

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, JANUARY 4, 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 7:30 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:30 p.m., Chairman Drobinski opened the meeting and wished everyone a happy New Year. He thanked the Department of Public Works (DPW) and Public Safety staffs for their work clearing roads and sidewalks after last week's snow storm. Town Manager Valente also offered her gratitude for the timeliness and thoroughness of the clean-up activities.

Chairman Drobinski announced there will be a Special Town Meeting on January 18, 2011 and a Special Election on January 25, 2011. Voter registration is available tomorrow from 9:00 a.m. to 8:00 p.m.

Chairman Drobinski announced the Sudbury Angels will sponsor a blood drive on January 12, 2011 from 3:00 p.m. to 8:00 p.m. at the Nixon School to benefit eight-year old Mary Kate Lee, recently diagnosed with Non-Hodgkin's Lymphoma. Interested citizens can contact the American Red Cross at 800-733-2767 to donate blood. Town Manager Valente stated additional information is available on the Town website. Vice-Chairman O'Brien stated that the American Red Cross provides a pre-registration process when called.

Chairman Drobinski announced he plans to run for re-election to the Board, noting he enjoys the job. He encouraged citizens to access the Town website to research other Town committee and board positions available.

Reports from Town Manager
City of Woburn – Letter of Condolences

Town Manager Valente asked if the Board would like to join her in extending condolences to the Mayor and citizens of the City of Woburn regarding the recent death of a Woburn police officer in the line of duty. She read the draft letter aloud for the record.

It was on motion unanimously

VOTED: To sign and send a letter of condolences to the citizens and Mayor of the City of Woburn regarding the death of Police Office John Maguire.

Special Town Meeting and Special Town Election – Estimated Costs

In response to recent inquiries, Town Manager Valente stated that the anticipated cost for the upcoming Special Town Meeting is nearly \$5,000 and slightly less than \$9,000 for the Special Town Election.

Concord Alexan Development Project - Update

In response to recent inquiries, Town Manager Valente stated that the Town of Concord bylaws allow for construction work on holidays and only limit work by the hour of the day and not by certain days of the week

or year. This issue was raised by neighboring Sudbury citizens when work was performed on New Year's Day.

Reports from the Board of Selectmen

Selectman Haarde stated he has been working with the Park and Recreation Department and the DPW to expand the options for ice skating at Featherland Park to accommodate open skating and hockey activities.

Vice-Chairman O'Brien reported he spent time reviewing the Citizen's Petition submitted for the Special Town Meeting, which will be discussed later this evening. He also spoke with Planning Board Chairman Michael Fee regarding whether an article should be sponsored by either Board or jointly for the Annual Town Meeting regarding expanding the wireless overlay district. Selectman Haarde asked what the objective would be of the article. Vice-Chairman O'Brien provided a brief explanation of the Town's intention when creating the overlay district to designate preferred areas in Town for carriers to establish services. He also noted a recent increase in private property owners being approached by carriers. Selectman Haarde asked if Public Hearings would be scheduled to allow for discussion. Chairman Drobinski stated Public Hearings would be held. The consensus of the Board was that this issue should be discussed at its next meeting and that Vice-Chairman O'Brien should share this information with Mr. Fee.

Chairman Drobinski reported enjoying time off for the holidays.

Adaptive Sports and Recreation Program – Overview

Present: Adaptive Sports and Recreation Specialist/Teen Center Director Anna Wood

At 7:50 p.m., Chairman Drobinski welcomed Anna Wood to the meeting to present information on Sudbury's Adaptive Sports and Recreation Program.

Ms. Wood stated she is a recreational therapist who came to Sudbury in July 2010. Programs began in September 2010, which have serviced approximately 40 children through the fall and winter. Ms. Wood has received positive feedback from parents, schools and organizations.

Chairman Drobinski displayed a Town of Sudbury Park & Recreation/Atkinson Pool brochure, highlighting the All New Inclusive & Adaptive Programs. Ms. Wood stated program information is also available on the Park & Recreation website.

In response to a question regarding programs from Vice-Chairman O'Brien, Ms. Wood described current programs, including adaptive skiing, snow-shoeing, power soccer, music therapy, arts therapy and meditation programs. Future programming includes a self-defense course for those with disabilities and senior citizens, bowling, arcades and broadening the array of activities to attract different user-groups.

Vice-Chairman O'Brien asked if the programs are open to all participants. Ms. Wood stated that the activities are geared to those with physical and developmental disabilities, chronic pain and social anxieties, but that anyone is welcomed to participate.

Selectman Haarde asked if Ms. Wood had worked on similar programs in other communities. Ms. Wood stated she had previously worked with a program in New Hampshire which offered mostly summer programs and she worked with New England Passage during college. She further stated that Sudbury's programs will be expanded next summer.

Selectman Haarde asked what Ms. Wood's vision is for programming in Sudbury. Ms. Wood stated she hopes to develop in the next five years a consistent user base and to maximize the full benefit of existing facilities (the Atkinson Pool and Boundless Playground). She also hopes to establish a Special Olympics Program, to increase the athletic offerings and to attract more volunteers.

Selectman Haarde asked how the programs are marketed. Ms. Wood stated she began with phone calls in July 2010 and word-of-mouth has helped to increase awareness. She also has established a website presence, sends mailings and email blasts. In addition, Ms. Wood has reached out to special education parent groups, organizations and school personnel. Chairman Drobinski stated that developing a successful relationship with the schools is extremely important. Town Manager Valente stated developing a working relationship with the Council on Aging could also be beneficial. Vice-Chairman O'Brien suggested that the scroll boards on the cable channels be used to highlight programs and information.

Vice-Chairman O'Brien asked how many participants are from Sudbury versus from out of town. Ms. Wood stated approximately 60% are from other towns and 40% from Sudbury, with some users traveling one to two hours to participate.

Selectman Haarde asked if these programs are being offered jointly with Wayland. Town Manager Valente stated Wayland cross-advertises programs, but only Sudbury provides support for the position. Vice-Chairman O'Brien asked Town Manager Valente to explain how the position was able to be financed during tough economic times. Ms. Valente explained that Ms. Wood was also hired as Sudbury's Teen Center Director, a position which the community values highly.

Ms. Wood briefly summarized the Teen Center programs, noting that recent events have had over 450 seventh and eighth graders in attendance. The Center has three new staff members and one room has been renovated. She announced that ten more events are scheduled this year -- the next on January 7, 2011. Ms. Wood further stated the Center has a Board with approximately 15 members which meets monthly, and she thanked them for their support and assistance. Town Manager Valente stated she receives ongoing feedback from parents how important this program is and she believes the Town has found a sustainable way to fund it. She further stated she often hears from other communities that there are not many activities for children in middle school and how fortunate Sudbury is to have this program. Ms. Wood further noted that some high school students return to the Center to volunteer. Chairman Drobinski and Vice-Chairman O'Brien spoke well of their own experiences with the Center.

Chairman Drobinski and the Board congratulated Ms. Wood on her recent award from the New England Therapeutic Recreation Association (NETRA) as the Up and Coming New Professional of the Year, awarded for her demonstrated excellence in leadership and professional involvement.

New Stormwater Permit Requirements – Discussion

Present: Conservation Commission Coordinator Debbie Dineen

At 8:12 p.m., Chairman Drobinski welcomed Conservation Commission Coordinator Debbie Dineen to the meeting to explain the new MS4 2011 Environmental Protection Agency (EPA) permit requirements regarding stormwater. The Board was previously in receipt of a "Summary of major changes between the 2003 General Permit for Stormwater Discharges from Small MS4s (MS4-2003) and 2010 Draft General Permits for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) in the Interstate, Merrimack and South Coastal Massachusetts Watersheds," the relevant Federal Register November 4, 2010 Notices information and an email from Ms. Dineen dated December 1, 2010, stating the deadline for comments has been moved to January 21, 2011.

Ms. Dineen circulated copies to the Board of a "Summary of Draft Permit Requirements for Municipal MS4 Merrimac Region Timeframes for Actions", a summary of her comments and maps of Sudbury's Waterbody Assessment and Total Maximum Daily Load (TMDL) Status and the Impervious Cover and Watershed Delineation by Sub-basin or GWCA. She stated that the Town has an opportunity to comment on the proposed requirements until January 21, 2011. Ms. Dineen highlighted the new permit requires that the same six control measures be addressed as were previously required: public education and outreach, public participation and involvement, good housekeeping, illicit discharge detection and elimination, construction site runoff control and post construction runoff control.

Ms. Dineen emphasized that any and all future changes to the stormwater system must address how the classification of the water body would be impacted under the Clean Water Act. She further emphasized that if the requirements are approved as presented, Sudbury would need to fund several mandated stormwater upgrades in the next two years. Ms. Dineen also stated a stormwater management plan would need to be adopted and more collection and tracking of data would be required.

Ms. Dineen noted that fines were levied in some surrounding towns last year for non-compliance. She further stated that Sudbury is ahead of some communities because it adopted a Stormwater Bylaw, but it is behind in other aspects, such as illicit discharge detection and elimination. Ms. Dineen emphasized that funding will be required to meet the proposed standards.

Chairman Drobinski opined that it is important for Sudbury to establish a proper program which protects the Town from violations and fines. Ms. Dineen concurred, noting that the Town may only have two years to accomplish a significant amount of work, including developing a stormwater management plan, identifying and prioritizing illicit discharges, impervious cover and tracking them. She stated it is potentially a huge burden which the Town needs to better understand regarding the time and costs for staff to comply with the proposed requirements. Ms. Dineen noted she has spent significant time in the past year researching grants to aid in these efforts.

Vice-Chairman O'Brien asked how this project fares with other Town staff responsibilities. Town Manager Valente stated that DPW Director Bill Place, Director of Planning and Community Development Jody Kablack and Ms. Dineen are the key Town personnel studying these issues and recommending actions along with their other responsibilities.

Ms. Dineen stated many communities have articulated concerns regarding how compliance will be funded. She recommended to the Board that formal comments from Sudbury include the concern regarding what assistance would be available to help towns meet the required standards within the timeframes proposed. In response to questions from Vice-Chairman O'Brien, Ms. Dineen stated that the vast majority of Town-owned outlets would need to be inspected. She further stated test kits average approximately \$1000 apiece, and Sudbury would require two kits. She further stated she has planned for this \$2,000 expense in the Conservation Commission FY12 budget. However, Ms. Dineen also noted that she is concerned about staff/volunteer time required to collect data and is unsure of liability issues.

Town Manager Valente stated that Sudbury's costs will be significant, but not as pronounced as other towns. However, she further stated that it is a huge unfunded mandate directed at the Town. Vice-Chairman O'Brien noted that passage of the proposed legislation could be delayed. Selectman Haarde asked what the magnitude is of the anticipated expense. Ms. Dineen stated it is difficult to predict because depending on what is found, the workload could incrementally grow to the eventual need for a Stormwater Department. Town Manager Valente stated that the first-year cost has been estimated at less than \$100,000.

Selectman Haarde asked if outfalls are tested and found to be unacceptable does the Town have to pay for mitigation. Ms. Dineen stated it is the Town's responsibility to bring the situation up to permit standards. She further stated that some towns are considering establishing a stormwater utility to collect fees. Ms. Dineen emphasized there could be significant financial ramifications to the Town if the requirements are approved as proposed.

Selectman Haarde asked if Community Preservation Act (CPA) funds could be used since some upgrades will help protect the supply of drinking water. Ms. Dineen opined that she did not think the required work would qualify for CPA funding since it did not fall into the four eligible categories. Chairman Drobinski suggested that perhaps the Sudbury Water District (SWD) could be contacted to help the Town fund protection of the District's assets. Selectman Haarde concurred that reaching out to the SWD could be a beneficial approach.

Chairman Drobinski suggested that Town comments include the suggestion to lengthen the timeframe for compliance. Ms. Dineen offered to draft a letter of comments on behalf of the Board for review at the Selectmen's next meeting, including the recommendations of more time to implement standards, assistance establishing stormwater utilities and assistance with financing options and grant opportunities to achieve compliance. The Board was asked to email comments and recommendations to Ms. Dineen and Town Manager Valente for inclusion in the draft.

Vice-Chairman O'Brien suggested that a future Board agenda include a joint meeting with the SWD to address the many Town water-related issues. He also suggested that it be expressed in the Town's formal commentary that achieving compliance standards becomes complicated and may require more time for a town like Sudbury because it has an independent Water District. Town Manager Valente suggested the joint discussion could be part of an environmental summit to discuss anticipated challenges in the next five years.

At 8:41 p.m., the Board thanked Ms. Dineen for the information and Chairman Drobinski closed the discussion.

Class II Motor Vehicle License – Sales Approach, Inc. - Interview

Present: Applicant Jeffrey Simon

At 8:42 p.m., Chairman Drobinski welcomed Jeffrey Simon, 49 Brimstone Lane, to the meeting to discuss his application d/b/a Sales Approach, Inc. for a Class II Motor Vehicle License to buy, sell, exchange or assemble second hand motor vehicles. The Board was previously in receipt of copies of the application filed by Mr. Simon, an invoice from Dwight Rudd & Company, Inc. dated November 9, 2010 for bond renewal, the Western Surety Company Second Hand Motor Vehicle Dealer Bond, dated December 17, 2007, Worker's Compensation Insurance Affidavit dated December 7, 2010, a certified tax attestation by Mr. Simon dated December 7, 2010 and an email from Building Inspector James Kelly dated December 14, 2010 stating no objections to the application.

Mr. Simon has lived in Town for four years. He described his concierge business, locating used cars at auction for customers. Mr. Simon explained his current license is in Stow and that his intention is eventually to operate the entire business from his home. He emphasized there would not be additional vehicles garaged in Sudbury as a result of business transactions.

Selectman Haarde asked what types of cars are purchased. Mr. Simon stated he has specific requests for certain makes and models which are typically coming off large lease options.

Vice-Chairman O'Brien asked if there are other company employees and whether customers would visit the home office. Mr. Simon stated the company only employs himself and a part-time person on an as needed basis. He also stated clients would not frequent the home business.

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, to approve a Class II Motor Vehicle License to buy, sell, exchange or assemble second hand motor vehicles to Jeffrey Simon, d/b/a Sales Approach, Inc. to expire January 1, 2012.

Home Rule Petition Article for Special Town Meeting – Discussion

Present: Petitioner Ralph Tyler and Senior Tax Advisor David Levington

The Board was previously in receipt of a "Draft of the Official Warrants for the Special Town Meeting, Tuesday, January 18, 2011 at 7:30 p.m., and Special Town Election, Tuesday, January 25, 2011", which included the Home Rule Petition as submitted by Sudbury resident Ralph Tyler, One Deacon Lane., malegislature.gov website information regarding Chapter 91 of the Acts of 2010 for the Town of Hamilton, and a copy of the "Home Rule Petition – Means Tested Senior Citizen Property Tax Exemption" dated December 13, 2010 as submitted to Sudbury's Board of Selectmen.

Mr. Tyler distributed copies of a summary of highlights of his presentation to the Board. He explained the Home Rule Petition as establishing a means-tested senior property tax exemption limited to one-half of one percent to one percent of the Town's tax levy. In the first year of the program, the percentage would be limited to one-half of one percent, and in subsequent years, the percentage would be set at the discretion of the Board of Selectmen. Chairman Drobinski stated that Sudbury's tax levy last year was approximately \$62 million. Mr. Tyler explained that a model of approximately \$300,000 was used based on FY10.

Mr. Tyler briefly contrasted the proposed Sudbury Home Rule Petition with the exemption approved by the State Legislature for the Town of Hamilton. Mr. Tyler learned of Hamilton's local option in a *Boston Globe* article in November and then drafted the petition article once he learned of Sudbury's upcoming Special Town Meeting. He noted that the petition article is confusing, but it was modeled on Hamilton's article structure since it had a favorable outcome with the State. Mr. Tyler provided a brief history of this issue in Sudbury, since his involvement in 1997 and a 1998 Town Meeting vote to grant an exemption, which met with Department of Revenue (DOR) opposition and never came to fruition.

Mr. Tyler explained that the decision was made not to wait to present the article at the Annual 2011 Town Meeting in May so senior citizens would not lose another year waiting for tax relief. He emphasized that given how long Sudbury senior citizens have waited for some form of property tax relief he believes this option deserves to be in the January Warrant. Mr. Tyler opined that having this option on the ballot may incline some senior citizens to favorably reciprocate by voting to support the Noyes School debt exclusion article.

Vice-Chairman O'Brien noted the significance of the enactment by the State of what he believes to be the first local senior tax relief option for Hamilton. Mr. Tyler noted Wayland previously received approval to match the Circuit Breaker exemption. He also stated that he anticipates the one-half of one percent will translate to relief of approximately \$1,000 per eligible-person. Mr. Tyler stated he sent copies of the Home Rule Petition to Sudbury's State Senators and Representative asking them to work on enabling legislation, and Senator Eldridge has already responded.

Mr. Tyler stated, if the senior tax exemption article is approved, the impact on the average Sudbury taxpayer with an average FY11 home value of \$627,988 would be an additional \$53.47 of property taxes paid per year. Chairman Drobinski noted the tax relief would be spread across all other non-qualifying residential and commercial taxpayers by this proposal.

Mr. Tyler circulated copies to the Board of the FY10 Tax Form for the State's Circuit Breaker Exemption. He summarized the proposed financial income limits based on those of the Circuit Breaker and in comparison to Hamilton's requirements. Mr. Tyler further stated the income figures would be indexed and would be simplified by the amendments. He further stated that the petition article includes a more stringent age restriction for the spouse of the homeowner of at least 60 years old. The petition also uses a more frequently used average value for homes rather than a median value, and the home must be a principal residence. Chairman Drobinski asked if there is a legal definition of a principal residence. Mr. Tyler stated the legal definition in Massachusetts is a home which is lived in for at least six months and one day per year.

Mr. Tyler stated he has reviewed the petition article and amendments with Town Counsel Kenny who has concluded that the article is written as a tax burden shift/exemption and not as a tax abatement as was done in Hamilton, and thus would not be accounted for in the Assessor's Overlay account. Chairman Drobinski stated that the exemption is designed so that it never impacts any Town department budget or would require an override vote. Mr. Tyler concurred, stating approval by a majority vote at the Special Town Meeting would initially be required, followed by a subsequent vote at a Town-wide election.

Vice-Chairman O'Brien asked if Sudbury's article maintains the feature after three years that the exemption could sunset. Mr. Tyler stated the exemption option would expire in three years unless re-affirmed by a majority vote at a Town Meeting or revoked by the Board of Selectmen by putting such action on a future Warrant. Mr. Tyler opined that the intent is, once approved, the option should be difficult to reverse. Mr. Tyler stated he would confirm with Town Counsel whether the term gross income needs to be better clarified. He also stated that information regarding the petition article can be accessed on a website and blog he has established.

Chairman Drobinski expressed concern that senior citizens participating in the tax deferral program not be negatively impacted by this exemption option. Mr. Tyler stated it is the intent to include those seniors, but currently, they are not eligible for the Circuit Breaker exemption.

Vice-Chairman O'Brien asked what administrative processes Hamilton plans to implement. The consensus was that Sudbury's Assessor's Office would need to further review and determine how the program would be best administered. Mr. Tyler stated it is anticipated that 250 citizens could qualify for the exemption. It was also noted that there are already approximately 90 citizens participating in the tax deferral program. The administrative burden is expected to be manageable. In addition, Mr. Tyler noted that the intent is to preserve exemptions currently received by citizens who are veterans, disabled and/or blind. He emphasized the time seems right to do this in Sudbury.

Senior Tax Advisor David Levington circulated copies to the Board of a summary of his comments. Mr. Levington believes that the Hamilton plan is the first time that the State Legislature has approved a local tax-relief option. He emphasized that Sudbury's petition article would benefit a specific group of citizens who benefit from the Circuit Breaker, but whose tax burden is relatively still too high. Last year, 204 Sudbury citizens qualified for the Circuit Breaker. Mr. Levington believes the program will benefit approximately 20% of the most needy of senior citizens in Town, whose incomes are less than \$50,000 per year. He further emphasized that the Board and Town Meeting play a significant role in the future of the program. He reviewed how the exemption would work, utilizing approximately \$330,000 for approximately 250-300 families. Mr. Tyler and Mr. Levington stated it is expected that total claims would exceed

available funds.

Mr. Levington stated that the article would be administered by the Board of Assessors. He also volunteered the services of former accountants and bookkeepers who frequent the Council on Aging to assist Town staff. Mr. Levington stated he can support Sudbury's article because it has been written as an exemption and not as an abatement, but he could not have done so if it had been proposed as coming out of the Town budget. Mr. Levington commended Mr. Tyler on his work, stating the article deserves to be voted on by the citizens. He urged for support from the Board and Sudbury's Finance Committee at the Special Town Meeting. In addition, Mr. Levington urged his fellow citizens to support the article on its merits and/or out of their own self-interest.

Selectman Haarde thanked Mr. Tyler for initiating this article and serving as a legislator for the Town on this issue and many others in the past. He urged all citizens to participate in the Town process in this manner. Selectman Haarde stated the petition article presents a tax burden shift, resulting in an approximate increase of property taxes per year for the average taxpayer of \$53. He presented a scenario to justify this cost by stating there are currently 107 homes in Sudbury on the market, and they remain there on the average for 90 days. Selectman Haarde further stated approximately 8% of homes turn over each year, and he extrapolated how many of the anticipated 300 households to be helped by the exemption could possibly turnover and the costs that the Town would incur from such activity. He believes the program can be viewed positively if it helps to keep even 4.3% of the anticipated senior households in Sudbury.

Although the article includes means-testing, Selectman Haarde expressed concern that only citizens who actually need the assistance reap the benefit of the exemption. He questioned whether assets should also be considered and captured through tax returns to ensure those with hidden assets are not also benefitting. Mr. Tyler and Mr. Levington stated that the emphasis is on income testing and that there is no sure way to trace assets.

Mr. Levington cautioned "to not let the perfect be the enemy of the possible." He referenced his experience preparing tax returns at the Council on Aging. He is convinced that the type of person who will typically qualify for this exemption will be worthy, and that it is highly unlikely there will be any hidden assets for anyone in the targeted group. Chairman Drobinski suggested the Finance Committee be consulted for its opinion and suggestions.

Chairman Drobinski questioned if the Assessors Office has the discretion to accept or deny an applicant. Town Manager Valente stated she believes the Assessor would be required to follow the legislation literally under the provision. Mr. Tyler concurred, stating that the hardship exemption is discretionary, but all others must be met according to the legislation.

Selectman Haarde opined that the language should provide the Assessors Office with the guidelines to administer the exemption. He questioned if there is an option for those who are "married filing separately." It was noted this category is excluded from the Circuit Breaker, and the consensus was that Sudbury's exemption should also exclude it.

Vice-Chairman O'Brien suggested that the website information and the presentation at the Special Town Meeting include a definition of "Adjusted Gross Income." Since the article requires that the Board set the exemption rate each year, he noted that the Board will have the opportunity to review relevant data each year. Mr. Tyler stated that after the first year, the Assessor's Office should be able to better define the need in a quantifiable manner. Chairman Drobinski noted the Assessor would also have the ability to revoke the exemption if a violation were identified.

Vice-Chairman O'Brien opined that previous Boards have been inclined to support means-tested senior tax relief if it could be approved by the State Legislature, which has now been done for Hamilton. He further opined that the petition article is close to covering the bases previously identified as important. He also urged the petitioner to continue to refine language with Town Counsel and to clarify when the three-year clock begins to tick. Vice-Chairman O'Brien asked if citizens might realize tax relief in 2012. Mr. Tyler believes it is inconceivable that the article would pass through the State legislative process in time to be in effect for FY12.

Mr. Tyler believes the article is worthy and he asked for the Board's support.

Town Manager Valente stated that Director of Assessing Maureen Hafner is on vacation, but in a telephone conversation she expressed concerns regarding how the program would be administered and whether two tax classification hearings would be required. Ms. Hafner will assess the ramifications of approval of the article and report accordingly.

Minutes

Due to a photocopying error of the meeting minutes provided for review, it was suggested that the minutes in full be provided to the Board to review prior to the next meeting.

It was on motion unanimously

VOTED: To hold on approval of the regular session minutes of December 7, 2010, until copies of a complete draft can be provided to the Board for review and a vote at its next meeting.

Board of Appeals – Resignation **Earth Removal Board – Appointment**

The Board was previously in receipt of a letter from Stephen Garanin dated December 14, 2010 noting his resignation from one Board and desire to be appointed to another and a letter from the Zoning Board of Appeals (ZBA) Chair Beth Quirk dated January 4, 2011, supporting the requests of Mr. Garanin and thanking him for his years of service as a ZBA member.

It was on motion unanimously

VOTED: To accept the resignation of Stephen Garanin, 39 Griscom Road, Sudbury, as a member of the Board of Appeals as requested in a letter dated December 14 and to simultaneously appoint him as a member of the Earth Removal Board, to serve concurrently as a Board of Appeals Associate for a term to expire April 30, 2012.

Cheri-Anne Cavanaugh Fund Trust Fund - Donation

The Board was previously in receipt of a letter from Sudbury United Methodist Church Co-Chairman Lyn MacLean dated December 20, 2010, noting an enclosed donation to the Cheri-Anne Cavanaugh Fund. Vice-Chairman O'Brien noted a discrepancy in the amount to be donated of either \$800 or \$936.

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a donation from the Sudbury United Methodist Church Rebecca Circle into the Cheri-Anne Cavanaugh Trust Fund to be expended under the direction of the Town Social

Worker, to counsel Lincoln-Sudbury High School students, said amount to be clarified and noted by the Town Manager. (NOTE: The correct amount is \$936.)

Annual 2011 Town Meeting – Meeting Date

Chairman Drobinski announced that the Annual 2011 Town Meeting will begin on Monday, May 2, 2011. The warrant period is now open, and all articles for inclusion in the Warrant should be brought to the Selectmen's Office to be stamped in no later than 5:00 p.m. on Monday, January 31, 2011. Town Manager Valente stated this information is also posted on the Town website.

Executive Session Meeting Minutes – Release

The Board was previously in receipt of copies of Executive Session Meeting Minutes dated January 6, 2009, January 20, 2009, February 10, 2009, March 24, 2009, April 28, 2009, May 13, 2009, June 23, 2009 Part 1, June 23, 2009 Part II, July 7, 2009, August 11, 2009, September 8, 2009, September 22, 2009, October 20, 2009, December 1, 2009, and December 15, 2009. Town Manager Valente, Town Counsel Kenny and Town staff have reviewed these minutes and believe they can appropriately be released to the public.

It was on motion unanimously

VOTED: As reviewed by Town Counsel and other staff, to release the following 2009 Executive Session minutes which have been deemed as no longer requiring Executive Session Status: January 6, 2009, January 20, 2009, February 10, 2009, March 24, 2009, April 28, 2009, May 13, 2009, June 23, 2009 Part 1, June 23, 2009 Part II, July 7, 2009, August 11, 2009, September 8, 2009, September 22, 2009, October 20, 2009, December 1, 2009, and December 15, 2009.

Massachusetts Municipal Association

Town Manager Valente announced that the Massachusetts Municipal Association's (MMA) annual conference meeting will be held on January 22, 2011. The Board was previously in receipt of copies of a letter from the MMA Executive Director Geoffrey C. Beckwith dated December 22, 2010, outlining voting procedures for the Annual Business Meeting and an article from the MMA January 2011 issue of "The Beacon," entitled, "Proposed Resolutions for Annual Business Meeting." Ms. Valente explained that, if no Selectman is planning to attend, the Board must authorize someone to represent Sudbury for voting purposes. This year, Assistant Town Manager Maryanne Bilodeau will attend.

It was on motion unanimously

VOTED: To authorize Assistant Town Manager Maryanne Bilodeau to vote, on behalf of the Town of Sudbury, for the Massachusetts Municipal Association (MMA) proposals and issues, as reviewed this evening, at the MMA Annual Business Meeting on January 22, 2011.

It was further decided that the Board would determine its positions on the two resolutions regarding separating health insurance from collective bargaining and allocating gasoline tax revenue to Chapter 90 funds at its next meeting.

At 10.20 p.m., Chairman Drobinski announced the close of the regular meeting.

There being no further business, the meeting adjourned at 10:20 p.m.

Attest:_____

Maureen G. Valente

Town Manager-Clerk