

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, DECEMBER 15, 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 7:34 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:34 p.m., Chairman Keller opened the meeting. He noted that the Hosmer House Open House celebrations were well attended this year, and he commended all who worked to coordinate the festivities.

Chairman Keller announced that an email message was sent today from the Town Clerk regarding new ethics reform legislation. The law requires notification and training for all Town employees and volunteers. Confirmation of receipt is required prior to December 28, 2009, and can be completed on a linked website provided in the email message.

Reports from the Board of Selectmen

Selectman O'Brien reported that the Consolidation Working Group reconvened on December 3, 2009. A presentation was given by the Sudbury Public Schools (SPS), Lincoln Public Schools and Wayland Public Schools Superintendents and Scott Carpenter from Lincoln-Sudbury Regional High School (L-SRHS). This "Gang of Four" has met since July 2009, discussing consolidation of activities and programs. In addition, Town Manager Valente, Superintendent Brackett and Scott Carpenter provided a presentation on the CORE 3 Program, which will also focus on improving efficiencies amongst the three cost centers. These two groups will continue to focus on consolidation efforts and report to the Working Group in approximately six months.

Selectman O'Brien will attend the December 16, 2009 Community Preservation Committee and the December 21, 2009 Finance Committee meetings.

Selectman O'Brien referenced the proposed Introduction to the Budget Review Task Force (BRTF) Reports as prepared by Sudbury's Finance Committee. Copies of a response to this proposal from Sudbury Public School Committee Chair Susan Iuliano were circulated to the Board for information. Selectman O'Brien opined that he believes it is too confusing to now release an introduction to reports which were accepted by the Board 12 and 15 months ago. He also has concerns regarding some items listed as priorities, given the realities of bringing certain recommendations to fruition. Selectman O'Brien stated he is inclined to not approve the acceptance of the proposed introduction to be added to the BRTF Reports. Instead, he recommended that the Finance Committee submit the information for consideration in the form of a letter or memo.

Vice-Chairman Drobinski noted that, in some instances, the premises on which the priorities were set may be faulty, i.e., that Sudbury's commercial district will increase by adding wastewater treatment to Route 20. Chairman Keller agreed that too much time has passed from the original acceptance of the reports to now add an introduction. Although, he also stated that he would welcome the input of information in another format.

Vice-Chairman Drobinski along with Selectman O'Brien and Town Manager Valente met with the Goodnow Library Trustees to continue consolidation and cost-saving discussions between the Town, SPS, L-SRHS, and possibly the Town of Wayland. The goal is to conserve funds, while maintaining, as best as

possible, the excellent services provided by the Library for the future. He emphasized the breadth of resources and information available through the Library, which has been regionalized for several years, through the Minuteman Library Network. Consolidation efforts, which can be accomplished amongst the Town cost centers, will be focused on first. Town Manager Valente stated that, to date, all parties have a positive perspective regarding the discussion process.

Reports from Town Manager
Distinguished Budget Presentation Award

Finance Director Andrea Terkelsen has informed Town Manager Valente that Sudbury has again been nationally recognized and honored with receipt of the Government Finance Office Association of the U.S. and Canada's Distinguished Budget Presentation Award, with two of three judges awarding the Town's submission perfect scores. She noted that few communities in the country receive this honor and she commended Ms. Terkelsen and Peter Andersen for their conscientious work. The Board also praised this accomplishment and the work of Town staff.

FY11 Town Operating Budget - Update

Town Manager Valente updated the Board on the FY11 fixed -growth budget she has prepared, based on the recommended maximum growth up to 4.5%, by Sudbury's Finance Committee. She stated that her proposed budget presents a 4.2% growth. However, Town Manager Valente emphasized that revenues are only expected to grow at 1%. She reviewed a few of the inclusions in the proposed budget, including hiring of a shared facilities manager position for the Town and Sudbury Public Schools, funding for limited hours of GIS assistance, funding for additional part-time, referral-specialist hours for the Senior Center, technology and equipment upgrades, adequate funding for annual snow and ice expenditures, an increase to the tree removal budget and the possible addition of a Hazardous Waste Removal Day. In addition, the budget includes the possible creation of four paramedic firefighter positions to better prepare the Town for providing Advanced Life Support services.

MAGIC - Breakfast Meeting

Town Manager Valente attended the annual Minuteman Advisory Group on Interlocal Coordination (MAGIC) Legislative Breakfast meeting in Bedford, on December 10, 2009. The agenda focused on the State budget, zoning reform, and transportation issues.

At this meeting, a Concord Selectman stated that Concord is considering supporting a local optional income tax increase of 2%, which would be designated solely for Concord's use and would decrease property taxes by 50%. Harvard is also considering a similar option.

Demand Fee – Proposed Increase

Town Manager Valente reported that she and Ms. Terkelsen have submitted a draft warrant article for the Annual 2010 Town Meeting to increase Sudbury's Demand Fee from \$5 to \$10. Chairman Keller opined that an even larger increase should possibly be considered.

Sudbury's Employee of the Year – Recognition

Town Manager Valente announced that Brian Powell has been chosen as Sudbury's Employee of the Year. She congratulated Brian on this well-deserved honor, and she thanked him for the ongoing technical assistance, which he provides to his colleagues.

Special Election

Town Manager Valente reminded the community that there will be a Special Election on January 19, 2010. Voter registration is available through the Town Clerk's Office until December 30, 2009, when the office will be open on that last day from 8:30 a.m. to 8:00 p.m., to accommodate late registrants.

Sudbury Town Crier –Article

Town Manager Valente noted that the *Sudbury Town Crier* recently ran an informative profile on Nancy McShea, Sudbury and Wayland's shared Director of Parks and Recreation. She encouraged the community to read the article.

Public Hearing: Stretch Energy Code Adoption Discussion

At 7:56 p.m., Chairman Keller announced that the scheduled Public Hearing regarding the possible adoption of the Stretch Energy Code, an optional appendix to the Massachusetts Building Code, would not occur tonight. He explained that this energy code is an optional appendix to the Massachusetts Building Code, which had been previously presented as being able to be adopted by Boards of Selectmen in communities with such governance. However, Town Manager Valente was informed today, that the Board of Building Regulations and Standards (BBRS) has questions regarding whether Selectmen are the proper authority to approve adoption of a building code. Thus, the BBRS has requested that Sudbury not proceed with a Public Hearing tonight, until BBRS makes a final determination on the matter in 2010. Chairman Keller further noted and commended Town Counsel Paul Kenny for anticipating this preliminary outcome in the opinion he previously provided to the Board.

Vice-Chairman Drobinski questioned whether the Town should proceed with a placeholder article for the Annual 2010 Town Meeting. He also noted that several State associations are discussing the optional code and Green Community criteria. Town Manager Valente advised that it would be wise to prepare the bookmark article, so that the options to pursue adoption of the code remain available to Sudbury. She further explained that adoption of this code is one criterion for Green-Community status eligibility, which could allow funding opportunities to be available for Sudbury in the future. Chairman Keller concurred, stating that there appears to be support in Town for such environmental enhancements to the current building codes.

Town Manager Valente also highlighted that the eventual decision on this matter should not penalize communities which have a Town Meeting form of government, by not allowing them to as easily adopt this code, and thereby qualify as a Green Community and for potential grant-funding. Vice-Chairman Drobinski recommended that Sudbury's preference for resolving this matter in a timely fashion be communicated to appropriate State officials and representatives.

It was on motion unanimously

VOTED: To indefinitely postpone the Public Hearing regarding the possible adoption of the Stretch Energy Code, an optional appendix to the Massachusetts Building Code.

It was also on motion unanimously

VOTED: To instruct Town Staff to draft a bookmark warrant article for the Annual 2010 Town Meeting regarding the possible adoption of the Stretch Energy Code, an optional appendix to the Massachusetts Building Code.

Town Manager Valente requested that Building Inspector James Kelly and William Braun and other members of the Energy and Sustainability Green Ribbon Committee assist Town staff with the drafting of the bookmark article.

Public Hearing: Tax Classification

At 8:09 p.m., Chairman Keller 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 2010 tax rate, which was continued from December 1, 2009. He stated that the Board of Assessors and Director of Assessing Maureen Hafner are still awaiting the requisite recertification of values information from the Department of Revenue (DOR).

Town Manager Valente reported that 135 other communities in the State are in the same difficult position, awaiting this information. She explained that the State legislature has passed a one-month extension to help communities process tax bills, however, the law has yet to be signed by the Governor. Town Manager Valente further explained the several-week timeline necessary to produce and distribute accurate tax bills, on which the Town revenues/operation heavily relies. She has enlisted State Senator Eldridge's support to help expedite the process.

It was on motion unanimously

VOTED: To continue 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 2010 tax rate to December 22, 2009, at 7:50 p.m.

Minutes

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of December 1, 2009, subject to page four, paragraph six of the regular minutes being amended to note that Concord was fined \$50,000 rather than \$100,000.

Boy Scout Troop 61 - Eagle Scouts

It was on motion unanimously

VOTED: To enter into the Town record and sign letters of congratulations to Nico Arsenault, 11 Deacon Lane, Joseph Reilly Fogarty, 32 DeMarco Road, Ian Duncan Wetherbee, 309 Marlboro Road, Scott David Papapietro, 378 Dutton Road, and Daniel Joseph DeLaney, 49 Briant Drive of Troop 61, on achieving the high honor of Eagle Scouts at a ceremony to be held on January 9, 2010 at the Curtis Middle School.

Annual Renewal of Licenses

Selectman O'Brien requested that the decision to renew the annual license regarding Herb Chambers Boston Post Road, Inc. d/b/a Herb Chambers BMW of Sudbury be held for further discussion.

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, to renew Alcoholic Beverages, Common Victualer, Entertainment and Motor Vehicle - Classes 1, 2, and 3 licenses, to expire December 31, 2010, for calendar 2010, as shown on the "Licensee List 2010," attached and incorporated herein, with the exception of Herb Chambers Boston Post Road, Inc. d/b/a Herb Chambers BMW of Sudbury; and to forward the appropriate renewal forms to the Alcoholic Beverages Control Commission where applicable; said licenses to be held subject to payment of the required license fees, compliance with the Selectmen's Alcohol Training Policy, correction of any/all outstanding health, safety inspection or zoning violations, receipt of verification of Workers' Compensation Insurance for the licensing period, and the payment of all outstanding personal property taxes, real estate taxes and state taxes; said licenses shall also be subject to all previous restrictions.

Later in the evening, the Board reviewed an email message from Director of Planning and Community Development Jody Kablack dated December 14, 2009, regarding the completion status of four site-plan conditions, previously established for Herb Chambers Boston Post Road, Inc. d/b/a Herb Chambers BMW of Sudbury. Selectman O'Brien highlighted as a safety concern the current flag-lighting scenario, which has not been corrected. He noted that the light is a distraction when proceeding eastbound on Route 20. Selectman O'Brien recommended that the company be requested to attend to the lighting concern and to provide satisfactory information regarding completion of the other outstanding conditions, as best as possible given winter conditions, prior to approval of an annual license.

Vice-Chairman Drobinski suggested, if possible, granting a one-month renewal of the license, in order to allow the company time to complete the required work. Town Manager Valente will consult with Town Counsel on the proper timelines allowed for renewals, and provide the Board with additional information at the December 22, 2009 meeting. The Board requested that Ms. Kablack inform Herb Chambers BMW of Sudbury as soon as possible, that, although Sudbury values its business, renewal of its license is on hold until the site-plan conditions are satisfactorily resolved.

Holders of Restaurant and Club Alcoholic Beverages Licenses - Serving Hour Extension

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, to grant permission to holders of Restaurant and Club Alcoholic Beverages Licenses to extend serving hours on December 31, 2009, New Year's Eve, to 2:00 a.m. on January 1, 2010, on the condition that the kitchen remains open and food is served.

Sale of Alcoholic Beverages During Polling Hours

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, to grant permission to the holders of Alcoholic Beverages Restaurant and Package Store licenses to sell alcoholic beverages during the polling hours of the Annual Town Election on Monday, March 29, 2010.

Sudbury Water District – Donation

It was on motion unanimously

VOTED: On behalf of the Town, to accept a gift in the amount of \$25,000 from the Sudbury Water District towards the purchase of the CSX corridor and expenses associated therewith, said amount to be expended for

such purpose by the Town Manager, as requested in a letter dated December 2, 2009, from Jody Kablack, Director of Planning and Community Development.

Discretionary Fund - Donation

It was on motion unanimously

VOTED: On behalf of the Town, to accept \$100 from the Lee family, to the Discretionary Fund, said funds to be expended under the direction of the Town Social Worker, Martha Lynn, and to send a letter of appreciation to the donor.

Annual 2010 Town Meeting Warrant Articles and Reports

Town Manager Valente briefly reviewed a proposed warrant article to transfer remaining balances from previously appropriated funds for capital articles, in an amount estimated to be \$90,000, for the purpose of retaining professional engineering services to prepare a wastewater feasibility study. She noted that the Annual 2002 Town Meeting had approved \$90,000, with a borrowing component, for this purpose. However, since there are remaining funds equivalent to the needed amount, Town Manger Valente recommends that the Town not borrow the funds.

It was on motion unanimously

VOTED: To approve submission of the article for the Annual 2010 Town Meeting, together with the report presented: Wastewater Feasibility Study.

Town Manager Valente also stated that several other articles would be submitted to similarly close out remaining balances or unnecessary previous articles.

Executive Session

At 8:46 p.m., 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 authorizing expenditures from the Discretionary Fund and discussing collective bargaining.

Chairman Keller announced regular session would not reconvene following Executive Session.

There being no further business, the meeting adjourned at 8:46 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, DECEMBER 15, 2009
EXECUTIVE SESSION
(8:47 P.M - 9:22 P.M.)

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

Discretionary Fund - Expenditures

The Board was previously provided with a listing of residents, deemed in need by the Town Social Worker and local authorities, for consideration of receiving a monetary holiday gift.

It was on motion unanimously

VOTED: As Co-Trustees of Town Trust Funds, to approve expenditures from the Discretionary Fund as presented and as further recommended by the Community Social Workers.

Collective Bargaining – Police Union - Update

Town Manager Valente reported that the Police Union has informed the Town that it is unwilling to agree to any concessions to preserve the Quinn Bill. In addition, the Union is requesting that new employees contribute 25% towards health-plan benefits versus the 30% proposed by the Town, and it will not agree to random drug testing.

Town Manager Valente recommended that the Town issue a letter to the Union requesting a meeting, expressing Sudbury's disappointment with the Union's regressive collective-bargaining approach and stating Sudbury's intention to stop paying for the State's portion of the Quinn Bill benefits. The Board supported this action.

Collective Bargaining – Firefighters' Union - Update

Town Manager Valente met with the Firefighters' Union this morning. The Union appears to have accepted all of the Town's health-plan proposals except for new hires. The Union's perspective is that, due to close working relations of work groups, personnel must be treated and valued equally.

The Union expressed concern that the Sudbury Public Schools (SPS) agreement offers its employees a double step increase in the third year of the contract. Town Manager Valente confirmed with Superintendent Brackett that this is not the intent and will not occur. However, the Union also broached that there is a 4.16% distance between steps for SPS versus an average of 2.25% distance in the Union's steps. If the Union is being asked to absorb the same health plan increase in costs as SPS employees, the firefighters will receive less money with which to cover those costs. Town Manager Valente requested that the Board consider this argument as valid, given that the Town has linked the contract increases in exchange for health-plan concessions. The Union views SPS as receiving the equivalent of a 12% increase over three years, as opposed to its 10 % kproposed increase. The Union has suggested splitting the difference with the Town, for an equivalent 11% increase over three years, and receiving additional Hazardous Duty pay.

Selectman O'Brien acknowledged that financially the argument might be valid. However, he also noted that SPS employees do not receive many other benefits received by firefighters, nor do they have the ability to earn overtime compensation. Selectman O'Brien recommended that the Town's response be that it will agree to additional Hazardous Duty pay only if the Union includes new hires as participants in the new health-plan options and that their contribution rate be 30%, which is consistent with the goals set by Sudbury's Finance Committee. The Board concurred.

Town Manager Valente suggested that the rationale for this proposal be shared with the two School Committees to avoid future misinterpretations. Chairman Keller concurred that the proposal should be explained as attributable to a total compensation perspective, which acknowledged that the firefighters' step differentials were lower, and that the number of steps were fewer, than those available for SPS employees.

Town Manager Valente will forward to the Board tomorrow the financial data shared this evening.

There being no further business, the meeting adjourned at 9:22 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk