

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, DECEMBER 22, 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 7:37 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:37 p.m., Chairman Keller opened the meeting. He announced that a Public Hearing, scheduled for this evening, regarding tax classification will not occur, and will only be opened and then immediately continued to January 5, 2010 at 8:00 p.m., to allow for information to be received from the State Department of Revenue.

Chairman Keller congratulated Sudbury's Council on Aging Chair Pat Mullen, who received the prestigious Frances Borger Klempner Award at the BayPath Elder Services Annual Meeting for his outstanding accomplishments on behalf of seniors. Sudbury is proud to have Pat's leadership for this constituency.

Reports from the Board of Selectmen

Selectman O'Brien reported that he and Town Manager Valente attended the Community Preservation Committee meeting on December 16, 2009, to express their support for the proposed article regarding an architectural feasibility study for Town Hall.

Selectman O'Brien and Town Manager Valente also attended Sudbury's Finance Committee meeting last night. He provided the Committee with an update of issues focused on by the Consolidation Working Group and the group of the four area school superintendents. Selectman O'Brien encouraged the community to seek out information regarding the upcoming Town budget process and to attend public hearings. He noted that this year's public hearing schedule will try to consolidate, in one evening, presentations from the three cost centers. Town Manager Valente stated that the financial presentations from the three cost centers are tentatively scheduled for a public hearing on January 14, 2010. **NOTE:** Now changed to two meetings: January 21, 2010 at 7:00 p.m. in Town Hall to discuss the 4.5% budgets and on February 2, 2010 at 7:00 p.m. in Town Hall to discuss the no-override budgets.

Vice-Chairman Drobinski reported that the Community Preservation Committee met last week to vote on proposed articles to be presented at the Annual 2010 Town Meeting for appropriations from Community Preservation Act (CPA) funds. In its deliberations, he noted the Committee faced challenges presented by a difficult economy, a decrease in the State's funding allocation, and the potential for a petition to propose limiting the taxpayers' CPA fund allocation to 1%. Vice-Chairman Drobinski further reported that the Committee chose to postpone projects it did not deem as immediately necessary. The Committee is concerned that by limiting the taxpayers' allocation to 1%, completion of future commendable Town projects for land acquisition, open space, historic preservation and recreational purposes will be impossible, and existing debt on CPA projects would barely be covered.

Reports from Town Manager

Sudbury Finance Committee – Recommended Revisions to Reporting of Financial

Town Manager Valente commended Sudbury's Finance Committee for the recommendations it has made regarding the standardization of information reported by the Town's three cost centers for publication in the

Town Warrant. She explained that each cost center will provide a condensed version of its financial information for the Warrant, and more detailed budget information would be available on respective websites. Town Manager Valente distributed to the Board copies of the Town's proposed two-page submission for review.

Town Manager Valente further reported that the Finance Committee is collecting additional information on a variety of topics, including the cost of benefits per employee, to also be published in the Warrant. Debt information for the three cost centers will also be standardized for publication, and the appendix of information regarding compensation of employees will have a new format. Selectman O'Brien stated that the information published in the Warrant will address more of the information requested by the public and discussed at Town Meetings.

A suggested location of Grange Hall for the Sudbury Finance Committee meeting on January 14, 2010, featuring budget presentations from the three cost centers was discussed, as Town Hall is unavailable that night. Vice-Chairman Drobinski will represent the Board at the meeting. **NOTE:** Now changed to two meetings: January 21, 2010 at 7:00 p.m. in Town Hall to discuss the 4.5% budgets and on February 2, 2010 at 7:00 p.m. in Town Hall to discuss the no-override budgets.

Public Hearing: Tax Classification

At 7:48 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 15, 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 the Town is awaiting DOR personnel to work with Town staff to complete the final stages of the recertification process. She and Chairman Keller explained that Governor Patrick signed a bill this week, addressing this problem, which allows an extension to the deadline to process tax bills, which the Board will vote on later this evening. Updates regarding this process will be posted on the Town website, and relevant offices and residents will be kept abreast.

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 January 5, 2010 at 8:00 p.m.

Minutes

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of December 15, 2009.

Cheri-Anne Cavanaugh Fund

It was on motion unanimously

VOTED: As co-trustees of Town funds, to accept a donation in the amount of \$875 from the Rebecca Circle of the Sudbury United Methodist Church to be deposited into the Cheri-Anne Cavanaugh Fund and expended for counseling of high school students.

Class 1 License – Herb Chambers BMW of Sudbury

Selectman O'Brien referenced a memo that the Board received today from Director of Planning and Community Development Jody Kablack, regarding updates on the completion status of site-plan conditions, previously established for Herb Chambers Boston Post Road, Inc. d/b/a Herb Chambers BMW of Sudbury. Selectman O'Brien visited the site today and reported that a diffuser box has been installed, which will soften the illumination and diminish the light as a safety distraction for those traveling east on Route 20. He recommended issuance of a license based on previous concerns having been successfully addressed and resolved.

Chairman Keller noted that the Town holds a bond for completion of other work at this site. Selectman O'Brien noted that the company reasonably plans to complete plantings in the spring. He also reported that the area leading to the company site appears much better now that Verizon and NStar have removed many of the old phone poles.

It was on motion unanimously

VOTED: As the Licensing Authority for the Town, to grant a Class I license to Herb Chambers Boston Post Road, Inc., d/b/a Herb Chambers BMW of Sudbury, for a term to expire January 1, 2011, subject to meeting the remaining Site Plan conditions as outlined by the Board of Selectmen at its December 15, 2010 meeting

One-Time Extension of Quarterly Tax Bill Deadline

Town Manager Valente stated that the Town has done all it can do to prepare for the recertification process and is following the State's lead on resolution of this matter. She emphasized that there will be financial consequences for the Town, if resolution does not occur prior to early January 2010.

It was on motion unanimously

VOTED: To approve a one-time Extension of Quarterly Tax Bill Deadline which was signed into law on December 15, 2009, by Governor Patrick as S. 2226 *An Act relative to extending the deadline for mailing quarterly tax bill.*

Annual 2010 Town Meeting Warrant Articles and Reports

The Board was previously in receipt of copies of proposed articles and reports for the Annual 2010 Town Meeting submitted by Town Staff. Town Manager Valente briefly reviewed the articles, which included: Removal of Gravestones for Repair, Increase Demand Charge for Delinquent Taxes, Construction of a New Police Headquarters, Rescind/Amend Borrowings established for previous appropriated articles, Wastewater Feasibility Study, and Town/School Revolving Funds.

Town Manager Valente explained that the Construction of a New Police Headquarters is essentially the same article as was submitted at the 2008 Annual Town Meeting, but with a reduced size and cost.

Town Manager Valente noted that some borrowings, included in previous article language, were not needed, and a vote to rescind or reduce the borrowing authorizations is required to eliminate the liability. In addition, some projects were cancelled and appropriated funds were never used and can now be re-voted.

Town Manager Valente distributed copies of four additional proposed articles and reports for the Annual 2010 Town Meeting to be voted on tonight and submitted on behalf of the Board. She briefly reviewed the articles, which included: Amend Bylaws for Town Meeting Commencement, Sudbury's Interest in Wayland-Sudbury Septage Facility, Establish Energy Facilities/Stretch Code and Energy Development Facilities.

It was on motion unanimously

VOTED: To approve submission of the warrant article placeholder, together with the report presented, for the Annual 2010 Town Meeting entitled Amend Bylaws for Town Meeting Commencement.

Town Manager Valente noted that the proposed article regarding Sudbury's Interest in Wayland-Sudbury Septage Facility would allow Wayland to buy-out Sudbury's interest, and would essentially end the existing joint venture of the decommissioned facility. Vice-Chairman Drobinski suggested that the article language be inclusive of all likely scenarios.

It was on motion unanimously

VOTED: To approve submission of the warrant article placeholder, together with the report presented, for the Annual 2010 Town Meeting entitled Sudbury's Interest in Wayland-Sudbury Septage Facility.

The Board discussed the proposed draft article to Establish Energy Facilities/Stretch Energy Code. Vice-Chairman Drobinski and Chairman Keller stated that articles regarding the possible adoption of the Stretch Energy Code and possible qualification as an eligible Green-Community should be presented as two separate articles.

It was on motion unanimously

VOTED: To approve the drafting and submission of a stand-alone warrant article placeholder, together with an accompanying report to be presented at the Annual 2010 Town Meeting, regarding the possible adoption of the Stretch Energy Code.

It was also on motion unanimously

VOTED: To approve the drafting and submission of a stand-alone warrant article placeholder, together with an accompanying report to be presented at the Annual 2010 Town Meeting, regarding Establishing Energy Facilities to include language that the amendment provide for the siting of wind or solar renewable or alternative energy-generating facilities, and renewable or alternative energy research and development facilities, for the purpose of qualifying as a Green Community.

Vice-Chairman Drobinski requested that Town Counsel Paul Kenny and Director of Planning and Community Development Jody Kablack further determine if the article should specify only Town-owned land or whether an overlay district should be established.

It was further on motion unanimously

VOTED: To instruct the Town Manager, Town Counsel and Director of Planning and Community Development to develop an overlay district relative to the Green Communities Act to designate the landfill as an energy production site for solar installations.

It was also on motion unanimously

VOTED: To approve the drafting and submission of a warrant article placeholder, together with an accompanying report to be presented at the Annual 2010 Town Meeting, regarding Energy Development Facilities on available Town land.

Vice-Chairman Drobinski requested that further research be done to determine if the Town already has the right to enter into such contracts. Town Manager Valente will address this issue with Town Counsel Kenny and Ms. Kablack.

Wayland-Sudbury Septage Facility – Delegation of Administrative Responsibility

It was on motion unanimously

VOTED: To delegate the Board of Selectmen's authority and responsibility for the maintenance, repair, financial operation, except for the financial audit of the Wayland-Sudbury Septage Facility, and administrative requirements of the building at the decommissioned Wayland-Sudbury Septage Facility to the Town Manager, to be exercised in conjunction with the Town Administrator of the Town of Wayland, except for the execution of expense vouchers which shall be the sole responsibility of said Town Administrator, until the dissolution or adjournment *sine die* of the 2010 Annual Town Meeting of the Town of Sudbury, whichever occurs later.

Executive Session

At 8:50 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 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 8:50 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, DECEMBER 22, 2009
EXECUTIVE SESSION
(8:50 P.M - 9:10 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

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.

REMAINING PORTIONS REDACTED

There being no further business, the meeting adjourned at 9:10 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk