

IN BOARD OF SUDBURY SELECTMEN
WEDNESDAY, JANUARY 20, 2010

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

Absent: Chairman William J. Keller, Jr.

The statutory requirements as to notice having been complied with, the meeting was convened at 7:44 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:44 p.m., Vice-Chairman Drobinski opened the meeting. He reported that the swearing-in ceremony for Sudbury's new Police Chief Richard Glavin was held earlier this evening. Town Clerk Rosemary Harvell administered the oath to Chief Glavin. On behalf of the community and Board, he congratulated Chief Glavin on the appointment and wished him well in his new role and responsibilities. Chief Glavin's family, wife Jean, daughter Chelsea, and sons Garrett and Rory, were in attendance, along with many extended family members. In addition, guest officers and police chiefs from other communities and members of Sudbury's Police Department attended the ceremony, as did former Sudbury Police Chief Peter Fagden. Town Manager Valente and the Board noted that Sudbury is grateful for the leadership which Chief Glavin will provide to its impressive Police Department.

Vice-Chairman Drobinski thanked the Town Clerk's office staff and everyone who helped yesterday's Special Election to run smoothly. Town Manager Valente also thanked the many Town employees who worked to make the day successful for the 71% of participating voters. She later emphasized that many Town offices and departments are involved to provide coordinated "behind the scenes" assistance for such events.

Vice-Chairman Drobinski reminded citizens that Town Census forms will be mailed tomorrow from the Town Clerk's Office, which encourages everyone to confirm the information, and return the form in a timely manner.

Vice-Chairman Drobinski congratulated Cavicchio Greenhouses for entering its milestone 100th year in business in Sudbury. On behalf of the community and Board, he thanked Paul Cavicchio and his family for the many charitable contributions the business has made through the years to support the Town.

Mr. Drobinski congratulated the team of Lincoln-Sudbury Regional High School students, who have been chosen as one of twenty high school teams to be featured on a WGBH High School Quiz Show to debut in March.

Vice-Chairman Drobinski announced that the Assessor's Office has posted information regarding property values on the Town website. The Assessor's Office encourages anyone with questions to contact them directly. Special office hours have also been established by the Assessor's Office to accommodate residents as follows: on January 21st the office will be open from 8:30 a.m. to 4:00 p.m., on January 22nd from 7:30 a.m. to 7:30 p.m., on January 23rd from 9:00 a.m. to 4:00 p.m., and January 25th and 26th from 7:30 a.m. to 7:30 p.m.

Town Manager Valente noted that the Board must formally acknowledge the special Saturday hours on January 23, 2010 for the Assessor's Office to be open.

It was on motion unanimously

VOTED: To acknowledge that the Assessor's Office will be open on Saturday, January 23, 2010, from 9:00 a.m. to 4:00 p.m. to hear inquiries regarding property values.

Reports from the Board of Selectmen

Selectman O'Brien reported that Sudbury's Finance Committee held a budget hearing last week, where Minuteman Career and Technical High School presented its proposed budget, and Sudbury's Community Preservation Committee (CPC) Chairman Chris Morely provided a review of the articles recommended by the CPC for funding consideration at the 2010 Town Meeting. He further reported that the next budget hearing will be on January 21, 2010, when the Sudbury Public Schools, the Town and Lincoln-Sudbury Regional High School will present their respective proposed maximum growth (4.5%) budgets and field questions. These three cost centers will also present their respective constrained (non-override) budgets at another hearing scheduled on February 2, 2010.

Selectman O'Brien also reported that the Sudbury Housing Trust, in conjunction with representatives from the Neighborhood of Affordable Housing (NOAH) organization, held an information session with abutters regarding the Comprehensive Permit Application, which was filed for the proposed development of six, two-bedroom units of affordable housing at 278 Maynard Road to be known as 3 Marlboro Road. The application will be reviewed by Sudbury's Zoning Board of Appeals (ZBA) on February 1, 2010.

Vice-Chairman Drobinski noted that the Board set the residential factor last week, which reflect a 3.2% increase on the average for residential and commercial property. He noted that value information is available on the Town website, and that the Board decided to not invoke any exemption options. Town Manager Valente reported that Town staff is working continually toward the goal of mailing property tax bills to residents at the end of January.

Reports from Town Manager

Massachusetts Municipal Association – *Simply Massachusetts 2010*

Town Manager Valente circulated a copy of the Massachusetts Municipal Association – *Simply Massachusetts 2010* calendar to the Board for review. She noted that photographs from two Sudbury citizens, David Blohm and John Sklenak, were chosen to be featured in the calendar. Ms. Valente congratulated Mr. Blohm and Mr. Sklenak on their photos, and thanked them for representing Sudbury so well with their talent.

Community Preservation Committee (CPC) – Presentation of Articles Submitted for Community Preservation Act Funding

Present: CPC Chair Christopher Morely and Director of Planning and Community Development Jody Kablack

At 7:59 p.m., Vice-Chairman Drobinski welcomed Director of Planning and Community Development Jody Kablack and Community Preservation Committee (CPC) Chairman Christopher Morely to the meeting.

Ms. Kablack provided the Board with a summary of the articles submitted by the CPC for the Annual 2010 Town Meeting for Community Preservation Act (CPA) funding consideration, noting that Mr. Morely had provided the Finance Committee with a similar report last week. She further noted that the Committee reviewed 13 proposals, and decided to recommend ten articles, of which only six request newly-appropriated funds. The CPC conducted two public hearings regarding the proposals to solicit community input.

Ms. Kablack briefly described how the anticipated CPA receipts for this year were derived and estimated at \$2,065,000, which includes the 3% surcharge charged to all residential Sudbury taxpayers, interest and the anticipated State matching funds of \$539,000. Ms. Kablack reported that Sudbury received 100% matches of funds for its first six years of participation in the program, and that the match decreased to 70% last year and is anticipated to be 37.5% this year. The FY11 estimate by the State has been publicized to be in the range of 28-29% (the equivalent of approximately \$400,000 for Sudbury). However, Ms. Kablack further reported that pending legislation, if passed, could increase the figure to 75%. Mr. Morely reported that 142 communities in the State have adopted the CPA program to date, and that Sudbury was one of the first towns to participate. Ms. Kablack stated that Sudbury has accomplished numerous eligible projects, using its CPA funds wisely.

Ms. Kablack reported that the CPC balance is currently around \$6.8 million, which was amassed in the early years of the program. She highlighted that, in most years, the CPC has chosen to underspend its allocation so as to increase its reserves. Ms. Kablack reviewed the four eligible categories for CPA funding as affordable housing, open space, recreation and historic preservation. She further reported that the largest portion of the CPA yearly revenues is devoted to funding debt service, which this year will total \$1,052,034. Ms. Kablack stated that this debt service is for the land purchases related to the Cutting, Libby, Dixon and Nobscot Phase I properties.

Ms. Kablack summarized the recommended articles as follows:

Town-Wide Walkways – request of \$200,000 to fund the engineering, design and construction of priority Town walkways, which have been recommended by neighborhood-driven petitions.

Sudbury Housing Trust 10% Allocation – request of \$180,000 for the FY11 10% Community Preservation Act housing allocation for the Sudbury Housing Trust to use for the purposes of preservation and creation of affordable housing in Sudbury for low and moderate-income households.

Radar Survey at the Revolutionary War Cemetery – request of \$20,000 for the purpose of conducting a ground penetrating radar survey to identify unmarked graves at Sudbury's historic Revolutionary War Cemetery.

Cemetery Tomb Doors Restoration – request for \$30,000 for the purpose of restoring the vandalized tomb doors along Concord Road in the Town Center at Wadsworth Cemetery. Ms. Kablack noted that the article will be written so as to allow for any funds collected under court-ordered restitution to be returned to the CPA fund. Town Manager Valente noted that, although the tomb is on Town-owned land, the crypts are privately owned by families, and thus are ineligible to be covered by the Town's insurance policies.

Upgrade of Existing Town Hall Vaults – request for \$67,795 to upgrade two existing vaults, located in Town Hall, with shelving, climate control and fire suppression systems.

Town Hall Architectural and Design Study – request for \$50,000 to conduct a Phase I architectural and feasibility study of the Town Hall for renovation, including historic rehabilitation, and to better determine adaptive uses for the building. Mr. Morely emphasized that an initial impetus for the genesis of the State's CPA Program was for the restoration and reuse of town halls.

Amend Article 29 of the 2008 Town Meeting, Town Hall Window Restoration – Extension – to remove the time for completion of the project, and to institute an extension to further research restoration methods at a lower cost.

CSX Rail Corridor Acquisition Funding - Ms. Kablack explained that this article is intended to only change the language regarding how the funds (\$420,000), which were appropriated at last year's Town Meeting, are paid. The article provides the Town with the option of using unrestricted reserves to pay for the purchase or to borrow the funds as originally voted. Ms. Kablack reported that, since last year, CSX has lowered its price, and the Town is actively pursuing the final execution of a Purchase and Sale Agreement.

Reversion of CPA Funds - Ms. Kablack explained that this article will return approximately \$75,000 of unused balances from prior Town Meeting authorizations from projects completed for less than what was anticipated, to the CPA unrestricted reserves account. The funds remaining are from the following projects: Town Walkways, Loring Parsonage Exterior Renovation, Historic properties Survey Phase II, Bruce Freeman Rail Trail Title Search, Town Clerk Document Preservation, Military Training Field, and Stearns Mill Dam Evaluation.

General Budget and Appropriations - Ms. Kablack explained that this article requests the FY11 CPA budget as recommended by the CPC, including \$1,052,034 for debt service obligations, and \$80,000 for administrative and operational expenses of the CPC, used for technical staffing and expertise, consulting services (land surveys and engineering), property appraisals, legal advertisements, etc. She noted that the CPA statute allows up to 5% of the annual budget to be used for administrative funds.

Ms. Kablack encouraged residents to access the CPC's October 2009 Report on the Town website, which more thoroughly explains Sudbury's CPA-program history and funding accomplishments. She also reported that, in response to community interest in the CPA program, she is developing a one-page insert for the Town Warrant to summarize the project requests, revenue data, State match and future anticipated trends.

Ms. Kablack also reported that three CPA-related petition articles have been submitted by citizens. However, Ms. Kablack further noted that the petitions have not yet been entertained by the CPC. Town Manager Valente stated that the Board tentatively plans to invite the petitioners to the February 16, 2010 meeting at 8:00 p.m., to further explain their submissions.

Vice-Chairman Drobinski opined that CPA funds have helped to positively enhance Sudbury with the completion of projects in all four CPA-eligible categories. Mr. Morely concurred, noting that, historically, the CPA projects and programs have been extremely popular within the community and enthusiastically supported at Town Meetings. He emphasized that all CPC-recommended projects are ultimately voted upon by Sudbury's citizens at Town Meetings. Mr. Morely further noted that the recommended projects have typically been consistent with the Town's Master, Housing and Open Space Plans, which have been vetted and established by hundreds of Sudbury volunteer citizens, over several years.

In addition, Mr. Morely stated that the CPC has purposely held funds in reserve, knowing that some designated large parcels, which have been deemed as desirable by the Town in its Open Space Plan, will be costly, if and when they become available for sale. Vice-Chairman Drobinski concurred that there has been a long-term strategic planning effort made to maintain funding reserves. He also noted that it has been the philosophy of the Town and CPC to fund the purchase of large open space parcels using a bonding policy. Ms. Kablack explained that by spreading the cost over several years, no one set of taxpayers' bears the financial burden for a Town resource, which will be enjoyed by many generations of Sudbury residents.

The Board thanked the presenters for their informative report, and the discussion was closed at 8:35 p.m.

Capital Improvement Planning Committee (CIPC) – Proposals

Present: CIPC members Douglas Kohen, Pascal Cleve, Ted Fedynyshyn and Finance Director and CIPC ex-officio member Andrea Terkelsen

At 8:36 p.m., Vice-Chairman Drobinski welcomed members of the Capital Improvement Planning Committee (CIPC) to the meeting.

CIPC member Douglas Kohen introduced members of the CIPC in attendance this evening, and reviewed how the Committee determined this year's budget. Each year, the CIPC reviews requests submitted from Town Department Heads for capital equipment, projects, and/or improvements that: a) have a useful life of at least 5 years; and b) have a single-year cost over \$10,000 or a multi-year cost of more than \$100,000. Mr. Kohen reported that the CIPC calculated the FY11 capital budget for a 1% non-override amount increase over the FY10 budget of \$529,054. Original requests entertained by Department Heads totaled \$1,135,584, which were later revised to submissions totaling \$616,683. The Committee eventually recommended funding of \$529,054 for projects it deemed as priorities, as follows:

Ongoing Leases - \$255,783 (for several Department of Public Works vehicles and equipment and the
Munis Tax software)
Department of Public Works - \$54,500 (for 5-year leases for a tractor with mower and a sweeper)
Building/Facilities - \$208,771 (Fairbank renovation and asbestos removal, Senior Center roof and skylight,
Nixon School library rooftop HVAC and renovation and various building
Improvements)
Police - \$10,000 (live scan fingerprint system)

Mr. Kohen noted that the CIPC approved \$24,000 more for various building improvements than was requested to allow the facilities manager flexibility to use funds for projects with the greatest need. The CIPC chose not to recommend funding for women's pool showers, a Fire Department request for a Goodman's Hill radio generator or for an Information Technology Department request for telecom and system upgrades, since they were deemed as not critically essential at this time. Vice-Chairman Drobinski suggested that wireless providers pursuing business in Sudbury be asked to contribute to funding for the radio generator.

In closing, Mr. Kohen stated that, in the current economic climate, the CIPC chose to only approve a 1% budget increase from last year, and not to put forth projects which could be delayed.

Selectman O'Brien thanked the Committee for its thorough report, noting that the selection of project recommendations is a difficult process. He also noted that the annual review of project requests helps to prioritize future projects, even if they are not recommended for funding this year. Vice-Chairman Drobinski thanked the Committee for its sensitivity to the needs of the Town and its taxpayers.

Mr. Kohen encouraged Sudbury citizens to research project needs and requests by visiting the respective departments and speaking with Town staff. In response to questions from the Town Manager, Mr. Kohen stated that the CIPC supports the construction of a new police station and the creation of a shared facilities maintenance position between the Town and Schools as worthwhile projects.

Town Manager Valente thanked Finance Director and CIPC ex-officio member Andrea Terkelsen for her work with the Committee. The presentation concluded at 8:53 p.m.

Minutes

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of January 5, 2010.

The Sudbury Foundation – Grant

It was on motion unanimously

VOTED: On behalf of the Town, to accept a \$15,000 grant from The Sudbury Foundation, as outlined in a letter dated December 31, 2009, from Marilyn Martino, Executive Director, for continued support of the Senior Volunteer Coordinator position at the Fairbank Senior Center, to be expended under the direction of the Council on Aging Director.

Permanent Building Committee – Appointments

It was on motion unanimously

VOTED: To appoint William G. Braun, 148 North Road, as a member of the Permanent Building Committee for a term to expire April 30, 2012; and further to appoint Frank D. Schimmoller, 19 Ridge Hill Road, and W. Gifford Perry, 27 Ames Road, as Associate Members for terms to expire April 30, 2013.

John Deere Co. - Lease Purchase Bid Award

It was on motion unanimously

VOTED: Pursuant to ATM09/Art.5 FY10 Capital Budget, the lease-purchase by the Town Manager of a John Deere 5075 Tractor and 563 Farm Loader, from John Deere Co., at a net purchase price of \$41,468, which includes trade-in allowances on a Ford 3400, Ford Harrows and Ford Auger; said purchase to be financed over a five-year period at an interest rate acceptable to the Town; and further, to authorize the Town Manager to execute all documents related thereto inclusive of the Lease-Purchase Agreement as negotiated by Town Counsel's Office.

Annual 2010 Town Meeting – Accept Articles, Determine Order, Designate Consent Calendar Articles, Establish Positions and Refer Zoning Bylaw Articles to Planning Board

The Board reviewed a revised draft list of “2010 Annual Town Meeting Warrant Articles, dated January 15, 2010.”

It was on motion unanimously

VOTED: To refer zoning bylaw articles to Sudbury's Planning Board.

It was also on motion unanimously

VOTED: To accept the articles submitted for the 2010 Annual Town Meeting, as listed.

The Board next revised the order of the articles and, it was also on motion unanimously

VOTED: To re-order the articles submitted for the 2010 Annual Town Meeting, as follows, subject to a final review by the entire Board.

- #1 - Hear Reports
- #2 - FY10 Budget Adjustments
- #3 - Stabilization Fund
- #4 - FY11 Budget
- #5 - FY11 Capital Budget
- #6 - Amend Bylaws – Town Meeting Commencement & Budget Submission
- #7 - FY11 Transfer Station Enterprise Fund Budget
- #8 - FY11 Pool Enterprise Fund Budget
- #9 - FY11 Recreation Field Maintenance Enterprise Fund and Budget
- #10 - Unpaid Bills
- #11 – Chapter 90 Highway Funding - CC
- #12 – Real Estate Exemption - CC
- #13 – Town/School Revolving Funds - CC
- #14 – Accept M.G.L. c. 64L, s.2(a) Local Meals Excise
- #15 - Accept M.G.L. c. 64G, s32(a) Local Room Occupancy Excise
- #16 - Accept M.G.L. c. 71L, s37M – Consolidate Schools and Town Facility Maintenance Functions - CC
- #17 - Increase Demand Charge for Delinquent Taxes - CC
- #18 – Sudbury-Wayland Septage Facility
- #19 - Amend Bylaws by adding “Illicit Discharge and Connection”
- #20 - Minor Amendments to the Zoning Bylaw Article IX
- #21 - Amend Zoning Bylaw Article IX, Section 4300 – Wireless Services Overlay District
- #22 - Long-Term Cell Tower Leasing - CC
- #23 - Special Act – Cell Tower Bidding - CC
- #24 - Establish a Stretch Energy Code
- #25 – Renewable Energy Development Facilities
- #26 - Accept M.G.L. c. 272, s. 73A Removal of Gravestones for Repair - CC
- #27 - Construct Police Headquarters
- #28 - Wastewater Feasibility Study - CC
- #29 - Rescind/Amend Borrowings - CC
- #30 - Community Preservation Fund – Tomb Door(s) Restoration
- #31 - Community Preservation Fund – Revolutionary War Cemetery Radar Search
- #32 - Community Preservation Fund – Update Existing Town Hall Vaults
- #33 – Community Preservation Fund - Town Hall Architectural Design Study
- #34- Community Preservation Fund – Sudbury Housing Trust 10% Allocation
- #35- Community Preservation Fund – Town Wide Walkways
- #36 - Community Preservation Fund - CSX Acquisition Funding
- #37 – Community Preservation Fund – Amend Art. 29 of the 2008 Town Meeting, Town Hall Window Restoration - CC
- #38 - Community Preservation Fund – Reversion of CPA Funds - CC
- #39 - Community Preservation Fund - General Budget and Appropriations
- #40 – Reduce CPA Surcharge from 3% to 1.25% - Petition
- #41 – Utilize a portion of current CPA funds to Fully Pay for Libby Land and Cutting Farm – Petition –
- #42 – Commitment to Fund Rail Trail Re-routing Studies to minimize environmental impacts of the Bruce Freeman Rail Trail -Petition
- #43 – Safety Utilization of Fire House #3 – Petition
- #44 – Increase Board of Selectmen from 3 to 5 – Petition
- #45 – Resolution – Executive Session

It was suggested that the Community Preservation Committee be consulted to determine if it has an objection to the rearrangement of the CPC articles.

In relation to the article regarding the "FY11 Recreation Field Maintenance Enterprise Fund and Budget," Selectman O'Brien inquired as to whether a report has been received from Lincoln-Sudbury Regional High School (L-SRHS) regarding funds which were to be deposited into a special account for ongoing maintenance. Finance Director Andrea Terkelsen responded that L-SRHS Finance Manager Judy Belliveau had previously informed her that no monies had been deposited, which may be the reason why the Town has not received a report. Selectman O'Brien requested that a report and ledger of outside users of the field be requested by the Town. Ms. Terkelsen stated she would request the information.

It was further on motion unanimously

VOTED: To accept the articles as designated for placement on the Consent Calendar (CC) as listed on the draft "2010 Annual Town Meeting Warrant Articles, dated January 15, 2010."

It was also on motion unanimously

VOTED: To pass on the taking of positions regarding the 2010 Annual Town Meeting Warrant Articles as accepted this evening, until the entire Board can deliberate the articles at its February 8, 2010 meeting.

Transfer Station – Preliminary Discussion Regarding New Rates

Town Manager Valente reported that information is being collected for presentation at a future Board meeting regarding changes to the organizational and price structure for the Transfer Station, including a Recycling-Only Sticker Proposal, an increase to the bag cost, a proposed staggered hours-of-operation schedule for Sudbury and Wayland and proposed senior citizens' discounts. Ms. Valente noted that there has been a drop in recyclables revenue. Ms. Valente corrected the prices noted on a price-increase proposal for the Pay-Per Throw bags, which was previously provided to the Board.

Selectman O'Brien suggested that, if possible, consideration be given to adjusting the bags sizes to accommodate 10, 20 or 40 gallons. He also questioned if limited-stay and extended-stay recycling stickers should be considered.

Town Manager Valente stated that the additional information may not be available for the Board's next meeting. However, she stated that the Board should be prepared to vote on the proposal for the bag pricing on February 8, 2010.

Annual 2009 Board of Selectmen/Town Manager Town Report

The Board was previously in receipt of a Draft Board of Selectmen/Town Manager Town Report for review.

It was on motion unanimously

VOTED: To approve and accept the submission of the Board of Selectmen/Town Manager draft Town Report as reviewed this evening, subject to any revisions by the Board's Chairman.

Executive Session

At 9:34 p.m., Vice-Chairman Drobinski 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.

Vice-Chairman Drobinski announced regular session would not reconvene following Executive Session.

There being no further business, the meeting adjourned at 9:34 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, JANUARY 20, 2010
EXECUTIVE SESSION
(9:39 P.M - 9:57 P.M.)

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

Absent: Chairman William J. Keller, Jr.

Collective Bargaining – Police Union - Update

Town Manager Valente updated the Board on today's collective bargaining discussion between the Town and the Police Union. Negotiations are advancing positively, and it appears the Union will accept many of the Town's proposed concessions, including a reduction of \$110 in Hazardous Duty pay. This reduction will benefit the Town's pending negotiations with the Firefighters' Association. The one area of disagreement remaining appears to be acceptance of a fixed dollar amount for Quinn benefits for new hires as proposed by the Town. The Union does not want to accept a fixed figure, but rather would prefer a percentage increase to the base salary. Ms. Valente provided the Board with a spreadsheet reflecting the potential savings generated from proposed Quinn Bill concessions (as of January 13, 2010). However, Ms. Valente acknowledged that, if the Town can accept the percentage to the base salary proposal, it is likely the Town will receive all of its other proposed concessions. She emphasized that any proposal presented must be perceived by the Union as treating members equally.

Town Manager Valente recommended that the Board take a few days to consider the impacts of this matter, and she will further solicit the opinions of the Board's Chairman and Assistant Town Manager Walker.

There being no further business, the meeting adjourned at 9:57 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk