

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, OCTOBER 5, 2010

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

The statutory requirements as to notice having been complied with, the meeting was convened at 7:32 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:32 p.m., Chairman Drobinski opened the meeting. He reported that Superintendent John Brackett has announced his retirement. Chairman Drobinski stated Dr. Brackett will be greatly missed in the community, and he wished him well in his future endeavors. He further stated that the news of the pending departure of Dr. Brackett refocuses attention on whether consolidation of school administration with Lincoln is possible. He broached the idea of both towns reviewing the Lincoln-Sudbury Regional High School (L-SRHS) governance agreement and discussing options available with the Chairman of Lincoln's Board of Selectmen. It was suggested that a member of each Board meet with members of each School Committee to evaluate governance options which might need to be brought before Town meetings in both Lincoln and Sudbury. Chairman Drobinski suggested that Selectman Haarde represent this Board as an extension of his role as the liaison to Lincoln-Sudbury Regional High School (L-SRHS). Selectman Haarde stated he would be pleased to participate.

Reports from the Board of Selectmen

Selectman Haarde reported that he participated with fellow Board members in two recent financial workshops. He stated a lot of work was done by all cost centers to prepare the information presented, and he looks forward to continuing work on budget matters. Selectman Haarde also acknowledged the many years of excellent service Dr. Brackett provided Sudbury, stating his retirement is a loss for the community. He commended Chairman Drobinski for initiating discussions quickly regarding options for governance of L-SRHS between Sudbury and Lincoln, stating it will take a collaborative effort by Town officials and all School Committees in both towns to determine the best governance structure for the future.

Vice-Chairman O'Brien stated Dr. Brackett's retirement leaves a large administrative void and he wishes him well. Vice-Chairman O'Brien attended a program at L-SRHS regarding the Social Host Law. He recommended viewing the program which was taped by SudburyTV.org. Vice-Chairman O'Brien also participated today in a focus group for parents at L-SRHS regarding important traits for a High School Superintendent to have. He also will represent the Board tomorrow at the 100th birthday celebration for Berthe Lessard, who will also receive the "Boston Post Cane" in commemoration of being Sudbury's oldest resident.

Chairman Drobinski attended the Community Preservation Committee (CPC) meeting last week. He reported that the Sudbury Housing Authority asked for Community Preservation Act Administrative Funds to cover project permitting fees as the Board had recommended. However, it was determined there are insufficient Administrative Funds this year to honor the request to cover the permitting fees. The SHA may return to the Board to ask for the waiver again or it may choose to incorporate the fees into project financing.

Reports from Town Manager
Executive Office of Public Safety - Grant

Town Manager Valente announced that Sudbury has received a \$150,000 grant from the State Executive Office of Public Safety. The funds will be used to work on the development of a regional communications

dispatch center. Fire Chief Ken MacLean and Police Chief Rick Glavin will oversee the project work. Town Manager Valente also announced that Sudbury had endorsed an application for Sherborn, which was awarded a \$182,000 grant to be used on the development of a regional lock-up facility. She highlighted that a lot of work will be done in the next year to create ways that public safety services can be regionalized.

Sudbury and Wayland Transfer Station – Pilot Project Update

Town Manager Valente reported that the first week of the Sudbury and Wayland Transfer Station Pilot Project went well. On September 28, 2010, 397 Sudbury residents used Wayland's facility, and no problems were reported. On September 30, 2010, 366 Wayland residents used Sudbury's Transfer Station, with no negative feedback. It was noted that Wayland residents may have interest in utilizing Sudbury's "Put and Take" feature, and Sudbury residents are interested in Wayland's brush disposal feature. It was also noted that Wayland residents are accustomed to access on Thursdays until 4:00 p.m. The Wayland residents also noted that their recyclables are co-mingled. Overall, the program ran successfully. Chairman Drobinski noted that Wayland had provided a thoughtful "welcome" sign for Sudbury users.

Refinancing of Debt - Update

Town Manager Valente and Finance Director Andrea Terkelsen met with the Town's financial advisor to discuss a pending bonding issue and whether some of the debt for Town schools should be refinanced now at favorably low rates. She further reported the State had also suggested that it might be interested in negotiating a buy-out which could be more lucrative for Sudbury than refinancing. However, there is now a freeze on any such State negotiations until after the reduced sales tax ballot question is decided. The Massachusetts Municipal Association has estimated that, if the sales tax is reduced, it could translate to a reduction of approximately \$957,000 of State Aid to Sudbury.

Green Community Designation – Invitation

Town Manager Valente distributed copies to the Board of an invitation to the Green Community Designation Ceremony on Saturday, October 16, 2010, at 11:00 a.m. at Acton-Boxborough High School. She asked Board members to check their calendars and notify her if anyone is able to attend the event. Selectman Haarde stated it is possible he can attend. Selectman O'Brien said he would check his calendar. Energy and Sustainability Green Ribbon Committee Chairman Bill Braun stated it is possible a Committee member can also attend.

Joint Meeting with the Wayland Board of Selectmen - Proposal

Town Manager Valente and Wayland Town Administrator Fred Turkington have suggested that the Selectmen from both towns meet to discuss shared topics of interest. Chairman Drobinski stated good ideas have been generated from these meetings in the past, and he thinks another meeting should be scheduled. Town Manager Valente asked Board members to check their calendars and notify her if December 2, 2010 is possible for a meeting time, or if December 9, 2010 would be better.

Energy Efficiency and Conservation Block Grant - Presentation

Present: Energy and Sustainability Green Ribbon Committee Chair William Braun, Committee member Bob Morrison and Building Inspector James Kelly

At 7:55 p.m., Chairman Drobinski welcomed Energy and Sustainability Green Ribbon Committee Chair William Braun to update the Board on the Committee's activities. Mr. Braun stated the purpose of the Committee is to explore and develop ideas to increase energy efficiency, conservation and to have Sudbury

become more sustainable in the future through renewable-energy generation efforts. He reported that the Committee was approved for nine members, with eight currently serving. Mr. Braun stated a new member recommendation will be presented soon to the Board. In addition, the Committee may ask that membership be expanded in the future. He noted that Mr. Morrison has provided tremendous technical support to the Committee's grant-writing efforts, as has Mr. Kelly.

Mr. Braun stated that the Committee worked primarily last year on keeping up with grant application deadlines to maximize Sudbury's award opportunities. He stated that the Town was awarded approximately \$24,000 of Clean Energy Choice funds for a solar installation at the Noyes School. The unit will not save a tremendous amount of money, but will provide an educational and teaching resource. Mr. Braun also noted the Energy Efficiency and Conservation Block Grant for approximately \$142,000 (half of which has already been received) from the Division of Energy Resources, awarded to the Town for use to implement independent solar electric and solar thermal systems at the Fairbank Community Center. He noted that these installations will result in no costs to the Town, and they will save approximately \$3,600 a year.

Mr. Braun further stated that the Committee devoted significant time to completion of the Town's Green Community designation application. He explained that the application included a detailed plan for Sudbury to reduce its energy utilization by 20% within a five-year period. This year, only 35 towns, including Sudbury, achieved Green Community status, resulting in an award based on a formula for the Town of \$136,000. Mr. Braun stated that some of the high-value projects submitted for this application were the installation of digital lighting controls for the Sudbury Public Schools, direct digital controls for the Fairbanks Center heating system and a complete upgrade to the communications control structure at the High School. In addition, a Ford Fusion hybrid vehicle has been purchased for Town use and an infrared camera for the Building Department to better assess energy leakage in Town buildings and homes. Mr. Braun summarized that approximately \$300,000 of grants were received this year, which will be used for projects estimated to save approximately \$52,000 in annual energy costs.

Mr. Braun stated that the Committee efforts next year will focus on further developing the Town's 20% energy reduction plan. He noted that the Town is already halfway towards meeting this goal. He acknowledged the work done assessing project needs over several years by the Schools and Mr. Kelly so that projects were readily identifiable for grant applications. Mr. Braun also announced that Sudbury was awarded three Big-Belly trash compactors, which Mr. Kelly has installed for use at Featherland and Haskell Fields and the Sudbury Public Schools. He further stated that the Committee is actively researching the regulatory requirements for a Power Purchase Agreement (PPA) for the landfill.

Selectman Haarde asked if a PPA is being considered more than other options because of the solar renewable energy credits it would provide to the Town. Mr. Braun stated that the State's current incentives to Towns to install large solar fields and achieve savings make the PPA the preferred option at this time. He further stated the landfill is an ideal location for this technology, which could save approximately \$100,000 a year in electrical costs. Mr. Braun also stated the Committee will work on ways to educate the public on energy-related issues.

Selectman Haarde commended the Committee on the hard work it did to obtain these grants. As for the future, he stated he is a strong supporter of large solar use of the landfill. He asked if the PPA is the best option versus the Town buying its own solar panels and whether the Town gets more tax credits with a PPA. Mr. Braun stated that the current tax credits to municipalities make the PPA the favorable option without utilizing any Town funds. Selectman Haarde suggested providing cost information for both a PPA or purchase options to the Finance Committee for review. He also suggested providing more financial data regarding potential savings from installation of the variable controls for lighting and insulation improvements

to buildings so the Finance Committee can consider whether a debt exclusion article should be presented to the public to consider based on earning the costs back through savings over so many years.

Mr. Braun highlighted that the Sudbury Public Schools has applied to the Massachusetts School Building Authority's (MSBA) Green Repair Program for 35% reimbursement of costs to replace the roof on the Noyes School and its boiler and windows.

Selectman Haarde asked if the Committee has plans to help educate/motivate residential homeowners regarding the purchase of solar panels. Mr. Braun stated that energy responsibility education is also something the Committee plans to address. He noted Mr. Kelly has been educating builders on Stretch Energy Code requirements. Vice-Chairman O'Brien asked when the Stretch Energy Code becomes effective. Mr. Kelly stated the Code becomes mandatory on January 1, 2011. He reported the State provides training on the Code as well.

Vice-Chairman O'Brien asked if there are big incentives to move to LED lighting. Mr. Morrison stated that the time will come, possibly in three to five years, when that will be the norm, but the move is not needed at this time. Mr. Braun concurred, stating LED lighting is not yet as cheap and as efficient as it could be in a few years.

Chairman Drobinski asked if Mr. Kelly utilizes a list of third-party inspectors for the Stretch Energy Code. Mr. Kelly stated a list is on the relevant website and is provided to builders.

Town Manager Valente noted that Mr. Kelly and Department of Public Works Director Bill Place have worked long and hard on a project to replace the lamps in the Town's street lights, which is estimated to result in savings of \$20,000 per year in energy costs, after the initial investment costs are covered. She further noted that when the Town purchased the street lights a few years ago, the Town reaped savings on maintenance costs previously paid to NStar Electric Company, bringing the approximate total savings to \$40,000-\$50,000 per year for street lights. Mr. Braun also commended the work of Mr. Kelly and Mr. Place on the street-light upgrades.

Mr. Kelly noted that NStar also contributed \$80,000 to the school lighting controls, along with the \$70,000 already received from the Energy Efficiency and Conservation Block Grant. He stated that the Committee was helped greatly with its application by the work done by the schools with NStar.

Mr. Morrison emphasized that the Committee will focus on ongoing energy efficiency for the Town and schools and future use of the landfill as a renewable energy resource. In addition, he stated the Committee will work to fully automate energy controls in buildings and educate users.

Vice-Chairman O'Brien asked how much maintenance the new technology will require and if it is prudent to consider a shared Town/School facilities' manager position. Mr. Braun stated that the technology installations are not at the point yet of needing oversight. However, as a member of this Committee and the Permanent Building Committee, Mr. Braun stated that he believes a facilities' manager position would be beneficial to have in the future as a central control and oversight of these systems and information.

Chairman Drobinski noted he has been working with Mr. Braun on the photovoltaic-related issues at the landfill. He thanked the Committee for its significant accomplishments and concluded the discussion.

NStar Electric Company – Tree Cutting –Discussion

Present: Sudbury residents Stan Kaplan, Veronique Schejtman, Robert D’Antonio and NStar Community Relations Representative Annemarie Walsh

At 8:38 p.m., Chairman Drobinski opened the discussion with NStar Electric Company regarding recent tree-cutting activity. The Board was previously in receipt of a memorandum from the Town Manager dated October 1, 2010 and accompanying background materials and email communications explaining the tree-cutting issue along the NStar right of way easement, materials NStar provided five years ago to the Town outlining its easement control and an email from Sudbury resident Stan Kaplan dated October 1, 2010 noting a recommendation to the Board to pass an ordinance regarding timely notice of tree cutting.

Town Manager Valente reviewed the background for tonight’s discussion, stating that in 2005, NStar performed its periodic tree trimming along the right of way, but cut into the roadside on Stock Farm and Pelham Island Road. She noted this was in violation of a previous agreement with the Town, wherein NStar agreed to maintain plantings along the roadside to screen lines/towers. Town Manager Valente further explained that the Town asked for confirmation again that roadside plantings would be protected when it was notified this summer that tree cutting by NStar would soon commence. At that time, Ms. Walsh stated only trees directly under lines would be removed. Ms. Valente asked Conservation Coordinator Debbie Dineen to check on the project. Ms. Dineen provided a report of her observations, noting she spoke with neighbors on Victoria and Stock Farm Roads, whose trees planted for screening purposes were removed by NStar. At that time, Ms. Dineen contacted NStar asking if the trees could be topped rather than removed and/or if other species that do not grow as tall could be re-planted. Ms. Valente stated many abutters were displeased with the tree-cutting results.

NStar Community Relations Representative Annemarie Walsh stated that NStar completed emergency tree-cutting work in May 2010. She further stated that helicopter and foot patrols indicated that trees were in too close proximity to high-tension lines. Ms. Walsh also stated that an arborist and crew were assigned to the job and spoke to neighbors who could see the right of way from their homes. She noted that, since 1942, NStar has had easements allowing it to cut trees on private property within the right of way.

Vice-Chairman O’Brien asked for further clarification of the emergency conditions identified by NStar. Ms. Walsh stated that NStar has a responsibility to provide safe electrical service. She further stated that the company hired a certified arborist to work around the high-tension lines.

Conservation Coordinator Debbie Dineen circulated photographs taken today from Stock Farm Road heading north, to the Board for review. Ms. Dineen stated that she believes NStar cleared more trees than was necessary, and that in most cases, topping the trees would have sufficed. Ms. Dineen also noted that when these clear cut activities occur, more invasive species come into the area, creating another problem. She highlighted that the photographs indicate that NStar has clearly cut through the area, dropped the trees and left the scene. Ms. Dineen stated that abutters along the right away have lost their vegetative screening of the wires. She noted that, although NStar’s Environmental Department might follow acceptable standards of not using herbicides, etc., many times the field crew does not implement the same plan using the same standards. Ms. Dineen emphasized that she believes NStar has the ability to perform proper vegetative management according to its own regulations, which would be more sensitive to the abutters and to the environment.

Selectman Haarde asked how often NStar cuts trees in Town. Ms. Walsh stated more cutting would not be planned until next year along Hudson Road when 48 poles will also be installed. Selectman Haarde also asked how much notice the Town is given before cutting commences. Ms. Walsh stated that if NStar wants to cut trees in the public way it must notify the Tree Warden, and the request goes before a Public Hearing.

Selectman Haarde asked if the Tree Warden could be informed of all tree cutting activity when NStar is involved. Chairman Drobinski stated that he respects NStar's intention to provide reliable electricity, but he believes the company needs to address the screening concerns of neighbors. He suggested that the field crew chief also be included in planning discussions in the future.

Vice-Chairman O'Brien asked the width of the NStar right of way, noting that the high-tension lines appear to be about 50-60-feet wide. Ms. Dineen estimated approximately 250 feet. Vice-Chairman O'Brien stated that, although he appreciates NStar taking its responsibilities seriously to provide safe service, he does not believe the photographs indicate there was the risk for imminent danger. He further stated that trees on the sidelines, which are not directly under the power lines, should be topped and trimmed as a normal practice by NStar as part of its willingness to be more sensitive to abutters.

Ms. Walsh stated she will share the concerns expressed tonight with the arborist. She also asked Ms. Dineen to provide her with copies of the photographs circulated to the Board tonight. Ms. Walsh also referenced photographs taken previously by NStar, which were provided to the Board as part of tonight's agenda materials.

Sudbury resident Veronique Schejtman, 42 Stock Farm Road, addressed the Board to express her displeasure with NStar's tree-cutting actions. She also circulated photographs to the Board of what her back yard used to look like and how it looks now, since all her tree screening was removed by NStar. Ms. Schejtman stated that she was never notified by NStar in advance of the cutting, and once it was happening, she asked that work cease, but it continued. She was told it was an emergency situation by NStar. She contacted Ms. Dineen, who also asked that the cutting cease, but NStar persisted with the cutting of the trees on her property within the easement. Ms. Schejtman stated she no longer enjoys the view in her backyard, believes her property values have declined and worries about the health effects on her children from the direct exposure to the lines. She does not believe this level of cutting was what abutters agreed to when easements were granted. Ms. Schejtman stated that NStar's actions reflect a complete disregard for property owners and have caused her great distress.

Robert D'Antonio, 102 Victoria Road, stated he had 17 trees planted in his yard, which he pruned and cared for over the past 37 years. He stated that he received no notice from NStar prior to them cutting all 17 trees down to the roots. Mr. D'Antonio expressed his concerns to field crews when notified by his daughter that NStar was on his property, and he spoke with NStar arborist Bill Hayes. If he had been contacted, Mr. D'Antonio stated he would have offered to prune the trees himself to an acceptable 12-14-foot height. He believes topping and pruning the trees was an option not considered by NStar, and he would have appreciated some communication from the company prior to its actions.

Sudbury resident Stan Kaplan, 98 Victoria Road, stated that he believes NStar has exhibited a pattern of calloused disregard to neighbors with their overcutting of trees. He believes the actions are deliberate so as to minimize or eliminate the need for future maintenance. Mr. Kaplan read aloud into the record his email dated October 1, 2010, previously sent to the Board, which recommended that the Town pass an ordinance regarding timely notice of tree cutting and which would further value trees as an asset of the community and as an enhancement of property values, would serve to protect and preserve designated trees on private property and Public Shade trees as defined by law, would not allow the Tree Warden to remove trees greater than 1.5 inches in caliper without a Public Hearing unless the tree is deemed hazardous and would establish an ordinance which adheres to Sudbury's standards. The email follows:

Stanley J. Kaplan living at 98 Victoria Road respectively submits the following recommendation to the Board of Selectmen and Town of Sudbury Officials:

That Sudbury residences and their property values are being damaged by NStar and their agents who without notice are destroying private property trees with no regard to otherwise trimming or pruning these healthy and desirable trees.

That an ordinance be passed by the Town of Sudbury for timely notice to be given to Sudbury's Tree Warden by NStar before any tree cutting can commence and that property abutters, where tree cutting is being scheduled, be notified by the Tree Warden at least two weeks in advance of any tree cutting for their advice and counsel.

That this ordinance contains the following provisions:

- That trees are an asset to the community, providing a healthier and more beautiful environment in which to live.
- That trees enhance the value of property and enhance the desirability and stability of residential neighborhoods.
- That this ordinance is enacted for the purpose of preserving and protecting both Public Shade Trees pursuant to Massachusetts General Law Chapter 87 and certain designated trees on private property.
- That the Tree Warden may not remove, permit the removal of, or cause to be destroyed any tree greater than 1.5 inches in caliper without a duly advertised public hearing as specified in Massachusetts General Law Chapter 87, unless that tree is determined to be an imminent hazard tree, as described in Section 8.
- That this ordinance be modified to adhere to Town of Sudbury ordinance standards.

Sudbury resident Robert Morrissey, 92 Victoria Road, stated he contacted Wayland regarding its tree-cutting procedures, and he circulated copies to the Board of the "Town of Wayland Permit for Trimming of Shade Trees by NStar Electric Company and/or its Contractors" for review. He further stated that the standard clearance dimensions are 8 feet by 8 feet by 12 feet. Mr. Morrissey opined that there will always be tension between towns and NStar because it is in NStar's economic best interests to clear cut the trees so it does not have to come back to maintain them. He believes it is important to have a Town staff person monitoring locations while NStar performs its work and to find out how other towns handle these situations.

Vice-Chairman O'Brien opined that, perhaps having a unified process to be followed in towns like Sudbury and Wayland would be better for residents and for NStar field crews. However, he stated that he believes NStar could do more to show towns it is supportive of these concerns. Vice-Chairman O'Brien further suggested that NStar provide appropriate-sized new plants to property owners where it clearly overstepped its cutting privileges.

Selectman Haarde stated that it appears to be time for Sudbury to adopt a bylaw to prevent this from occurring again.

Chairman Drobinski asked Town Manager Valente to begin discussions with Wayland and Town Counsel to develop a process for the future, wherein the Town Manager's Office and/or Tree Warden would be notified in advance of any work by NStar so as to ensure that abutters' rights within the easement are respected.

Ms. Walsh stated that the clearance dimensions of 8 feet by 8 feet by 12 feet are standardly used by NStar in the public way. She stated she will share the communication issues mentioned tonight with appropriate

NStar personnel. Vice-Chairman O'Brien asked Ms. Walsh to also provide abutters who were adversely effected by the tree-cutting, with a name of an NStar person to contact for replanting mitigation.

Ms. Dineen noted that the issues with NStar are broader than the tree-cutting situations within right-of-way easements. She stated there have been instances when NStar has clear cut through areas with vernal pools. Ms. Dineen emphasized that there seems to be a communication breakdown within NStar when it comes to field crews implementing NStar's "green" philosophies.

At 9:24 p.m., Chairman Drobinski concluded the discussion.

SudburyArts Open Studios – Presentation

Present: David Levington

At 9:25 p.m., Chairman Drobinski welcomed Sudbury resident David Levington, 155 Nobscot Road, to the meeting to discuss the upcoming Sudbury Arts Open Studios weekend. The Board was previously in receipt of email communications from Mr. Levington dated April 20, 2010 and September 5, 2010 and a description of the Sudbury Arts Association and its plans for an Open Studio event.

Mr. Levington distributed copies of the "First Annual Sudbury Arts Open Studios" brochure to the Board for informational purposes. He briefly summarized the genesis of the event, which began in April 2010 by six Sudbury artists, hoping to educate citizens about the talents of local craftspeople and to create a marketplace to display their work. Several local Town organizations encouraged the group, and over the next few months, over 50 Sudbury residents became involved in sponsoring the Open Studio event.

Mr. Levington stated that the Sudbury Art Association was established and the first Open Studio was scheduled for October 16 and October 17, 2010 from 11:00 a.m. to 5:00 p.m. The Association coordinated its activities with those of the First Parish Craft Fair and the Wayside Quilters events scheduled for the same weekend. Exhibits will be on display in Town Hall, Sudbury Grange, and at local studios. Mr. Levington thanked those responsible for allowing these facilities to be used. He emphasized that Sudbury has immensely talented people and the works of a wide variety of artists and craftspeople will be on display this weekend. Mr. Levington invited the community to participate in the weekend events, stating that the Sudbury Arts Association is an asset to the Town. He also noted that the Association is considering future events, including an Adirondack Chair Contest, and it will participate in the HopeSudbury auction.

Selectman Haarde stated the event looks as if it will have a great first year and will continue to grow in popularity.

Vice-Chairman O'Brien concurred, stating it is a great idea and wished the Association well. He also suggested that the Association utilize cable television to advertise its programs. Vice-Chairman O'Brien further suggested that the Association consider displaying some of its work along with the student artists' exhibits that are showcased during Town Meeting each year.

Mr. Levington stated that the Arts Association envisions being a positive asset to the entire community, and especially to Sudbury's youth, senior citizens and educators.

Chairman Drobinski stated the event is a great idea and encouraged community support.

Town Manager Valente stated there are many activities scheduled this same weekend in the Town Center area, including an Open House at the Fire Station. She encouraged residents to avail themselves of the many weekend offerings.

It was on motion unanimously

VOTED: To sign a proclamation announcing October 16 and October 17, 2010 as Sudbury Arts Weekend.

Payment-in-Lieu of Taxes – Pilot Program

Present: Town Finance Director/Treasurer Andrea Terkelsen and Director of Planning and Community Development Jody Kablack

At 9:34 p.m., Town Manager Valente introduced Town Finance Director/Treasurer Andrea Terkelsen and Director of Planning and Community Development Jody Kablack to discuss with the Board plans to implement an expanded Payment-in-Lieu of Taxes (PILOT) Program, as recommended by the Budget Review Task Force. The Board was previously in receipt of a memorandum from Ms. Terkelsen and Ms. Kablack dated October 1, 2010, introducing the PILOT Program, which included information regarding Sudbury's tax-exempt properties and potential participants, a ten-year history of Town property values and of the percentage of tax-exempt properties to total Town property, a description by class of the FY10 tax-exempt Town parcels and the tax-exempt PILOT payments received by the Town in FY10.

Ms. Terkelsen stated that collecting PILOT payments from the tax-exempt properties is needed to help defray the cost of providing Town programs and services to this segment of the community. She stated that there is a growing need to generate additional revenue. Other PILOT programs in Massachusetts were researched and potential Town entities for participation were identified. Ms. Terkelsen stated that approximately 93% of the \$60.1 million FY10 property tax levy was billed to residential taxpayers. The purpose of a PILOT program would be to capture some of the cost for delivering services to tax-exempt properties.

Ms. Terkelsen referenced a 2005 study done for Springfield and stated that, often the successful PILOT programs tend to be in large cities where tax-exempt universities and hospitals participate. She noted that, in smaller cities and towns, it is more difficult to establish a uniform program.

Ms. Kablack noted that Sudbury has over \$271 million in property values assessed to tax-exempt entities, which represent approximately 6% of the Town's total real estate. It was noted that these entities include large tracts of Federal and State-owned land and other properties owned by the Sudbury Water District, Sudbury Valley Trustees, the Wayside Inn, several churches, private schools and other small miscellaneous non-profits. Ms. Kablack stated that the Town only received three payments totaling \$56,102 in FY10 from any of these entities, and additional funds were received as Cherry Sheet revenue from the State and from the Federal Government for the Great Meadow National Wildlife Refuge. It was noted that Federal and State payments are determined by pre-established formulas, as is a payment received from the Sudbury Housing Authority for some of its properties.

Ms. Kablack stated that a recent survey identified 50 potential parcels, which include some form of housing, business or other structures, owned by 18 tax-exempt entities that may be best suited for a newly-developed PILOT program. She noted that all of these entities use Town services such as public roads maintained by the Department of Public Works. Ms. Kablack stated that the PILOT program created should provide a consistent process and methodology for identifying properties and calculating preferred payments, include negotiated and executed agreements (with multi-year agreement options), and possibly establish an oversight Steering Committee.

Ms. Terkelsen noted that negotiations and communications with entities must recognize that participation in PILOT programs is voluntary. She later stated that, in other municipalities, there has not been much

success with participation from religious institutions. Ms. Terkelsen stated it appears from other studies that personal negotiations result in the best payment agreements, and that it is best to have a formula and pre-established parameters for suggested payment calculations.

Vice-Chairman O'Brien asked if the Boy Scouts of America is a tax-exempt entity. Ms. Kablack stated it is, but that the preliminary report presented tonight did not include predominantly land-only, tax-exempt entities. She stated that these properties can be added to the data collected.

Ms. Kablack stated that the next steps for the Board's consideration include whether a PILOT program should be created, and if so, then it was recommended that additional property demographics be collected, a formula for payment calculations be developed, summary data be compiled from other communities' programs, a letter to be sent to PILOT participants be drafted, and a PILOT agreement be drafted for review. She and Ms. Terkelsen believe there is value in establishing a program. Ms. Kablack emphasized that broaching the subject with the entities would be the most challenging aspect of the process, and she asked if the Board would want to do this or whether a Steering Committee should be established.

Vice-Chairman O'Brien asked if a five or ten-year history of service calls from relevant entities to Town offices and departments could be collected. Ms. Kablack stated she has already requested this type of information from the Fire and Police Departments.

Selectman Haarde stated his preference for the program to continue to be defined, for Town staff to collect the data recommended tonight and to begin negotiations with the relevant entities. He noted that the information provided in the agenda packet indicates that the tax-exempt segment of the community appears to be growing at a factor of four times faster than the tax-paying segment and he asked to what this is attributed. Selectman Haarde also stated that the Town needs to find ways to collect revenue from these entities.

Town Manager Valente stated that a certain percentage of the segment's growth might be from Town and School-owned entities which have grown. Ms. Terkelsen stated that more focus is needed on the growth factor. She noted that the Board of Assessors has contacted some of the Federal-owned entities to reconcile valuation records. Ms. Kablack questioned if changes in the assessment process over recent years might account for the excessive growth in the tax-exempt valuation statistics for the last decade. Town Manager Valente stated that recordkeeping for tax-exempt entities was much less formalized ten years ago.

Vice-Chairman O'Brien stated that he believes Town staff should continue with creating the program and that it is to the Town's benefit to do so.

Chairman Drobinski summarized that the consensus of the Board is to instruct Town staff to go forward with the collection of more data and drafting of appropriate documents for the implementation of a PILOT program and that the Board will further consider who should conduct negotiations with the entities. He concluded the discussion at 10:04 p.m.

Sudbury Housing Trust – FY11 Budget

Present: Beth Rust, Community Housing Specialist and Lydia Pastuszek, Sudbury Housing Trust Vice Chair

At 10:04 p.m., Sudbury Housing Trust Vice-Chair Lydia Pastuszek introduced Community Housing Specialist Beth Rust to review with the Board, for informational purposes, the Sudbury Housing Trust (SHT) FY11 Budget, as required by the SHT charter and approved by its Trustees at its September 17, 2010 meeting. The Board was previously in receipt of a memorandum from Ms. Rust dated September 17, 2010, summarizing budget highlights and including a budget detail report.

Ms. Rust reviewed her memo with the Board, stating the Trust is in its fourth fiscal year, and as part of its five-year plan it has committed resources toward the creation of 14 units of housing at an average subsidy of \$93,000. She stated that six units have been created and that Sudbury now has 280 units on its State Subsidized Housing Inventory (currently at 5.2%, with 41 units added to the inventory as a result of the work of the Trust).

Ms. Rust stated that FY10 was a productive and successful year, resulting in a SHT ending balance of assets over \$769,000 and a one-acre parcel at 278 Maynard Road valued at \$310,000. The FY11 budget plans to increase revenue to an estimated \$90,000 through the continuation of lottery and monitoring agent functions performed by Ms. Rust. In addition, the SHT plans to expend funds toward the development of the Maynard Road property. The Trust will also continue its Small Grants Program, which awards grants up to \$3,000 to those in need. Ten applications were received during the last grant cycle for consideration. Completion of one additional Home Preservation unit is also planned in FY11.

Ms. Rust stated that the Trust continues to fund approximately half of her salary and the balance is funded by Community Preservation Act (CPA) Administrative Funds. The Community Housing Specialist position is funded for 35 hours per week. The budget forecasts a FY11 ending balance of \$405,464, which includes \$180,000 of CPA funds appropriated at the April 2010 Town Meeting to carry into FY12.

Vice-Chairman O'Brien noted that Ms. Rust has become known in the region as a lottery expert, which allows the Trust to capture this additional revenue.

It was on motion unanimously

VOTED: As Co-trustees of Town Funds, to accept, for informational purposes, the FY11 budget of the Sudbury Housing Trust as provided by Beth Rust, Sudbury Community Housing Specialist, on behalf of the Sudbury Housing Trust, in a letter dated September 17, 2010.

Minutes

Selectman Haarde stated that the vote on the top of page 3 of the September 21, 2010 minutes should reflect that he abstained.

It was on motion unanimously

VOTED: To approve the amended regular session minutes of September 7, 2010 and the regular session minutes of September 21, 2010 as amended this evening.

“Sudbury Relay for Life”

It was on motion unanimously

VOTED: To approve use of the Peter Noyes parking lot area for the May 14-15, 2011 “Sudbury Relay for Life” event as requested by Kate Howd, Relay for Life of Lincoln-Sudbury Co-Chair, in an email dated September 17, 2010, subject to compliance with conditions specifically outlined by the Peter Noyes School and Fire Department, as well as the Park and Recreation Department, the Presbyterian Church and Police Department.

Calvary First Baptist Church – Site Plan

It was on motion unanimously

VOTED: To endorse the Site Plan entitled “Site Plan of Parking Lot Renovation in Sudbury, MA” prepared by Sullivan, Connors & Associates, dated September 15, 2009, last revised September 20, 2010, for Calvary First Baptist Church, 162 Landham Road, and approved by the Board on September 21, 2010.

Town Financial Summit Meetings – Update

As a follow-up to the recent Financial Summit Meetings held, Chairman Drobinski stated that Sudbury Public Schools has expressed interest in moving forward with further discussion of items discussed at the financial study sessions. No feedback has been received yet from the Finance Committee or Lincoln-Sudbury Regional High School. Chairman Drobinski re-stated his suggestion that a short-term Committee comprised of two members from each cost center and the Finance Committee be established as the next step. He recommended that Vice-Chairman O’Brien and Selectman Haarde be members of the Committee to help evaluate and prioritize initiatives. Chairman Drobinski stated he envisions the task can be accomplished in two to four meetings. Town Manager Valente will develop a draft meeting schedule once feedback is received from all parties.

Chairman Drobinski asked Town Manager Valente to schedule a follow-up discussion of this item on the Board’s next meeting agenda.

Executive Session

At 10:15p.m., 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 land acquisition wherein having an open session will be detrimental to the Town’s negotiating position.

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

There being no further business, the meeting adjourned at 10:15 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk