

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, APRIL 26, 2011

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 7:22 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:22 p.m., Chairman Drobinski opened the meeting. He announced Saturday, April 30, 2011 is Spring Cleanup Day for the annual roadside cleanup, with a rain date on May 7, 2011, and he encouraged the community's participation.

Chairman Drobinski also announced May is Military Appreciation Month and a dedication ceremony will be held in Sudbury on May 1, 2011 at 2:00 p.m.

With the arrival of spring weather, Chairman Drobinski reminded citizens to drive cautiously and be mindful of pedestrians and bikers when travelling.

Chairman Drobinski announced Town Meeting will begin Monday, May 2, 2011 at the Lincoln-Sudbury Regional High School Auditorium.

Reports from the Town Manager

Department of Public Works – Safety Signage

Town Manager Valente asked residents to not disturb the placement of "Pedestrian" signs as placed throughout the Town by the Department of Public Works (DPW). The signs are posted to enhance public safety. She also noted that street sweeping has commenced.

Sudbury Fire Department - Commendation

Town Manager Valente read aloud a letter of commendation for the Sudbury Fire Department personnel who assisted Wayland firefighters in an emergency response call on April 20, 2011. She noted the timely actions of personnel highlight the need for an Advanced Life Support system.

Sudbury 2010 Annual Town Report and Annual Town Warrant

Town Manager Valente distributed copies of the Sudbury 2010 Annual Town Report to the Board, stating the report is also posted on the Town website. She thanked Board of Selectmen's Office Manager Patricia Golden for coordinating the material. Town Manager Valente reported the Town Warrants have also been recently mailed to residents.

Updated Bottle Bill – Legislative Press Event

Town Manager Valente distributed copies to the Board of an invitation to attend a press event on May 5, 2011 at 11:30 a.m. at Boston City Hall to acknowledge the cities and towns which have supported efforts to pass an Updated Bottle Bill now pending in the State legislature. Sudbury passed a resolution in June 2009 supporting such efforts.

Sudbury Finance Committee – Legislative Municipal Health Insurance Reform Proposal

Town Manager Valente distributed copies to the Board of a letter drafted by Sudbury's Finance Committee to be sent to State Representative Thomas Conroy and State Senators Susan Fargo and James Eldridge regarding support for the House Municipal Health Insurance Reform Proposal. She noted the issue is time-sensitive, since State budget discussions are underway. The Finance Committee has urged the Board to cosign the draft letter of support.

Later in the meeting, the Board stated it hopes this significant reform of municipal health insurance will provide taxpayers financial relief and alleviate some municipal financial pressures.

It was later on motion unanimously

VOTED: To sign and send a letter from the Sudbury Board of Selectmen and Finance Committee to State legislators supporting the House Municipal Health Insurance Reform Proposal and requesting their support of the reform proposal during the upcoming budget debate season.

Energy and Sustainability Green Ribbon Committee - "Solarize Mass. Pilot Green Communities Application" - Update

Town Manager Valente announced that Sudbury was not chosen as the recipient for a regional solarization pilot grant program. Approximately 25 applications were submitted, and Winchester was randomly chosen as the Northeast region pilot community.

Route 20 Wastewater System Design and Permitting Town Meeting Article – Update

Town Manager Valente stated the Board was previously provided with information prepared by Director of Planning and Community Development Jody Kablack regarding the Route 20 Wastewater System Design and Permitting Town Meeting Article, including answers to "Frequently Asked Questions" and letters of support from the business community. She stated the information has also been posted on the Town website to help residents learn more about the project before Town Meeting.

Reports from the Board of Selectmen

Selectman Haarde informed Lincoln Selectman Noah Eckhouse that Sudbury would like to participate in a joint moderated session to discuss shared issues of interest, and he asked to be notified of potential dates and ideas for who should attend.

Vice-Chairman O'Brien attended last night's Finance Committee meeting, which focused on the question of whether to recommend a tax override ballot question. He plans to attend a Capital Investment Planning Committee meeting tomorrow night. Last week, Vice-Chairman O'Brien attended the Planning Board Public Hearing regarding the Town Meeting Wireless Overlay District article. He stated some residents were in attendance and the discussion explained how this year's article differs from last year's proposal, in particular by excluding school buildings and school properties. He encouraged residents concerned about potential installations at Lincoln-Sudbury Regional High School to express their opinions to the Superintendent and administrators, since the High School is a separate entity.

Newbridge Farm Trust – Removal of Land from M.G.L. c. 61B – Newbridge Road – Discussion

Present: Director of Planning and Community Development Jody Kablack

At 7:38 p.m., Chairman Drobinski opened a discussion regarding the Town's opportunity to exercise its Right of First Refusal option regarding the Newbridge Farm Trust. The Board was previously in receipt of copies of a Purchase and Sale Agreement dated January 2011, an accompanying map, exhibits and letter from Trustee Rosanne Dickey, dated February 22, 2011; a memorandum from the Conservation Commission dated March 1, 2011, recommending the Town not exercise its option to purchase the parcel and a letter from Planning Board Chairman Michael Fee dated April 22, 2011, recommending release by the Town of its option to exercise its Right of First Refusal on the property.

Ms. Kablack explained the Town has the Right to First Refusal to meet the current Purchase and Sale price of \$375,000 for a one acre parcel which is part of a larger 73-acre property. She stated the property is owned by a trust with many trustees. Ms. Kablack has worked for several years with the Dickey family and many of the trustees towards the goal of preserving the remainder of the land. However, Ms. Kablack believes there is a need to currently sell this one acre for a significant amount of money. She hopes there will not be the need to sell more frontage lots in the future.

Selectman Haarde asked if the intention is to sell to a developer and what they plan is for the property. Ms. Kablack stated the proposed buyer is known and wants to build a single-family house. Selectman Haarde asked if the Town has any assurance the seller would not continue to sell additional parcels. He also asked whether the Town would want to consider buying the parcel to prevent a future house lot, since it is also interested in someday purchasing the remainder of the property. Over the past 25 years, Ms. Kablack stated the Trust has sold possibly five or six other parcels. She emphasized that she and Town representatives have delivered the message to the property owners that, with each additional sale, the property holds less ecological value for the Town. Ms. Kablack further stated, from an economic standpoint, the Town has not pursued single lots and nor would it typically pay fair market value for them.

Vice-Chairman O'Brien stated there is enough property remaining for approximately five frontage lots. He suggested further research be done to determine if the larger property could be considered for purchase with Community Preservation Act (CPA) funds for a preservation restriction or proactively bought over time with CPA funds by proposing a multi-year purchase proposal to Town Meeting next year. Ms. Kablack stated the Trustees have been receptive to communications with the Town, but that not all Trustees are ready to fully negotiate a deal at this time. Ms. Kablack suggested the Board include development of a plan for this property as one of its goals next year.

Chairman Drobinski suggested the Sudbury Water District also be consulted regarding future interest in the property.

Selectman Haarde asked what the Town's vision for the property is. Ms. Kablack explained it could be used for trails and open space and abuts other conservation land, stretching between Concord Road and Water Row.

It was on motion unanimously

VOTED: To not exercise the Town of Sudbury's right of first refusal pursuant to M.G.L. c.61B on the property owned by Newbridge Farm Trust shown as "Lot 3 40,043.71 SQ. FT." on "Plan of Land in Sudbury, Mass", dated October 26, 2010, prepared by Thomas Land Surveyors and Engineering Consultants.

Chairman Drobinski reiterated that the Town should contact the Sudbury Water District regarding the property and add this issue to the Board's goals for next year.

Boy Scout Troop 60

Present: Troop Leader Todd Short and several scouts

At 7:52 p.m., Chairman Drobinski welcomed members of Boy Scout Troop 60 in attendance tonight. The scouts are working towards their civic participation badge for the rank of Eagle Scout.

2011 Annual Town Meeting – Petition and Resolution Articles

Present: Dan DePompei (Article #39) and Attorney Dave Wallace and Petitioner Arden MacNeill (Article 38)

Chairman Drobinski stated petitioners of Warrant articles were invited to tonight's meeting to discuss the articles with the Board. Chairman Drobinski reviewed the Town Meeting procedure for a resolution article, noting the petitioner is given five minutes for a presentation. The Finance Committee and Board of Selectmen are then asked for comments, and there is no debate of the resolution. Chairman Drobinski welcomed Sudbury resident Dan DePompei, 35 Haynes Road, to the meeting to explain his submission of resolution Article #39 regarding a State of the Town Public Forum.

Mr. DePompei read the submitted resolution aloud, proposing that the "Board of Selectmen establish a policy whereby the Town Manager and Department Heads report on a bi-annual basis the progress, current status and path/requirements of Town goals, programs, decision/resolutions in an open, public 'State of the Town' forum." He stated there is currently no formal public presentation of these matters. Mr. DePompei believes it is a best practice for organizations to require senior management to provide status reports on a regular basis.

Selectman Haarde asked for clarification of the terms bi-annual and semi-annual. He stated he favors the concept and prefers a yearly or semi-annual meeting (held every six months), noting that he believes meetings held on a bi-annual basis of every two years is too infrequent.

Chairman Drobinski stated Town Fathers' Forums were held in the past, where Department Heads provided project updates. He further stated that, although the forums were once well attended, public participation greatly dwindled throughout the years. He asked Mr. DePompei if resurrecting that type of forum would satisfy his request. Mr. DePompei stated it would, noting it is important to personally engage the public. Chairman Drobinski also highlighted that the 2011 Annual Town Report includes reports from the Town departments.

Vice-Chairman O'Brien stated the concept is great, and he believes it is worth trying any idea which increases communication with the public. He suggested that the Town of Lincoln be contacted to learn more about how its State of the Town meeting is structured. Mr. DePompei stated the idea for his resolution was derived from hearing about Lincoln's forum.

Lincoln-Sudbury Regional High School Committee member Patty Mostue stated the Lincoln Board of Selectmen set the meeting topics and then the public has the opportunity to help the Board prioritize and set goals.

At 8:03 p.m., Chairman Drobinski concluded the discussion, and he thanked Mr. DePompei for his input.

Chairman Drobinski next welcomed Attorney David Wallace representing the MacNeill family, to explain the submission of petition Article #38 regarding the Purchase of Land off Brimstone Lane. Mr. Wallace explained the article offers the Town the opportunity to purchase a nine-acre parcel of a larger 24-acre property for \$900,000. The land has been tested and percolated. He stated the tests indicate three building lots, each of three acres, could be developed on the parcel. Mr. Wallace further stated a plan was presented to the Town to build two houses, but there has been some controversy between the Town and owners regarding development of the three lots. He and his clients believe that the property would be best served if it were purchased by the Town because it would allow direct access to the Nobscot land, without having to enter through the Boy Scout property.

Vice-Chairman O'Brien noted the Town already owns the many benefits of the Nobscot property mentioned by Mr. Wallace except for the access from Brimstone Lane.

Mr. Wallace addressed the value of the property, stating each lot has a market value of approximately \$375,000. He reiterated the lots are percolated and buildable. Vice-Chairman O'Brien asked why then is the offer price different. Mr. Wallace acknowledged the lots are unique and would require a driveway be constructed to access them. He mentioned the Town is currently involved in litigation with the petitioner regarding this property and a land court trial is scheduled for September 12-September 14, 2011. Mr. Wallace stated, if the Town were to purchase the property, the property owners would be inclined to abandon the lawsuit.

Vice-Chairman O'Brien asked if the litigation relates to the nine acres under discussion or the remaining 15 acres. Selectman Haarde asked if the remaining 15 acres could be developed. Mr. Wallace stated he is uncertain because the other acres have not been percolated, and it might be difficult to develop because an access road would have to be constructed through an existing home. He also provided the Board with a map and appraisal of the parcel. Vice-Chairman O'Brien surmised that the pending litigation relates to the nine-acre parcel under discussion.

Selectman Haarde noted that the Town's purchase of the abutting Nobscot land equated to approximately \$25,000 per acre as compared to the petitioner's offer.

Vice-Chairman O'Brien asked what was the disposition of Sudbury Planning Board's deliberation of the subdivision plan presented by the petitioner. He also asked if Mr. Wallace and/or his client approached the Community Preservation Committee (CPC) regarding purchase of the land. Vice-Chairman O'Brien stated he would prefer to know more about the Planning Board's opinion and that the CPC process be pursued. He stated he was unaware of litigation regarding this property. Mr. Wallace stated the litigation commenced two years ago. Ms. Kablack noted the Board discussed this matter briefly on January 27, 2011 in Executive Session. Due to the timing of the matter being broached, after the CPC had concluded its review of proposals, it was decided at that time to not recommend consideration by the CPC this year.

Chairman Drobinski noted no decisions need to be made tonight by the Board and that the article would be presented at Town Meeting, and he concluded the discussion.

Marlborough Easterly Wastewater Treatment Facility - Update

Present: Hop Brook Protection Association President Frank Lyons

At 8:15 p.m., Chairman Drobinski welcomed Frank Lyons to the meeting to provide an update regarding the Marlborough Easterly Wastewater Treatment Facility. Copies of a letter from the City of Marlborough to

the U.S. Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (DEP) dated December 23, 2010 and slides from a PowerPoint presentation regarding the "Easterly Wastewater Treatment Facility Improvements" were distributed to the Board.

Mr. Lyons reviewed the Marlborough letter, explaining the EPA ordered a report regarding the Easterly Facility upgrades every six months. He highlighted that a public meeting has been scheduled to review report recommendations. Chairman Drobinski asked Mr. Lyons to explain the importance of phosphorous limit compliance, which he did. Mr. Lyons also stated that the Hop Brook Protection Association observed the degradation of the watershed over the past 20 years. He emphasized that 40 ponds in Marlborough and 90 ponds in Sudbury are at risk. Mr. Lyons stated that permits are usually required every five years. This permit was issued 13 years late, but the EPA now appears to be holding Marlborough responsible for the water quality.

Mr. Lyons reviewed the project schedule required by the EPA as follows: complete design by October 15, 2011, construction begins in May 1, 2012 and the construction of the complete phosphorous removal to occur by March 31, 2014. He also briefly explained the proposed BioMag process, which is a hydrating and magnetic separation process similar to one proposed several years ago.

Chairman Drobinski asked if Mr. Lyons feels progress is finally being made after the many years of attention given to this issue. Mr. Lyons stated progress is being made, but he still has concerns about the winter limits, and it is possible legal battles could arise in the future. He opined that many of the outcomes will depend on how strong-willed the EPA decides to be. Mr. Lyons stated the total Easterly Wastewater Treatment Upgrade project costs are estimated at \$59 million.

Selectman Haarde asked Mr. Lyons if he is comfortable with the recommended .1mg. phosphorous limit and how the Town could lobby for lower rates. Mr. Lyons referenced studies done by colleagues who suggest that the limit is effective, but he also noted it is within the jurisdiction of the EPA to further lower the limit. Mr. Lyons reiterated that the EPA permit would need to be reissued in five years and that would be an effective time to voice issues and concerns. He stated a major question will be whether the water quality standards can be met.

In response to a question from Vice-Chairman O'Brien, Mr. Lyons stated the next report should be issued in early July 2011, and he will distribute it to the Board for review.

Chairman Drobinski noted it has been effective for the DEP and EPA to be aware that the Town and the Hop Brook Protection Association are working collaboratively.

Potential Special Town Election and Ballot Questions and Tax Override Options – Discussion

Present: Members of the Finance Committee, Sudbury Public Schools and Lincoln-Sudbury Regional High School Committees

The Board was previously in receipt of an agenda request to discuss the scenarios for holding an election should the Finance Committee recommend such for FY12, for either a FY12 operating override or a debt exemption for the design of a Wastewater Treatment System. Copies of the following handouts were also distributed to the Board tonight: "Consolidated Budget FY12," "Sudbury Public Schools FY12 Non-Override Budget dated April 26, 2011," and the "FY12 Budget for the Lincoln-Sudbury Regional School District dated April 26, 2011."

Town Manager Valente and Vice-Chairman O'Brien summarized the discussion from last night's Finance Committee Meeting. Town Manager Valente reported that the Town's State Aid budget for Sudbury is now

anticipated to be more than what was originally budgeted for when it was drafted to reflect a 5% decrease from last year. This news is expected to add approximately \$138,000 to the High School budget and \$148,000 to the Town and Sudbury Public School (SPS) budget. She stated the consensus of all the cost centers was that the \$138,000 should all be allocated to the High School and that two-thirds of the \$148,000 should be allocated to SPS and one-third to the Town. Ms. Valente stated this would equate to approximately \$50,000 more to add to the Town budget. Thus, Town Manager Valente reported, the Town has withdrawn its request for a tax override and would likely allocate these funds towards the Building Department to use for its portion of the proposed shared Facilities Manager position.

SPS Superintendent John Brackett stated many issues were monitored throughout the budget process, including State Aid. The legislative budget news is anticipated to generate an additional \$97,000 for the SPS budget. Superintendent Brackett also reported that bids received for food services are more favorable than what was budgeted and could also save an additional \$95-\$100,000 in benefit costs to be added to the operating budget. In addition, the budgeted 45% Circuit Breaker reimbursement is now anticipated to increase to 65%, which could result in an additional \$250,000. He further reported some retirements and the modification of facilities fees have also been factored into a revised budget. Superintendent Brackett stated SPS anticipates maintaining this year's staffing levels with the addition of two positions previously eliminated, adding a Technology Department technician, restoring a middle school house administrator position and funding its share of the Facilities Manager position with a non-override budget. He emphasized a lot of needs could be met and staffing could be maintained, but some critical needs would still remain unfunded.

Vice-Chairman O'Brien summarized last night's discussion regarding the L-SRHS budget, which originally proposed a \$1.2 million deficit. He noted the anticipated increase from 45% to 65% for the Circuit Breaker reimbursement is expected to translate to an addition of approximately \$350,000. Vice-Chairman O'Brien referenced a previous suggestion by Finance Committee member Bob Jacobson to the L-SRHS School Committee to discuss with the teacher union revisions to health plan coverage and to move to rate saver plans as a way to save money. Mr. Jacobson further suggested consideration of a L-SRHS tax override if progress could be made in this regard. Vice-Chairman O'Brien stated that L-SRHS School Committee representatives reported it has not had success with movement by employees to rate saver programs to achieve in the anticipated savings. Thus L-SRHS School Committee Chairman Mark Collins recommended a proposed L-SRHS tax override of \$553,000.

Vice-Chairman O'Brien further reported that a straw poll was taken of the Finance Committee regarding two questions. There was unanimous support of \$100,000 for Department of Public Works sidewalk plow Bombardier machines. There were seven Committee members who supported a tax override for L-SRHS, one member opposed and another member abstained. He further reported that, although Finance Committee member Marty Ragonese supported the L-SRHS tax override, she expressed concern that there were no significant accomplishments regarding health care costs reform at this particularly financially challenging time. However, the consensus of the Committee was that the students should not be deprived services.

At 9:02 p.m., Chairman Drobinski acknowledged the many emails received by the Board regarding tax override options. Mr. Collins and L-SRHS Superintendent Scott Carpenter addressed the Board to explain the L-SRHS budget dilemma. They emphasized that the High School could have managed within a non-override budget had there not been an unprecedented increase of \$652,000 in the out-of-district special education placements required to be funded by the school in FY12. Both gentlemen explained the parameters for out-of district special education placements when programs are deemed required in the best interest of the student which are not offered at L-SRHS.

Chairman Drobinski asked what the deficit impact could mean for students. Superintendent Carpenter stated, without a tax override, it is estimated 9.39 full-time equivalents would need to be eliminated, resulting in the possible elimination of 18 courses and an increase in class sizes. He provided examples of positions and programs which could be cut.

Selectman Haarde asked if L-SRHS has the ability to appeal the special education placements, and he asked if any have been appealed. Mr. Collins explained, if the School loses an appeal it must pay the student's legal costs as well as its placement and transportation costs. Superintendent Carpenter explained the School works with families to reach the appropriate decisions and some placements have been appealed.

Selectman Haarde expressed his concern that the last round of L-SRHS labor negotiations resulted in contracts which still reflect 10% year-over-year increases. He asked if there is room within renegotiation of those contracts to find the needed \$553,000 without asking for help from the taxpayers. Mr. Collins emphatically stated there is not that opportunity and that the contracts were negotiated in good faith and met the guidelines established by the Finance Committee in September 2008.

Selectman Haarde highlighted that the Finance Committee's 2008 guidance was given during a much better economy. He emphasized employees from the other cost centers have all made adjustments accordingly to the recessionary pressures which now exist. Selectman Haarde believes that L-SRHS could further streamline its budget with another line-item review. Mr. Collins emphatically stated that the contracts cannot be re-written and that L-SRHS had secured an agreement for the 4.5% growth suggested by the Finance Committee. Selectman Haarde suggested that might be the case, but a financial dilemma exists today which needs to be addressed. He believes the financial risk exists today because of the labor contracts L-SRHS currently has in place, and he noted they are not sustainable.

Chairman Drobinski concurred that the financial situation is what it is now. He emphasized the message for next year is that all cost center employees have to work together.

Mr. Collins stated the School Committee appreciates its collaborative work with the Town and SPS. However, he reiterated that the terms of the L-SRHS contracts cannot be changed. Mr. Collins further stated that efforts would continue to provide incentives to employees to move towards more economical health plan rate saver choices or to the Fallon plans. In addition, he stated L-SRHS has engaged a healthcare consultant to help determine if establishing a health reimbursement account option could also save money.

Vice-Chairman O'Brien asked if there is a sense of what the savings could be from employees choosing less expensive options. It was noted more information should be available at the conclusion of the Open Enrollment period at the end of this week. Of the 177 active L-SRHS employees, approximately 25 % have chosen rate saver or Fallon plan options. Vice-Chairman implored L-SRHS to continue trying to negotiate more economical options with employees and to maximize this opportunity to show the community how special L-SRHS is.

The calendar options for scheduling a Special Town Election were briefly discussed. Mr. Collins stated his preference for a tax override ballot question to be presented to the public by early June. Superintendent Carpenter stated notice must be given to employees a few weeks after Town Meeting regarding future employment. In addition, he noted that budget and staffing decisions significantly impact student and course scheduling, which could take months to complete.

Chairman Drobinski noted it has been a difficult year. He thanked the Finance Committee and School Committees for their work this year, and he welcomed Finance Committee Chairman James Rao to the meeting. Mr. Rao stated last night's meeting discussion has been accurately summarized tonight. He further

stated the consensus of the Finance Committee was to recommend to the Selectmen that a tax override ballot question be offered to the public. However, Mr. Rao expressed his disappointment with the position of the L-SRHS School Committee that it has met the 4.5% growth figure suggested by the Finance Committee in 2008 because he had always interpreted the 4.5% growth figure as a not-to-exceed number. He believes it is still an uphill battle to pass a tax override this year, and he noted that all of this would need to be considered as the FY13 and beyond budgets are deliberated.

Chairman Drobinski stated the focus has to remain on the impact for students. However, he stated he is disappointed L-SRHS employees could not accomplish more in cost savings. Chairman Drobinski emphasized that the issue will remain and needs to be addressed again next year. However, the Board of Selectman does not typically deny a ballot question being presented to the public. Thus, Chairman Drobinski suggested a \$553,000 L-SRHS tax override ballot question be presented to the voters to decide. He noted that, if the override is not passed by voters, the message would be clear to L-SRHS employees that everyone needs to share in the solution to this problem. Mr. Rao also stated the Committee did not determine a recommended figure for the tax override.

Chairman Drobinski suggested the Board endorse the L-SRHS recommended figure of \$553,000 for a tax override. Selectman Haarde questioned whether that sends the message of rewarding the cost center which did not achieve financial savings from revisions to health plan options as was achieved by the other two cost centers. Chairman Drobinski stated the Board would not be sending that message but rather the message that it cares about Sudbury's students. Selectman Haarde stated there is no question the welfare of the students is paramount for everyone. However, he noted that with the "all or nothing strategy" taken, if the tax override does not pass, the students will ultimately not be helped. Selectman Haarde stated he has been "on the record" as supporting putting a tax override out to the voters to decide. However, in this circumstance, he wonders if it would put more pressure on employees to make the needed concessions if the override were not put on the ballot.

Vice-Chairman O'Brien stated he believes at this point "the line has been drawn." He hopes the legislation pending for municipal health care reform will make a difference, and he encouraged the Board to co-sign the letter of support drafted by the Finance Committee. Selectman Haarde emphasized that a tax override is only a temporary solution, and it does not help senior citizen taxpayers stay in Sudbury. He further stated that each tax override adds up over time. In the past ten years, Selectman Haarde stated the average household's taxes have increased by \$2,500. He emphasized that this is a permanent tax increase which compounds year over year. Selectman Haarde stated Sudbury citizens have been very generous in the past with their financial support, but the time has come to find a long term, sustainable solution other than requesting tax overrides. Vice-Chairman O'Brien stated that the decision eventually comes down to what is in the best interests of Sudbury's youth, and for this reason alone, he will support the L-SRHS tax override question. However, Vice-Chairman O'Brien further stated he is supporting the request with disdain and disgust for the lack of accomplishment by this cost center to achieve cost savings from its employees.

Selectman Haarde stated that emotionally everyone wants to support Sudbury's kids, but intellectually one has to recognize the long-term impact of passing tax overrides. He noted that each time this occurs, it potentially forces senior citizens to leave Town, leaving a home to be sold to a family with children who will then overcrowd classrooms. Vice-Chairman O'Brien stated that the Town's Schools have done an excellent job, and we are "victims of our own success." Chairman Drobinski stated he hopes the L-SRHS employees have heard tonight's message, that this strategy is not sustainable.

It was on motion unanimously

VOTED: To place a requested \$553,000 assessment in real estate and personal property taxes for the purpose of funding operating expenses for Lincoln-Sudbury Regional High School on a Special Election ballot.

The Board noted that a second ballot question has been proposed for \$93,502 for the purpose of funding leases for DPW capital expenses for two Bombardier sidewalk snow plows. Chairman Drobinski stated his preference for the question to be listed on the ballot separately and not to be combined with another question.

Selectman Haarde asked if these machines are also street sweepers and he noted his preference to purchase three machines rather than two. Town Manager Valente briefly explained the uses for the two machines, which the DPW intends to purchase on a three-year lease/purchase agreement. She noted the equipment is expected to have a service life of 15-20 years. Town Manager Valente stated the DPW believes two machines are sufficient at this time for the personnel available, and these purchases should provide three pieces of frontline equipment with one back-up.

Vice-Chairman O'Brien suggested, and the Board concurred, that the requested override amount be rounded to \$100,000.

Selectman Haarde stated his preference to also separate out this ballot question from the L-SRHS ballot question, since one is capital and the other is operating-related. Town Manager Valente clarified that both requests are operating-expense related, and are being requested as overrides.

It was also on motion unanimously

VOTED: To place a requested Department of Public Works \$100,000 tax override ballot question for the purpose of funding capital expenses for two sidewalk snow plows on the Special Election ballot.

It was further on motion unanimously

VOTED: To present the two questions separately on the Town Special Election ballot.

The Board next discussed the requested debt exclusion ballot question for a Route 20 Wastewater and Sewer Design and Permitting project. Town Manager Valente noted a debt exclusion does not require an amount be stated as part of the ballot question as opined by Town Counsel. Selectman Haarde asked if an amount could be presented, even if it is not required. Town Manager Valente stated, at best, it could only be a not-to-exceed figure because the amount is set at Town Meeting and there are so many variables that are unknown until the time the bond and accompanying interest rate is obtained.

Director of Planning and Community development Jody Kablack stated the costs of the project are addressed in the "Frequently Asked Questions" document. In response to a question from Selectman Haarde, Ms. Kablack stated she would research further whether there may need to be amended language added to this Wastewater System article regarding betterment fees. Ms. Kablack also stated the consultants are in the process of fine-tuning their cost estimate and that the revised figure should be available prior to Town Meeting.

Selectman Haarde asked who would decide if betterment fees are instituted. Ms. Kablack stated she believes it would require a Town Meeting vote. Vice-Chairman O'Brien stated that all Sudbury citizens would benefit from this project. However, he further stated that there needs to be better preparation for Town Meeting regarding the betterment fee aspect. Chairman Drobinski stated he foresees the key questions at Town Meeting being related to financing of the project.

It was on motion unanimously

VOTED: To call a Special Town Election to be held on Tuesday, June 7, 2011, from 7:00 a.m. to 8:00 p.m. at the Fairbank Community Center (Precincts 1, 2, and 5) and Town Hall (Precincts 3 and 4); and further, to place the following questions on the ballot therefor:

Ballot Question No. 1

Shall the Town of Sudbury be allowed to assess an additional \$553,000 in real estate and personal property taxes for the purposes of funding operating expenses for the Lincoln-Sudbury Regional District High School for the fiscal year beginning July first, two thousand and eleven?

YES___ NO___

Ballot Question No. 2

Shall the Town of Sudbury be allowed to assess an additional \$100,000 in real estate and personal property taxes for the purposes of funding DPW capital expenses for the fiscal year beginning July first, two thousand and eleven?

YES___ NO___

Ballot Question No. 3

Shall the Town of Sudbury be allowed to exempt from the provisions of Proposition two and one-half, so-called, the amounts required to pay for the bonds issued for the engineering design and permitting of the proposed Route 20 sewer system?

YES___ NO___

Annual 2011 Town Meeting – Article #21 – Wireless Services Overlay District – Discussion

Present: Director of Planning and Community Development Jody Kablack

Director of Planning and Community Development Jody Kablack updated the Board on the Public Hearing regarding the zoning articles for the 2011 Annual Town Meeting held by the Planning Board on April 13, 2011. An amendment to Warrant Article #21 –Wireless Services Overlay District was recommended to include the exclusion of school properties along with the previously noted school buildings and cemeteries. If acceptable to the Board, Ms. Kablack will prepare the amended motion.

Ms. Kablack reported the Planning Board voted to support Article #21, but chose not to co-sponsor it with the Selectmen. She noted that several suggestions were made by Sudbury resident Carole Wolfe, who did extensive research of similar bylaws in other communities. However, Ms. Kablack further noted that Sudbury's bylaw works well. She further stated the Town receives numerous calls from carriers interested in installations on zoned sites.

It was on motion

VOTED: To adopt the minor amendment to Warrant Article #21 –Wireless Services Overlay District to include language to exclude school properties along with the previously noted school buildings and cemeteries as discussed this evening.

Selectman Haarde abstained from the vote.

Minutes

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of April 12, 2011.

Town Trust Fund – Third Quarter FY11 Town Trust Financial Reports

It was on motion unanimously

VOTED: Acting as Co-Trustees of Town Trust Funds, to accept the unaudited Town Trust Funds FY11 third quarter statements for the period ended March 31, 2011, as requested by the Finance Director Andrea Terkelsen.

Eagle Scouts -Boy Scout Troops 60 and 63

It was on motion unanimously

VOTED: To enter into the Town record and sign letters of congratulations to Jason Porter, 42 Surrey Lane, Sudbury, and Gregory Gazda, 59 Brookdale Road, Sudbury of Troop 60 on achieving the high honor of Eagle Scout at a ceremony to be held on Saturday June 4, at St. Anselm's Church; and Derek Kallarackal, 405 Peakham Road of Boy Scout Troop 63 at a ceremony to be held on Monday, June 13, at 7:30 p.m. at Our Lady of Fatima Parish.

Zoning Board of Appeals – Associate Appointment

It was on motion unanimously

VOTED: To appoint Nancy G. Rubenstein, 57 Winsor Road, an Associate Zoning Board of Appeals member, to serve concurrently on the Earth Removal Board, for a term to expire April 30, 2012, as requested by Beth Quirk, Board of Appeals Chair, in a memo dated April 5, 2011.

Zoning Board of Appeals – Appointment

It was on motion unanimously

VOTED: To appoint Jonathan F. X. O'Brien, 3 Country Village Lane, as a Zoning Board of Appeals member, to serve concurrently as an Earth Removal Board alternate, for a term to expire April 30, 2016, as requested by Beth Quirk, Board of Appeals Chair, in a memo dated April 5, 2011.

Sudbury Housing Trust - Resignation

It was on motion unanimously

VOTED: To accept the resignation of Michael C. Fee, 48 Henry's Mill Lane, from the Sudbury Housing Trust, as requested in a letter dated April 11, 2011, effective when a qualified appointment has been made to fill this position.

Massachusetts Interlocal Insurance Association (MIIA) - Loss Control Additional Grants

It was on motion unanimously

VOTED: To accept two Massachusetts Interlocal Insurance Association (MIIA) Loss Control Additional Grants of \$5,000 each: one to the Sudbury Public Schools for the structural review of the Peter Noyes School; and the other to the Park and Recreation Department for a Risk Management consultant to develop a program as part of the CAPRA process, as outlined in letters from MIIA dated April 19, 2011.

Proclamation – MSG Peter P. Organsky

It was on motion unanimously

VOTED: To sign a Proclamation for MSG Peter P. Organsky, Jr., a full-time member of the Army National Guard, who is returning home to his Sudbury family in early May from a year-long tour of duty in Kuwait.

Eligius Homes Company, Inc. – Conservation Deed

It was on motion unanimously

VOTED: To accept deed of Eligius Homes Company Inc., 329A Boston Post Road, Sudbury, MA, dated March 31, 2011, to the Town of Sudbury for conservation purposes, for land situated on the westerly side of Huckleberry Lane (off Old Lancaster Road.) shown as "Parcel A" on the plan of land entitled "Definitive Subdivision Plan of 'Pine Grove' in Sudbury, MA" prepared by Thomas Land Surveyors & Engineering Consultants, Inc., last revised January 20, 2011.

Permanent Building Committee - Appointments

It was on motion unanimously

VOTED: To appoint W. Gifford Perry, 27 Ames Road, Sudbury, as a member of the Permanent Building Committee and to appoint Bruce L. Ey, 1071 Worcester Road, Framingham, as an associate member, on the recommendation of the Permanent Building Committee, each for a three-year term to expire April 30, 2014.

Outdoor Wood Boilers - Update

Chairman Drobinski announced the Board has postponed discussion regarding outdoor wood boilers to a later date, pending the outcome of the Public Hearing on this matter being held tonight by the Sudbury Board of Health.

American Legion Sudbury Post #191 – Billiards Table License

The Board was previously in receipt of copies of an Application for Pool Table License dated April 21, 2011 and email communications from Sudbury's Building Inspector and Fire Chief stating no objections.

Chairman Drobinski stated operations appear to be better at the Legion, and he recommended approval of the license.

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, to renew a billiards table license for the American Legion Sudbury Post #191, Inc., Spencer R. Goldstein, Manager, 676 Boston Post Road, said license to expire on May 1, 2012.

Executive Session

At 10:45 p.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 firefighter contract negotiations and the Fairbank Farm land acquisition.

Town Manager Valente stated discussion regarding the firefighter contract negotiations is not needed tonight.

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

There being no further business, the meeting adjourned at 10:45 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk