permits requested for smaller jobs. He anticipates that fees received from permits will be less this year. New permitting software has been purchased and is being utilized, which will improve efficiencies. The software will enable express permits to be available within 20 minutes. Mr. Kelly reported that plans for the future include online-permitting services being available to the public.

Mr. Kelly reported that the establishment of the Energy and Sustainability Green Ribbon Committee has been very exciting and productive this year. A thorough Energy Audit was completed of all Town and School buildings, and a report has been forwarded to the Town Manager's Office. Town Manager Valente confirmed receipt of the report, and she will forward copies to the Board for review.

In closing, Mr. Kelly stated that he is continually aware of the Town budget issues. He noted plans are underway to pursue insulating Town Hall, and to qualify for financial incentives to replace street lights. Additionally, Mr. Kelly has applied to the State to have Sudbury designated as a Green Community.

Town Clerk Rosemary Harvell described her position as the custodian of Town records and official documents, overseeing their maintenance, preservation, disposition and access. She further described the Office's basic responsibilities, including: issuing marriage licenses, dog licenses, business certificates, and birth and death certificates. Ms. Harvell emphasized that the Office interacts a lot with the public, responding to inquiries for Town information, and with many Town departments, boards and committees to provide high-quality service.

Ms. Harvell explained the purpose of the census, which is mailed every year to residents. She encouraged everyone to complete the census form, and return it to ensure they are not removed from the active voting list. Approximately 6,300 forms are mailed each year, and approximately 90% are completed and returned by residents. She noted that the official number of residents each year is determined from census returns. Ms. Harvell reported that the current official population of Sudbury is 17,977. Further, Dog Registration forms are included in the census mailing to Sudbury households. On average, the Town Clerk's Office registers 2,200 dogs each year. Ms. Harvell noted that all dogs six months of age or older must be licensed. She also reviewed the newly increased dog licensing fees.

Ms. Harvell stated that only one Annual Town Election is planned for the coming year on March 29, 2010. The Town Clerk's Office was very busy last year, as it coordinated three elections, including the Presidential election.

Ms. Harvell reported that work is proceeding to repair and conserve records, which were approved at the Annual 2009 Town Meeting for appropriated Community Preservation Act funds. Recommendations are also being implemented regarding the environment for record storage. Additionally, the Office is working with other Town Departments to implement a records Management Plan to meet State and local requirements. Ms. Harvell further reported that the Office has also been involved in the permitting process, by assisting the Zoning Board of Appeals with scanning of permit documents.

In closing, Ms. Harvell highlighted that Sudbury was recognized for the third consecutive year for its excellent website. She emphasized that the website is a great resource of current and important information for the community and Town employees.

Following the presentations, the Board thanked each Department Head and their staffs for the excellent work they do to help increase Town revenues and keep the Town running smoothly all year.

At 9:20 p.m., Chairman Keller announced the conclusion of the Town Forum.

Agricultural Commission - Agricultural Day

Present: Agricultural Commission Chair Laura Abrams, and Agricultural Comm. member Karen Hodder

Agricultural Commission Chair Laura Abrams announced that the Commission is coordinating an Agricultural Awareness Day on October 3, 2009. The location is in the process of being determined. Ms. Abrams reported that it has been suggested the event could be combined with the Farmer's Market held at the Wayside Inn on Saturdays. The consensus of the Board was that the Wayside Inn would be a more conducive setting for the event than the originally planned location of First Parish. Ms. Abrams will work to finalize the location details and keep Town staff abreast of the outcome.

Ms. Abrams briefly reviewed some activities under consideration, including: a pumpkin growing contest, square dancing, a small petting zoo, food vendors and demonstrations of 4H projects. Ms. Abrams inquired whether a permit is required to offer a raffle. She also asked if liability insurance and a police detail would be required. Vice-Chairman Drobinski suggested that Ms. Abrams discuss her concerns with the Police Chief. Town Manager Valente stated that she will check on raffle requirements and report the outcome to Ms. Abrams. In addition, all Department Heads will be apprised of the event and asked to comment on any potential concerns and/or requirements. Selectman O'Brien suggested that Ms. Abrams contact the Wayside Inn personnel for guidance, since they have hosted similar types of activities on their premises in the past. He also suggested that Lynn Puorro be contacted to advertise the event on the cable scroll board and to possibly tape an infomercial piece.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the June 29, 2009 joint meeting with the Goodnow Library Trustees and the regular and executive session minutes of July 7, 2009.

Sudbury Medical Reserve Corps Executive Committee - Appointment

It was on motion unanimously

VOTED: As requested by the Director of Health, Robert Leupold, to approve the appointment of Dale A. Farmer, 46 Green Hill Road, to the Medical Reserve Corps Executive Committee, for a term to expire April 30, 2012, filling a vacancy occasioned by the term expiration of Gail Chapman Close.

American Legion Post #191 - Renew Billiards License

Selectman O'Brien suggested that the Board receive a follow-up report on the past year's activities of the American Legion Post from the Police Department prior to voting on its license renewal. The Board concurred, and requested that this agenda item be held until a report from the Police Department is submitted to the Board for review.

Town Trust Funds - FY09 Fourth Quarter Financial Statements

It was on motion unanimously

VOTED: Acting as Co-Trustees of Town Trust Funds, to accept the FY09 Fourth Quarter Town Trust Financial Reports, as requested by Andrea Terkelsen, Town Treasurer/Collector, in a memo dated July 16, 2009.

Town Trust Funds - FY10 Expenditure Requests

It was on motion unanimously

VOTED: Acting as Co-Trustees of Town Trust Funds, to accept the Trust Fund expenditure limits for FY10 as submitted by the beneficiaries and requested by Andrea Terkelsen, Town Treasurer/Collector, on July 23, 2009.

Democratic and Republican Election Officers - Appointments

It was on motion unanimously

VOTED: To appoint Election Officers for a one-year period commencing August 15, 2009, as recommended by the Democratic and Republican Town Committee Chairmen and the Sudbury Town Clerk.

Massachusetts Emergency Management Agency (MEMA) Grant

It was on motion unanimously

VOTED: To accept a grant in the amount of \$2,500 from the Massachusetts Emergency Management Agency for the purpose of maintaining, reviewing and updating the Comprehensive Emergency Management Plan, to be expended under the direction of the Fire Chief.

Energy and Sustainability Green Ribbon Committee - Appointment

It was on motion unanimously

VOTED: To approve the appointment of Michael E. Melnick, 97 Lincoln Road, to the Energy and Sustainability Green Ribbon Committee for a term to expire April 30, 2010.

Town Clerk's Office - Reinstatement of Burial Permit Fee

It was on motion unanimously

VOTED: As requested by the Town Clerk, to approve the reinstatement of a \$10 Burial Permit Fee, as deemed appropriate by the Massachusetts Supreme Court.

Provision of Advanced Life Support (ALS) Services - Inter-Municipal Agreement

Town Manager Valente distributed copies of the revised draft Inter-Municipal Agreement for the Provision of Advanced Life Support (ALS) Services with the Town of Wayland, approved by Town Counsel Paul Kenny. Since this will provide the Town with another option for ALS services, which is similar in arrangement to the agreement which has existed with Emerson Hospital, Town Manager Valente and Fire Chief MacLean recommend its approval by the Board.

Selectman O'Brien asked if the agreement would present any financial exposure for Sudbury. Town Manager Valente responded that none is anticipated, and that the agreement would provide an enhancement beyond what the Town currently has. Chairman Keller noted that, in the event the Town is dissatisfied with the arrangement, the agreement includes a termination clause.

It was on motion unanimously

VOTED: As requested by Fire Chief Kenneth MacLean, to approve a one-year Inter-Municipal Agreement for the Provision of Advanced Life Support (ALS) Services with the Town of Wayland, effective upon signing, and subject to the acceptance of the same document, inclusive of the recent edits discussed this evening, by the Town of Wayland.

Granting of Easement - 68 Old County Road

Town Manager Valente read a communication to the Board from Director of Planning and Community Development Jody Kablack, explaining the purpose and need for the easement. She also announced that the original document, signed by the property owner, was delivered to the Board this evening by Attorney Joshua Fox.

It was on motion unanimously

VOTED: To accept an easement granted by Stanley W. Snider, 68 Old County Road, Sudbury, as shown as "Proposed Access and Utility Easement" on plan entitled "Easement Plan in Sudbury, Massachusetts, dated April 16, 2009, by Schofield brothers, Inc. for all purposes for which streets and ways are used, pending a review of the original hard copy received this evening by Town Counsel.

Right of First Refusal - 77 Water Row

Town Manager Valente explained that Town Counsel Paul Kenny met with property owner Ronald Libby to discuss the Town's interest in purchasing property located at 77 Water Row. She provided the Board with a brief history of prior negotiations between the Town and property owner. Mr. Libby provided comparative market analysis on the present home and adjacent land located on the property and suggested price ranges for purchase. Town Counsel Kenny consulted with Sudbury's Director of Planning Jody Kablack and Conservation Coordinator Debbie Dineen, both of whom have concluded that the property does not support municipal conservation, open space, or affordable housing needs for the Town. Thus, Town Counsel Kenny recommends that a Release of the Right of First Refusal be executed, prior to expending funds for a required appraisal and/or possible arbitration. Town Manager Valente further noted that, if the Board votes to exercise its Right of First Refusal, a Special Town Meeting would be required to vote for funding.

Vice-Chairman Drobinski asked if a *bona fide* Purchase and Sale Agreement needs to be reviewed. Chairman Keller responded that the Board would need to view a Purchase and Sale Agreement only if it were exercising its Right of First Refusal, but not if it is releasing its right.

Vice-Chairman Drobinski also asked if the Town Assessor has offered an opinion. Town Manager Valente responded that is not required for this instance. Chairman Keller concurred, stating that it is likely no tax deductions have been granted to this property.

Due to inconsistencies in the documentation provided to the Board for review, a brief discussion followed to try to determine if the actual property should be identified as Lot 12 or Lot 23.

It was on motion unanimously

VOTED: To not exercise the Town of Sudbury's Right of First Refusal under an Agreement of Right of First Refusal by and between Ronald B. Libby and the Town of Sudbury on the property shown as "Lot 23, Area =

7/37+- acres," on Land Court Plan 442-I, drawn by Schofield Brothers of New England, Inc. and recorded at Middlesex Registry of Deeds, Registered Land Section, Book 995, Page 93, Cert. 173043.

Memorial Bench Policy

Town Manager Valente described the suggestion made by Park and Recreation Director Nancy McShea to establish a policy regarding Town memorial bench donations. She asked that discussion be held until a later date, when a draft policy can be presented to the Board for review. Selectman O'Brien suggested, and the Board concurred, that the draft policy include funding estimates for perpetual maintenance of the benches. Town Manager Valente will relay the Board's request to Director McShea.

Revolutionary Cemetery - Historic Gravestone Restoration and Conservation - Bid Award

It was on motion unanimously

VOTED: To approve a bid award by the Town Manager for the historic restoration and conservation of a selection of gravestones/monuments at the Revolutionary Cemetery to Kevin Duffy, Line & Stone, Inc., in the amount of \$16,490, upon the recommendation of the Sudbury Historical Commission.

Sudbury Town Center - Lincoln Resident Accident Commentary

Town Manager Valente distributed to the Board for review, copies of a letter from Lincoln resident Ida Babroudi, who was involved in a car accident with her daughter on June 17, 2009 while traveling through Sudbury's Town Center. Ms. Babroudi suggests that the Town consult with a traffic engineer to design a safer intersection and patterns of traffic flow to avoid future injuries to others. Town Manager Valente also distributed to the Board for review, copies of a response to Ms. Babroudi prepared by Director of Planning and Community Development Jody Kablack, on behalf of the Board, dated August 11, 2009. Ms. Kablack's letter explains that the Town has been actively involved with planning improvements for the Town Center, including a redesign of the intersection for several years, and has recently engaged a traffic engineering firm to work through many facets of the complex project.

The Board supported signing the letter and sending it to Ms. Babroudi. Selectman O'Brien suggested that the correspondence be added to the Town Center design file for future reference.

It was on motion unanimously

VOTED: To sign the letter prepared by Director of Planning and Community Development Jody Kablack, on behalf of the Board, dated August 11, 2009, and authorize that the letter be sent to Lincoln resident Ida Babroudi, in response to her letter of concern dated August 9, 2009, regarding the dangerous nature of the Sudbury Town Center intersection.

There being no further business, the meeting adjourned at 9:56 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, AUGUST 11, 2009
EXECUTIVE SESSION
(6:30 PM – 7:27 PM)

Present: Chairman William J. Keller, Jr., Vice-Chairman John C. Drobinski and Selectman Lawrence W. O'Brien, Town Manager Maureen G. Valente, Assistant Town Manager Wayne R. Walker and Interim Police Chief Richard J. Glavin.

The meeting was convened at 6:30 p.m. in the Flynn Building Thompson Room Conference Room, 278 Old Sudbury Road, and Chairman Keller 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 strategy with respect to collective bargaining. Chairman Keller announced that the regular session would reconvene at 7:30 p.m. in Lower Town Hall, 322 Concord Road.

Collective Bargaining – Quinn Bill

Town Manager Valente presented additional background information to the packet of documents prepared earlier for Board members on the subject of the career educational incentive benefit available to members of the police collective bargaining unit pursuant to Chapter 41, section 108L of the General Laws, otherwise known as the "Quinn Bill." The Quinn Bill had been accepted by the Town's voters at the Annual Town Meeting in 1983. At that time, police representatives had assured voters at Town Meeting that no additional cost would be assumed by the Town then or in future years to provide this benefit. As a result of this acceptance, police officers on the Sudbury Police Department have been eligible since that vote to receive additional compensation commensurate with their attainment of college degrees in law enforcement. The funds necessary to provide this additional compensation are derived from the Town annually appropriating 100% of the total cost, with the state providing reimbursement to the Town on an annual basis of 50% of the total amount of compensation due to each police officer. Through the years, the State has substantially met their financial obligation to the Town, with annual reimbursements varying within a general range of between approximately 88% and 102% of the total amount due to the Town. The State Budget for FY10, however, includes only a statewide total of \$10 million, or roughly 20%, of the State's total obligation to all participating Massachusetts cities and towns, resulting in a severe funding shortfall for those communities participating in the Quinn Bill program.

Town Manager Valente pointed out that subsequent to the vote to accept the Quinn Bill in 1983, language had been inserted into the labor agreement between the Town and the Town's police officers providing that the career incentive benefits outlined in this statute would replace the career incentive pay plan which had been in effect in the contract previously. This existing contract language does, however, provide for reversion to the previous educational incentive program if the Quinn Bill "becomes ineffective." It remains unclear at this time whether the State's failure to fund its specified share of the Quinn Bill compensation means that the statute has "become ineffective." In the course of the currently ongoing labor negotiations with the police union, their attorney has predictably taken the position that the Town is obligated to fully fund the shortfall in the State's Quinn Bill reimbursement so that all eligible police personnel continue to receive their full Quinn Bill benefit. The union has argued that the State's failure to fund its specified share for Quinn Bill reimbursements does not mean that the statute has become ineffective, it means only that the Legislature has decided, as is their right as the appropriating authority, to allocate significantly less for FY10 than is promised in the statute, and further that the full funding obligation has now become the obligation of the Town. The union's counsel also noted that her law firm has already initiated legal action in other

communities seeking orders in Superior Court that those communities fully fund “educational stipends pursuant to M.G.L. c.41, s.108L (the “Quinn Bill.”).”

The ensuing discussion focused on the question of what course of action would be most appropriate for the Town to follow in addressing the shortfall created by the State’s failure to appropriate its matching share of additional Quinn Bill compensation owed to the Town’s police personnel in accordance with the statute. There was clear consensus of agreement among Board members that, while they believe in and support the concept of a career incentive program that rewards advanced educational achievement, this situation presents yet another in a number of severe fiscal constraints facing the Town that must be carefully evaluated.

The various alternative courses of action outlined by the Town Manager to address the Quinn Bill benefit issue were discussed. With respect to FY10, Town Manager Valente pointed out that she included in the Town’s FY10 budget sufficient funds to fully fund the Town’s financial obligation under the Quinn Bill. Since the State allocates funding for their portion of Quinn Bill benefits as a reimbursement in the year after it is paid out to eligible employees, this issue is as a practical matter a revenue deficiency and not the lack of an appropriation for this purpose. Therefore, the full impact of the State’s failure to fully fund their obligation will be felt in FY11.

Board members endorsed the Town Manager’s current approach of continuing to pay the full Quinn Bill benefit to eligible personnel, at least so long as total payments to these employees do not exceed the Town’s 50% share and such additional amounts equivalent to the 20% reimbursement portion promised by the State. During this time, she is authorized to employ those collective bargaining strategies she deems appropriate in an effort to reach a mutually satisfactory negotiated accommodation with the police union for modification of this benefit.

At 7:27 p.m., it was on roll call unanimously

VOTED: To adjourn the Executive Session in order to convene the public, regular meeting in the Town Hall.