

IN BOARD OF SUDBURY SELECTMEN
THURSDAY, DECEMBER 6, 2012

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

The statutory requirements as to notice having been complied with, the meeting was convened at 7:36 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:36 p.m., Chairman O'Brien opened the meeting. He thanked those who voted in this week's Special Town Election, noting both ballot questions for the Nixon School roof repairs and Senior Tax Relief were passed. He also thanked the Town Clerk's Office and Town staff who coordinated the Election.

Chairman O'Brien stated he and Vice-Chairman Haarde attended a State legislative hearing in Boston regarding Sudbury's September 2012 vote to move from a three-member Board of Selectmen to five members. He explained the article has been amended to require a reaffirming vote as part of the Annual Town Election in March 2013.

Chairman O'Brien encouraged the community to visit the Hosmer House during its Holiday Open Houses on December 8, 9, 12, 15, and 16.

Reports from the Town Manager

Town Manager Valente stated the Massachusetts School Building Authority (MSBA) approved the Nixon School Roof Repair Project, and the process is proceeding as anticipated. She also reported the Governor is beginning to look at a round of budget cuts, and more information will be shared as it becomes available.

Town Manager Valente reported the Town closed on the purchase of the Stone property at 15 Hudson Road today, which was voted on at the 2012 Town Meeting. She stated a vote is needed by the Board to help finalize the transaction.

It was on motion unanimously

VOTED: To accept the deed of Channing W. Stone and Gary D. Stone dated December 6, 2012 for property located at 15 Hudson Road, pursuant to Art. 31 of the 2012 Annual Town Meeting.

Town Manager Valente announced the Town received a Land Grant award of \$400,000 from the State for Pantry Brook Farm. She noted that, although the full purchase amount was appropriated from Community Preservation Act (CPA) funds at Town Meeting, this award will allow \$400,000 to be returned to the CPA account.

Town Manager Valente thanked the donors and Combined Facilities Director Jim Kelly for their contributions to the holiday lights being put on the trees in Grinnell Park.

Reports from the Board of Selectmen

Selectman Drobinski attended a Public Hearing held by the Community Preservation Committee (CPC) last night to discuss ongoing and future projects for all four CPA-eligible funding areas. He stated the Department of Revenue (DOR) recommended to all towns that a hearing be held as a result of recent changes

made to the CPA legislation expanding the potential use of recreation CPA funds. Selectman Drobinski stated the CPC will further discuss this year's project submissions at its December 19, 2012 meeting.

Vice-Chairman Haarde stated he attended the legislative Hearing in Boston previously mentioned by Chairman O'Brien. He stated the proceeding was handled well, enabling all attendees an opportunity to speak, and State Representative Conroy was helpful in the process.

Vice-Chairman Haarde attended the first meeting of the Fairbank Center Study Task Force. He stated two more meetings are scheduled, including a rooftop tour. He also reported the Route 20 Sewer Advisory Committee will meet on December 12, 2012.

Chairman O'Brien stated he attended an Executive Session meeting last week regarding collective bargaining discussions with Lincoln- Sudbury Regional High School (L-SRHS).

Public Hearing: Tax Classification

Present: Regional Director of Assessing Harold Scheid, Acting Department Head of Assessing and Assistant Assessor Cynthia Gerry, Joshua Fox Chairman of the Board of Assessors, and members of the Board of Assessors Trevor Haydon and Liam Vesely

At 7:41 p.m., Chairman O'Brien opened the Public Hearing to determine what percentage of the local tax levy will be borne by each class of real and personal property relative to setting the FY 2013 tax rate. The Board was previously in receipt of copies of an information handout entitled, "Town of Sudbury Fiscal 2013 Classification Hearing December 6, 2012," and a handout regarding "Small Commercial Property Exemption Overall Exemption Features." He noted former Director of Assessing Maureen Hafner retired this past year, and he welcomed Regional Director of Assessing Harold Scheid to the meeting, who is now working with the Town.

Chairman of the Board of Assessors Joshua Fox explained the Board of Selectmen would need to decide its position on whether or not to allow a residential property exemption, a small commercial exemption, or an open space exemption. In addition, the Board would need to select a minimum residential factor for what percentage of the local tax levy would be borne by each class of real and personal property relative to setting the FY 2013 tax rate. Mr. Fox suggested the dialogue begin with a discussion regarding the three possible exemptions, and the Board concurred.

Mr. Fox stated the Board received a 75-page report last year regarding the residential exemption option. He summarized the residential exemption as a reduction in assessed value determined by dividing the total of all residential assessments by the number of properties in that tax class of real estate to determine an average assessment. Mr. Fox stated it would benefit owner-occupied properties with an assessed value of \$704,000 or less, and all other residential properties would bear the balance of the tax burden. He noted that, typically, this exemption is adopted by more urban municipalities, and by towns which have a significant number of residential owners of summer homes.

Selectman Drobinski stated the exemption appears to benefit large, urban areas, and he does not believe it would benefit Sudbury's taxpayers.

Mr. Fox next summarized the small commercial exemption option to grant up to 10% of the property valuation to commercial (not industrial) property, which qualify as having no more than ten employees during the previous calendar year and are housed in a building with a valuation of less than \$1,000,000. Mr. Fox further described only a small group of office/commercial condominium businesses might qualify. He

emphasized that, if a small business is located within a larger building, the small business would not qualify for the exemption.

Chairman O'Brien clarified the valuation is based on the total building.

Selectman Drobinski noted it would only benefit small, independent commercial businesses, but not others, which are housed in larger locations.

Mr. Fox next briefly described the Open Space exemption option, noting that only one community in the State, Bedford, has adopted it. He stated a maximum exemption of 25% may be adopted for all property that is classified as Open Space as determined by the Board of Assessors according to the law. Mr. Fox emphasized the Board could not vote this exemption even if it wanted to because the Town does not utilize the Class 2 Open Space Option. He noted the Town has implemented other ways of granting discounts through utilization of Chapter 61A or Chapter 61B programs, and assessing low values to land where development is impeded.

It was on motion unanimously

VOTED: To not grant a residential exemption for FY13.

It was also on motion unanimously

VOTED: To not grant a small commercial exemption in FY13.

It was further on motion unanimously

VOTED: To not grant an open space tax exemption in FY13.

Mr. Scheid stated he has enjoyed working with Sudbury's Board of Assessors and Town staff. He summarized information from the "Town of Sudbury Fiscal 2013 Classification Hearing December 7, 2012" report. Mr. Scheid stated the budget adopted by Town Meeting was approximately \$90,684,877, of which approximately \$71,178,588 needs to be raised from the property tax levy. He stated this is the focus of tonight's discussion in setting the residential factor for the residential class, including discussion of the amount to be shifted this year to the Commercial, Industrial and Personal Property (CIP) classes. Mr. Scheid stated that Sudbury is one of the 25% of municipalities which has chosen in the past to shift the tax burden in a manner to benefit the residential taxpayer.

Mr. Scheid directed the Board's attention to several charts within the report, providing options regarding shift factors to yield the desired tax rate reductions. He noted that, in past years, Sudbury has chosen to set the rates so that the percentage of increase is similar for both the residential and CIP classes. Mr. Scheid stated it is for the Board to decide if this is the preferred option or whether there should be a more uniform tax rate.

Selectman Drobinski referred to the data, and he summarized a few scenarios and what the results would be on the average homeowner and the average business owner. He also referenced historical information in the report dating back to 1994, noting the Town has consistently worked since 2007 to keep the percentage rate of increase similar for the two classes. Selectman Drobinski further noted nearly 95% of Sudbury's tax revenue is generated from the residential class.

Vice-Chairman Haarde referenced comparison information regarding average tax increases from last year to this year. Mr. Scheid clarified the average increase percentage for both classes is closer to 2.6% when information from pages 11 and 14 of the report are reviewed. He also noted the valuation calculations are a factor to consider.

Chairman O'Brien referenced assessment information on page 15 of the report.

Selectman Drobinski stated the information presented retains the intention of previous years in keeping the tax rate increases similar for the two classes. He also commended the group on a succinct and well-presented report.

It was on motion unanimously

VOTED: In accordance with General Laws Ch. 40, sec.56, as amended, the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2013 tax rate and set the Residential Factor at 0.978714 with a CIP shift of 1.2795, pending certification by the State Department of Revenue.

At 8:15 p.m., the Board closed the Public Hearing and thanked the Board of Assessors and Ms. Gerry for the information provided.

Pantry Brook Farm - Accept Winning Bids for two Bond Issues

Present: Sudbury Finance Director Andrea Terkelsen

Chairman O'Brien welcomed Sudbury Finance Director Andrea Terkelsen to the meeting to present the winning bids for the sale of bonds regarding the Pantry Brook Farm land Conservation Restriction. Copies of a memorandum from Ms. Terkelsen dated December 6, 2012, and accompanying winning bid sheets, were distributed tonight.

Ms. Terkelsen reported the Town took bids today for the sale of short-term debt (bond anticipation notes – BAN)) totaling \$7,760,000 through the State House Note program. She summarized the BANs, the number of bids received and the winning institutions. Ms. Terkelsen stated market conditions would be reviewed again in the New Year, and a re-funding would likely occur in January 2013. Tonight's presentation is to notify the Board formally of the BANs, and to provide the background information for acceptance.

Selectman Drobinski asked if the interest rate is based on the Town's AAA credit rating. Ms. Terkelsen stated the rates are more indicative of the current short-term bond market.

It was on motion unanimously

VOTED: To accept the notice of BAN's sold on December 6, 2012 and awarded by the Town Treasurer through the State House Note program and as described in the attached municipal BAN invoices submitted by UniBank Fiscal Advisory Services, Inc.

Discussion of Three Long-Term Town Financial Challenges – Other Postemployment Benefits (OPEB), Capital Infrastructure and Equipment Projects and Reserves

Present: Finance Committee members Bob Jacobson and Joan Carlin; Sudbury Public School (SPS) Superintendent Anne Wilson, SPS Director of Business and Finance Mary Will, Chair of the SPS School Committee Richard Robison and SPS Committee members Lisa Gutch, Bob Armour and Ellen Joachim;

Lincoln-Sudbury Regional High School (L-SRHS) Business Manager Michael Connelly, L-SRHS District Committee members Radha Gargeya, Elena Kleifges, and Patty Mostue; Assistant Town Manager Maryanne Bilodeau, and Finance Director Andrea Terkelsen

At 8:25 p.m., Chairman O'Brien opened a continuation of the strategic planning discussion started at the Board's November 20, 2012 meeting. The Board was previously in receipt of a memorandum from Town Manager Valente dated December 3, 2012. In addition, copies of a new spreadsheet, "Strategic Planning Survey Summary," reflecting data from comparable towns were distributed for review.

Town Manager Valente thanked those who attended the Board's last meeting when the agenda focused on a discussion to set a framework for addressing the Town's financial challenges, i.e., the unfunded Other Postemployment Benefits (OPEB), achieving targeted levels of reserves, and developing a multi-year plan for funding capital projects. She stated the last meeting focused on the OPEB obligations, and she hopes tonight to begin to address the other two challenges.

Ms. Valente emphasized there has not yet been a vetting of the project information provided to the Board, but the intent is to begin to create a multi-year perspective within which to prioritize and fund projects. She also would like to discuss the issue of Town reserves, and to determine if an article should be submitted to be voted on at the next Town Meeting.

Ms. Valente referenced the new spreadsheet distributed tonight and she thanked staff for beginning to compile data from other communities. She stated all towns are struggling with similar issues, and she believes it is helpful to see how others are approaching these problems. Ms. Valente explained a few larger towns, which are not ordinarily included as peer communities (Lexington, Needham and Wellesley) have been added to the data pool, which expands the information base. She briefly reviewed some of the initial information collected, noting it would be useful to also add regional high school data. Ms. Valente suggested some questions to ask, including what are other towns are doing regarding how much is spent on operating expenses and what policies have been established for funding OPEB obligations. She welcomed suggestions from others regarding more information to collect.

Ms. Valente suggested Town staff could begin to work with staff from the two School cost centers to develop options to address these challenges for the Board to deliberate. However, she emphasized this will require a commitment of time and personnel resources, and she asked if there is a consensus that all cost centers want to proceed with this work. Chairman O'Brien asked representatives from the two School cost centers whether they are committed to participating in this process.

L-SRHS Business Manager Michael Connelly believes this is an important long-term project, which will have long-term benefits. He stated he is committed to participating in the process.

Sudbury Public School (SPS) Superintendent Anne Wilson stated that, although there is always an abundance of work to do, SPS believes these issues are of significant importance to address, and the Schools are committed to the process. She stated it will be good to work together with the other cost centers to look at short and long-term needs/projects.

Chairman O'Brien asked if the process should be started for the FY14 budget.

Sudbury Finance Committee member Bob Jacobson stated he believes there is not enough time to put a good strategic capital plan together, and to compile the requisite data, for the FY14 budget. He suggested the time to work on these issues is following Town Meeting.

Selectman Drobinski stated tonight's discussion is an important step in coming together to identify the issues. He asked how much Free Cash the Town has.

Town Manager Valente stated there is approximately \$2.2 million, and if the Town voted to shift \$2 million of it into the Stabilization Fund, it would achieve the Town's 5% target goal.

Mr. Jacobson stated it has been the position of the Finance Committee in recent years to not want to use Free Cash, but rather to increase its balance. He also mentioned the Health Insurance Claim Fund ending balance which had been discussed to be designated for the OPEB obligation. Town Manager Valente noted the Town must hold the claim funds for at least two years after terminating its self-insured status, and thus the amount of this figure will remain unknown for at least another year.

Vice-Chairman Haarde believes the Town should work to build up the reserve fund for FY14 and the OPEB trust fund. He believes these discussions should continue to focus on these goals and keep the momentum going.

Mr. Jacobson suggested the cost centers could begin by prioritizing their projects and organizing them in a manner to be later analyzed in relation to a budget.

Ms. Valente noted the Capital Improvement Planning Committee (CIPC) will still function as it has in the past, but this strategic planning process will create a fiscal framework for the Town to work within. She mentioned a few questions which should be addressed, including what is a sustainable percentage of the budget to be set aside for debt service.

Chairman O'Brien asked if the local hotel and meals tax revenue could be dedicated towards the OPEB obligation.

Finance Director Andrea Terkelsen stated it could be researched, but it may require a Special Act. However, she further stated it needs to be determined whether the Town wants to establish discipline within the annual operating budget structure. Town Manager Valente concurred, stating this is a key issue to address, i.e., whether a budget discipline is forced or will the item be handled randomly each year. If the Board desires, she further stated Town staff could meet before January to determine if an article should be proposed for consideration at Town Meeting.

L-SRHS District Committee member Radha Gargeya stated the High School has had a capital planning process for years. However, he emphasized technology needs, which are part of the capital plan, need to be upgraded on a regular basis and the network capacity between buildings is inadequate.

SPS School Committee Chair Rich Robison stated SPS has similar technology issues, and it would welcome addressing these infrastructure funding needs together. He emphasized SPS struggles with what is the definition of a capital item versus a maintenance item. Mr. Robison believes it is important to know how these items are defined when doing comparisons. He also stated SPS struggles with what routine maintenance items should be part of its budget, since many of the buildings are over ten years old.

Town Manager Valente suggested smaller subgroups from the cost centers could begin to discuss some of these issues, and she asked the groups guidance for what topics these groups could explore: Ideas generated included: 1) what is a capital vs. a maintenance item, 2) technology – operating item or a capital item, 3) how to create an ongoing capacity to address these issues, 4) can overall strategic issues also be looked at - - process, 5) meals and hotel tax dedicated to OPEB, 6) to create policies/lanes for the future to know when

deviations occur, 7) leases – when and why, 8) policies for depreciation of current assets, 9) role of user fees, and 10) what is the impact of operating costs.

Chairman O'Brien requested SPS and L-SRHS suggest a small group of participants to begin these discussions and keep the dialogue going.

Town Manager Valente asked for input regarding how else the survey summary spreadsheet could be expanded. She further noted Sudbury must also consider what the Town of Lincoln will support.

Mr. Jacobson asked if the Board is requesting two subgroups be created, one for the capital planning and reserves issues, and the other to address OPEB.

Chairman O'Brien suggested that, for now, one sub-group could begin to look at all three areas, and he concluded the discussion.

At 9:14 p.m., Chairman O'Brien announced a brief recess to allow the Hall to be cleared from attendees leaving the meeting.

Pantry Brook Farm – Conservation Restriction

Present: Director of Planning and Community Development Jody Kablack

At 9:19 p.m., Chairman O'Brien resumed the meeting, and he welcomed Director of Planning and Community Development Jody Kablack.

The Board was previously in receipt of the draft Conservation Restrictions (CR) on Pantry Brook Farm. Ms. Kablack stated the CRs have been discussed by the Board in Executive Session meetings. She listed the numerous Sudbury and Town groups who have worked on the CRs and the Purchase and Sale Agreement, noting she is pleased with the final documents and believes they are consistent with what was voted for at the 2012 Town Meeting. Ms. Kablack briefly highlighted the key points of each CR (one for the east and one for the west parcels), noting each has different ownership and different uses of the property. She stated the closing deadline according to the Purchase and Sale Agreement is December 27, 2012.

Ms. Kablack noted the Sudbury Valley Trustees will manage the CRs. She also stated the Town received a \$400,000 State LAND Grant to be put towards the purchase price.

Selectman Drobinski stated he is pleased the project is proceeding to closing because they are parcels the residents of Sudbury were keen to preserve.

Vice-Chairman Haarde stated this acquisition has been a lot of work, and he commended Ms. Kablack on the great job she has done overseeing it.

Ms. Kablack acknowledged the staff from many Town departments who helped to make this project a team effort.

It was on motion unanimously

VOTED: To approve and sign acceptance by the Town of Sudbury, of the following Conservation Restrictions under M.G.L. c. 184 section 32:

1) Grant of Carole R. Wolfe, Trustee of Pantry Brook Farm Realty Trust, to the Town of Sudbury and The Sudbury Valley Trustees, Inc., on land located at 652 Concord Road, constituting approx. 53.36 acres, Assessor's Map E10, Lot 0201, said parcel shown on "Plan of Land in Sudbury, Mass. Owned by Caroline E. Waite", dated August 14, 1970, prepared by Clyde R. Wheeler, Inc., and

2) Grant of West Pantry Brook Farm Limited Partnership, Carole R. Wolfe, Grantor, to the Town of Sudbury and The Sudbury Valley Trustees, Inc. on land located at 667 Concord Road, constituting approx. 48 acres, Assessor's Map E10, Lot 02001, said parcel shown on "compiled Plan of Land in Sudbury, Massachusetts Showing West Pantry Brook Farm Limited Partnership, 667 Concord Road, dated September 22, 2012, prepared by the Town of Sudbury Engineering Department; subject to Town Counsel approval of any subsequent wording changes.

Public Hearing: Site Plan Application – Northern Bank and Trust Co. – 430 Boston Post Road
Present: Northern Bank & Trust Co. Attorney Shaun Briere and project engineer Brian Fairbanks

At 9:31p.m., Chairman O'Brien opened the Public Hearing regarding the application for Northern Bank & Trust Company, applicant, and Colonial Auto of Sudbury, Inc., owner, for approval to construct a new 2,500 sq.ft. retail bank building at 430 Boston Post Road, zoned Business District, Town Assessor Map K08, Parcel 0077, which was continued from November 20, 2012.

Town Manager Valente described materials received to the file since the Board's last meeting, including copies of a letter from Mawn and Mawn P.C. attorney Shaun Briere dated November 19, 2012 requesting a continuance to tonight to consider and review suggestions made by various Town departments and Boards with respect to design, and requesting a continuance for the Board to issue its decision until Thursday, January 31, 2013, a memorandum from Conservation Coordinator Debbie Dineen dated December 4, 2012, providing feedback regarding the revised layout which she believes represents a significant change from a wetlands permitting perspective in a riverfront area, and an email from Director of Planning and Community Development Jody Kablack dated December 3, 2012 and the accompanying revised layout reflecting one driveway on Union Avenue and an exit onto the alley (which is being negotiated with the alley owner).

Northern Bank & Trust Co. attorney Shaun Briere stated he was last before the Board in September 2012, and since then the applicant has met with several Town boards and committees to receive project input. Mr. Briere stated the plans have been revised four times to incorporate the feedback received. He also stated the applicant is cognizant of the site being an important location within Sudbury. Mr. Briere summarized the major revisions made as a result of feedback received from Sudbury's Zoning Board of Appeals (ZBA) and Planning Board.

Project engineer Brian Fairbanks displayed exhibits as he described the current revised layout. He explained the septic system has been re-located to the rear and the egress from the proposed drive-through has been re-designed to connect to the existing alley. Mr. Fairbanks also stated there is a proposed 25-foot setback to both roads, and thus no setback variances are required.

In response to a question from the Board, Mr. Briere stated use of the alley will require an access easement from the abutter, which has not yet been finalized. He stated an alternative plan has been developed in the case that an easement cannot be obtained. Vice-Chairman Haarde later asked for the alternative plan to be described, and Mr. Fairbanks summarized the other option, which still includes the re-location of the septic system to the rear of the lot, but it has two driveways on Union Avenue.

Selectman Drobinski asked if the Town could help expedite the allowance for an easement.

Director of Planning and Community Development Jody Kablack stated she has contacted the abutting property owner of the alley, and she has communicated to them the Town's desire for the easement to be granted. Ms. Kablack stated she is hopeful the applicant and property owner can resolve this issue.

Selectman Drobinski noted the alley egress, and he suggested a bump-out be considered to inhibit traffic from turning right, if that is the preference.

Chairman O'Brien noted the applicant will present lighting and landscape plans at a later date. Mr. Briere confirmed this to be true, but the applicant wanted to get a sense from the Board tonight that they are heading in the right direction before doing those plans in-depth. Chairman O'Brien also asked about walkways, bike racks and exterior benches planned. It was noted there is a proposed bike rack and a five-foot wide walkway around the building. It was also noted benches could be incorporated into the plans.

Selectman Drobinski suggested a hybrid-car charging station be considered for inclusion in the plans.

Chairman O'Brien encouraged the applicant to visit the newly approved TD Bank site to observe the lighting instituted. Mr. Briere stated lighting is one of the issues the applicant will be working with the Design Review Board to resolve. He also stated the applicant is scheduled to meet with the Conservation Commission on December 17, 2012 and another meeting is planned with the Planning Board on December 12.

Selectman Drobinski asked the height of the freestanding wall noted on the plan at the corner of Union Avenue and Route 20. Mr. Fairbank stated it is likely to be no more than three-feet high. He also stated a retaining wall is planned in the rear around the leach field, and it would likely be no more than four-feet high.

Chairman O'Brien stated he liked the plan, and he hopes an easement for use of the alley can be obtained. Selectman Drobinski concurred, stating the proposal is a significant upgrade for the site.

It was on motion unanimously

VOTED: To continue the Public Hearing regarding the application for Northern Bank & Trust Company, applicant, and Colonial Auto of Sudbury, Inc., owner, for approval to construct a new 2,500 sq.ft. retail bank building at 430 Boston Post Road, zoned Business District, Town Assessor Map K08, Parcel 0077 to January 8, 2013 at 8:25 p.m.

Minutes

It was on motion unanimously

VOTED: To approve the Regular Session minutes of September 24 and November 20, 2012, and the Executive Session minutes of November 7, 2012.

Rubbish Disposal Services – Award Contract

It was on motion unanimously

VOTED: To approve award of contract by the Town Manager for Town rubbish disposal services to the lowest eligible and responsible bidder as determined by Town Counsel for Calendar 2013 and any successive periods at the option of the Town Manager.

Street Light Maintenance - Award Contract

It was on motion unanimously

VOTED: To approve the bid award by the Town Manager for street light maintenance for a contract period commencing January 1, 2013, and ending December 31, 2015, to the lowest responsible and eligible bidder, as approved by Town Counsel.

“Sudbury Celebrates 375/Sudbury Day Committee” – Appointment

It was on motion unanimously

VOTED: To appoint Lee Ford Swanson, 55 Hudson Road, 14A, to the Sudbury Celebrates 375/Sudbury Day Committee for a term to expire November 30, 2014.

Sudbury Cultural Council – Appointment

It was on motion unanimously

VOTED: To appoint Cynthia Nelissen-Nihart, 47 Raynor Road, to the Sudbury Cultural Council for a term to expire October 31, 2015, as requested by Ellen Gitelman, Chair of the Sudbury Cultural Council, in an email dated November 26, 2012.

Fairbank Community Center Study Task Force – Amend Mission Statement

It was on motion unanimously

VOTED: To approve an amendment to the “Membership” section of the Fairbank Community Center Study Task Force Mission Statement by deleting the requirement of two members from the Permanent Building Committee, leaving one member from each of the following: Selectmen, Park and Recreation, Council on Aging, Sudbury Public Schools, Finance Committee and the Combined Facilities Director.

Annual Renewal of Licenses - 2013

Present: Finance Director Andrea Terkelsen

The Board was previously in receipt of copies of a memorandum from Patty Golden dated December 3, 2012 regarding the American Legion Post, an email from Finance Director Andrea Terkelsen dated November 16, 2012 regarding Licensees with past due tax bills, an email from Assistant Fire Chief John Whalen dated November 29, 2012 regarding Bistro 20’s fire alarm and sprinkler system and a “Licensee List for 2013” for review.

Town Manager Valente reported all required documentation is in order for all licensees, with the exception of the TIPS-certification verification for the American Legion Post, and she referenced the outstanding tax issue broached in Ms. Terkelsen's memo.

Vice-Chairman Haarde asked if a vote on renewal of a license should be held until after outstanding tax bills have been paid. A brief discussion ensued regarding whether to not issue renewal of a license until outstanding tax bills have been paid.

Finance Director Andrea Terkelsen clarified that her recommendation to the Board was for licensees to become current with personal property tax bills only, which are more manageable for owners, and more difficult for the Town to collect. Ms. Terkelsen explained outstanding real estate taxes would be difficult for some licensees to pay prior to the close of 2012, due to the amounts owed and the economy. She highlighted an automatic tax lien is available to the Town for collection of real estate taxes which is not available for personal property taxes. Ms. Terkelsen further noted that some licensees are not the actual property owners who owe the taxes. She later noted that outstanding real estate taxes is not a requirement for withholding a license.

Vice-Chairman Haarde stated it does not seem fair for a licensee to be penalized if they are not the property owner who is delinquent in paying the real estate taxes, and the Board concurred.

Selectman Drobinski suggested, and the Board concurred, that the draft vote be amended in the last sentence to delete the words "real estate taxes and state taxes."

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, to renew the Alcoholic Beverages, Common Victualer, and Entertainment licenses to expire December 31, 2013, for calendar 2012; and Motor Vehicle – Classes 1, 2, and 3 licenses to expire January 1, 2014, as shown on the "Licensee List 2013," attached and incorporated herein; and to forward the appropriate renewal forms to the Alcoholic Beverages Control Commission where applicable; said licenses to be held subject to payment of the required license fees, compliance with the Selectmen's Alcohol Training Policy, correction of any/all outstanding health, safety or zoning violations, receipt of verification of Workers' Compensation Insurance for the licensing period, and the payment of all outstanding personal property taxes; said licenses shall also be subject to all previous restrictions.

The Board stated that, if a licensee has difficulty meeting the conditions of the vote, they are welcomed to schedule a time to address the Board to discuss their situation.

Nixon School – Project Funding Agreement

The Board was previously in receipt of a letter from the Massachusetts School Building Authority (MSBA) regarding the Project Funding Agreement – accelerated Repair Program for the Nixon School.

It was on motion unanimously

VOTED: To authorize the Town to enter into and be bound by the Project Funding Agreement with the Massachusetts School Building Authority pursuant to Article 1, Roof Replacement and Repair – Nixon Elementary School, voted at the Special Town Meeting held on September 24, 2012; and further to authorize the Chairman of the Board of Selectmen to execute said document; and further to designate the Town

Manager to administer the Project Funding Agreement for the Town and to sign all documents relative thereto.

There being no further business, the meeting adjourned at 9:48 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk