

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, JANUARY 5, 2010

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 7:35 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:34 p.m., Chairman Keller opened the meeting. He wished all Sudbury residents a happy New Year. He also cautioned everyone to be careful when traveling, due to the recent snowstorms.

On behalf of the Town Clerk's Office, Chairman Keller made the following announcements: a Special Election will be held on January 19, 2010 (on that day, polls will be open from 7:00 a.m. until 8:00 p.m., and absentee ballots are available until 5:00 p.m. on January 15, 2010); the Annual Town Street Listing Census and Dog License Renewal Forms will be mailed to all households during the third week of January (it is important to complete and return the Census form to avoid being dropped from official voting lists). Dog license renewal forms received after March 31, 2010, will be assessed a \$25 late fee.

Reports from the Board of Selectmen

Selectman O'Brien reported that the budget season has begun. The Finance Committee will conduct preliminary public hearings regarding the Minuteman Career and Technical High School and proposed articles for Community Preservation Act funding on January 14, 2010. Lincoln-Sudbury Regional High School (L-SRHS), Sudbury Public Schools (SPS) and the Town will present their respective budgets at a Finance Committee public hearing on January 21, 2010. He noted that these discussions will be broadcast on cable television, and he encouraged the public to attend the numerous budget-related discussions scheduled throughout the coming months.

Vice-Chairman Drobinski reminded the community to be mindful of elderly neighbors during winter and storm conditions. He also urged residents to shovel fire-hydrant areas in their neighborhoods to assist with public safety efforts.

Reports from Town Manager
Staff Appreciation

Town Manager Valente expressed her gratitude to the School and Town staff members who worked diligently to meet the budget submission deadline on December 31, 2009. In particular, she thanked SPS Director of Business and Finance Mary Will, L-SRHS Director of Finance Judy Belliveau, Sudbury Finance Director Andrea Terkelsen and Peter Andersen for their coordinated efforts to compile the information. The information can be accessed on the Town and School websites.

Town Manager Valente also noted that this time of year is very busy for Town staff, since all Town Meeting warrant articles must be submitted and all restaurant and alcoholic-beverage licenses must be renewed by December 31st each year. She expressed her gratitude to Executive Assistant Mary McCormack and Office Supervisor Patty Golden for coordinating these materials during the holiday weeks.

Police Chief – Appointment

Town Manager Valente announced that, effective January 1, 2010, she has officially appointed Lt. Richard Glavin as Sudbury's new Police Chief. The decision has received positive feedback, and the community looks forward to working with Rick in his new role, which he performed so successfully as Interim Police Chief.

Chairman Keller and Town Manager Valente highlighted that the Town should be proud of its proven ability to focus on hiring good candidates for employment positions and then actively supporting personnel with policies and responsibilities, which develop talent and skills recognized through later promotions.

Public Hearing: Tax Classification

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

At 8:00 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 22, 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). Thus, the Board will begin its discussion tonight, but will reconvene as soon as the information is approved by the State.

Director of Assessing Maureen Hafner distributed numerous handouts to the Board for review, including statistical analysis of residential properties by neighborhood and building styles. Ms. Hafner briefly reviewed the re-certification process with the State's Department of Revenue, which occurs every three years, and reviews property sales data from 2008 to determine levels of assessment. The incompleteness of this legal process with the State has delayed Sudbury's tax hearings and determinations from occurring to date.

Chairman Keller suggested that the Board address three policy-related questions this evening, prior to its eventual review of the certified tax rates.

Chairman of the Board of Assessors Trevor Haydon briefly explained the open space exemption option, which allows for up to a 25% discount. Mr. Haydon stated that Sudbury has not had any interest expressed in this option, and very few other communities in the State utilize it. He further noted that those who might benefit from this option, seem to reap a greater tax benefit from participating in chapter programs, such as Chapter 61.

It was on motion unanimously

VOTED: To not grant an open space tax exemption.

Mr. Haydon next reviewed the intended use and criteria for small commercial exemptions, which allow for discounts up to 10%. It was noted that, last year, only 31 taxpayers might have potentially qualified for the exemption. Selectman O'Brien emphasized that many other small businesses might be adversely affected by the resulting shift of the commercial tax burden, if this exemption were adopted. Board of Assessors member Joshua Fox concurred, stating that the adoption of the exemption could easily create inequities for other small businesses.

Louis Stephen, Chamber of Commerce President, stated he does not support this option, since it only helps a very small percentage of the business community. He noted that Sudbury is nearing a 30% vacancy rate for commercial properties and many small businesses are struggling in the current economy. Mr. Stephan believes adoption of this exemption will hurt more businesses than it will help.

Chairman Keller asked for, and received, confirmation that no small business owner has ever requested this type of exemption.

It was on motion unanimously

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

The Board next reviewed the option for a residential exemption, which would designate a reduced value of up to 20% to all properties that have a dwelling in which the person who owns the property also resides. Chairman Keller observed that the exemption allows for a tax reduction to properties below the median area prices, and increases taxes on properties above the median area costs.

Ms. Hafner presented a few hypothetical examples if a 20% discount were applied to the formula used for a home assessed at \$613,000 (which is the average assessment based on all residential properties). She noted that, although \$122,646 would be exempted from the home's value, the balance would be assessed at a higher rate of \$19.04, compared to a rate of \$15.69, if assessed at the full value.

Senior Tax Advisor David Levington expressed his personal support for the adoption of this option and also stated that the Council on Aging has endorsed its adoption. Mr. Levington has broached this subject previously with the Board, and has provided preliminary information indicating that a significant number of taxpayers, some of whom are senior citizens, could benefit from this exemption. He believes adoption of this exemption will help to address in a long-term manner, some of the Town's structural deficit concerns and will make Sudbury more "liveable" for senior citizens. Mr. Levington believes the Town's moderately-priced homes will become more affordable over time for a variety of constituencies.

Vice-Chairman Drobinski stated the concept has philosophical merits as a means to assist senior citizens. However, he noted the exemption will go to anyone who has a smaller home, which is assessed at lower than median values. Mr. Levington responded that the exemption would benefit others in the community as well as senior citizens. He reviewed a few hypothetical examples of home values and potential resulting benefits with the Board. He reiterated his support for adoption of this exemption to help distribute property taxes more similarly to the graduated brackets used for income taxes.

Selectman O'Brien suggested that Mr. Levington's information be cross-checked with the Town Census information to better determine the ages and incomes of those who will benefit from this option. He stated that the concept of using tax policy to re-craft social policy is an intriguing notion. Selectman O'Brien further suggested that a spreadsheet of data be compiled reflecting current tax-related information and results depicting various discount percentages. Town Manager Valente stated she would be interested in knowing which other communities have adopted this exemption. The consensus of the Board was that consideration of adopting this exemption was worthy of additional study. However, the Board also concluded that additional research time would be needed beyond what is presently available to determine the FY10 tax year guidelines. Town Manager Valente concurred, recommending that a far-reaching, significant decision such as this be vetted thoroughly. Mr. Levington thanked the Board for its consideration.

It was on motion unanimously

VOTED: To not grant a **residential exemption for FY10**.

Selectman O'Brien and Town Manager Valente suggested, and the Board concurred, that the further study of a residential exemption option be incorporated in the Board's goals for the coming year.

Town Manager Valente emphasized the ramifications which will result if the State's tax recertification process with Sudbury is not completed by January 15, 2010, to allow time for a requisite hearing, leading to the mailing of property tax bills no later than January 31, 2010. If these deadlines are not met, the Town will be forced to borrow against taxes, possibly jeopardizing its AAA rating. Selectman O'Brien expressed his frustration with the delay in the process and its potential consequences for the Town. He offered to contact State officials and offices to help expedite the process. Town Manager Valente stated that Sudbury's immediate priority must be maintaining focus on abiding by all procedures, which will help to facilitate the mailing of property tax bills by January 31, 2010.

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 FY2010 tax rate to January 11, 2010 at 6:00 p.m. at Town Hall.

Minutes

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of December 22, 2009.

Special State Election - Warrant

It was on motion unanimously

VOTED: As requested by Town Clerk Rosemary Harvell, to sign the Special State Election warrant for Senator in Congress – for the Commonwealth, said warrant to be posted at least seven days prior to the election on Tuesday, January 19, 2010.

Reinsurance Coverage for Calendar Year 2010

It was on motion unanimously

VOTED: To approve and authorize the Town Manager to contract with Papajohn Insurance Agency, Inc. for reinsurance coverage for the period January 1 through June 30, 2010, for an estimated premium of \$156,338, as outlined in a memorandum dated December 29, 2009, from Wayne Walker, Assistant Town Manager.

Election Officers - Appointments

It was on motion unanimously

VOTED: As requested by Town Clerk Rosemary Harvell, in an email dated December 29, 2009, to appoint the following residents as Election Officers: Elizabeth W. Gray-Nix, 90 Pelham Island Road, Antoinette J. O'Connell 655 Boston Post Road, # 5211, and Paul J. Marotta, 71 Pelham Island Road, for terms to expire August 14, 2010.

Annual 2010 Town Meeting Warrant Articles and Reports

The Board was previously in receipt of a draft listing of 46 Annual 2010 Town Meeting Warrant Articles, dated December 31, 2009. Town Manager Valente summarized the submissions, which were received from a variety of boards, committees, staff and citizens. She reviewed the submission requirements for warrant articles. Ms. Valente noted that many articles listed each year are recurring items. Three articles were submitted by the Planning Board, and ten articles were submitted by the Community Preservation Committee. Town Manager Valente further noted that she and the Selectmen have submitted articles regarding consolidating the Town and Schools facility maintenance functions, amending the commencement of Town Meeting and budget submission, long-term cell tower leasing, accepting the local meals and room excise taxes, establishing a Stretch Energy Code, administration of the closing of the Wayland-Sudbury Septage Facility, and articles related to clean energy sites.

Vice-Chairman Drobinski noted that draft article #25 should be renamed to reflect "Renewable Energy Facilities."

In addition, Town Manager Valente reported that six citizens' petitions were submitted this year, which are intended to: increase the Board of Selectmen from three to five members, to spend up to \$10,000 to study the utilization of Fire Station #3, to reduce the Community Preservation Act (CPA) Surcharge from 3% to 1.25%, to utilize a portion of CPA funds to pay bonds for the Libby and Cutting Farm land purchases, to use Rail Trail funds to study the minimization of environmental impacts, and a non-binding resolution regarding how quickly the Board's Executive Session meeting minutes are released and posted.

Chairman Keller urged the public to "stay tuned" for upcoming discussions regarding many of these articles. Town Manager Valente suggested that the Board invite the citizens' petitioners to the February 16, 2010 meeting to further explain their submissions. Ms. Valente further noted that the draft articles are currently available for viewing in the Town Clerk's and Town Manager's Offices, and will be eventually able to be accessed on the Town website.

Executive Session

At 9:26 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 discussing collective bargaining.

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

There being no further business, the meeting adjourned at 9:26 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk