

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, APRIL 24, 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 7:37 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:37 p.m., Chairman O'Brien opened the meeting. He announced the Annual 2012 Town Meeting is scheduled to begin May 7, 2012 at 7:30 p.m. at the Lincoln-Sudbury Regional High School. He also invited the community to attend the dedication ceremony for the flag pole donated by HOPEsudbury, and located at the Goodnow Library, on May 5, 2012 at 10:00 a.m. It was also noted May is Military Appreciation Month. Town Manager Valente distributed copies of the program for the flagpole dedication.

Reports from the Town Manager
Massachusetts Municipal Association

Town Manager Valente distributed copies of a letter of gratitude sent by the Massachusetts Municipal Association (MMA) to the State House of Representatives regarding the recommended FY13 State Budget. She stated the budget strongly supports cities and towns with increased State aid. Ms. Valente stated the increase for Sudbury is estimated at \$200,000. Town Manager Valente highlighted several legislative bill amendments proposed this year, and she noted their impacts for Sudbury. She stated Sudbury's position on these amendments is similar to those also espoused by Representative Tom Conroy.

Regional Natural Gas Facility – Inter-Municipal Feasibility Study

Town Manager Valente reported Sudbury was invited by Wayland to join a program with other communities to study the feasibility of building a regional gas facility.

Regional Dispatch Feasibility Study - Update

Town Manager Valente asked the Board to hold May 4, 2012 as a possible date for the final meeting with the Boards of Selectmen and Finance Committees of the eight towns involved in completing the regional dispatch feasibility study.

Chapter 90 Funds - Update

Town Manager Valente reported the State has sent out its Chapter 90 notification letters. She stated Department of Public Works (DPW) Director Bill Place has asked for an update as soon as possible from the Board regarding its intentions to proceed with the Town Center improvements article at Town Meeting. If the article is to be indefinitely postponed, Mr. Place would like to be informed so as to prepare other alternative plans for road improvements.

As Chairman of the MMA Environmental and Energy Commission Committee, Selectman Drobinski met with the Department of Environmental Protection Commissioner regarding the pending State water regulations. He stated the MMA is working, as are other organizations, to help put pressure on DEP to work with towns regarding water supply and stormwater issues.

Vice-Chairman Haarde stated meetings are scheduled later this week regarding collective bargaining discussions with the Sudbury Public Schools and for the Route 20 Sewer Advisory Committee and the Route 20 Sewer Citizens' Advisory Committees.

Chairman O'Brien stated several collective bargaining discussions have been scheduled this week with Lincoln-Sudbury Regional High School (L-SRHS).

Town Auditors – Fiscal Year Ended June 30, 2011 Report

Present: Andrea Terkelsen, Town Finance Director/Treasurer; Barbara Chisholm, Town Accountant; and Matthew Hunt, Sullivan, Rogers & Company, LLC

At 7:50 p.m., Chairman O'Brien welcomed Town Finance Director/Treasurer Andrea Terkelsen, who introduced Matthew Hunt from the Town auditing firm, Sullivan, Rogers & Company, LLC. The Board was previously in receipt of the "Town of Sudbury, Massachusetts Reports on Internal Controls Over Financial Reporting, Compliance and Federal Awards Programs for the Fiscal Year Ended June 30, 2011," "Town of Sudbury, Massachusetts Management Letter June 30, 2011," and the "Town of Sudbury, Massachusetts Independent Auditors' Report on Basic Financial Statements and Required Supplementary Information For the Fiscal Year Ended June 30, 2011. In addition, the Board had copies of an "Engagement Letter – Single Audit from Sullivan, Rogers & Company, LLC dated April 6, 2012," a "Systems Review Report" prepared by D.E. Rodrigues & Company, Inc. dated September 29, 2010, and two memoranda from Ms. Terkelsen dated April 2, 2012 and April 19, 2012 respectively, regarding recommendations for a three-year engagement agreement for Independent Financial Audit Services. Ms. Terkelsen thanked Town staff for their work and input, and she introduced Mr. Hunt.

Mr. Hunt provided a brief review of the audit reports for the fiscal year ended June 30, 2011. He highlighted information from the financial statements, by reviewing several key accounts and provided dollar figures and/or percentage comparisons to the previous fiscal year. The General Fund balance at the close of FY11 was approximately \$12.5 million. Mr. Hunt noted that, this year, the financial statements include the implementation of GASB 54, which provides a hierarchy of constraint categories. He noted self-insured health insurance activities total approximately \$6.8 million. Mr. Hunt stated the unassigned fund balance of the General Fund totaled \$3,961,520, or 4.8% of total General Fund expenditures and transfers out, compared to a ratio of 3.9% last year. He stated Sudbury has done an excellent job building back up its reserves. Mr. Hunt offered a few reasons why the General Fund increased this year, as he referenced pages 56 and 57 of the report. He noted the Town's practice of conservative spending against its budget has been successful.

Mr. Hunt briefly reviewed the Community Preservation Act Fund balance of approximately \$8.6 million compared to \$8.9 million last year. He stated the revenues were consistent with the previous year, approximately \$1.1 million was spent on debt service, and there were approximately \$4.2 million of expenses, which included the purchase of land development rights.

Mr. Hunt stated there was not much activity this year in the affordable housing fund, and the balance at the end of FY11 was approximately \$820,000. He briefly reviewed the Enterprise Funds, and he referred to pages 22 and 23, noting the Swimming Pool Enterprise experienced a decrease in net assets of approximately \$63,000. He emphasized the reports provided are full accrual financial statements. Mr. Hunt further noted the net assets for the Field and Recreation Maintenance Enterprise Fund were approximately \$49,000, which was a decrease of approximately \$8,000 from the previous year. He further reviewed the Town's debt service in the general fund, which represents 5% of total expenditures. Mr. Hunt noted the Town's long-term debt of approximately \$36 million, of which approximately \$13 million will be reimbursed from the State over the next ten years.

Vice-Chairman Haarde asked where in the financial statements the health care trust is reflected. Mr. Hunt referred to page 18 of the report, stating it is the restricted funds noted in the General Fund totaling approximately \$6,779,627 million at the close of 2011.

Vice Chairman Haarde asked how the auditors account for the differences between these financial statements and those presented in the Town Warrant. Ms. Terkelsen stated significant differences would be expected between these consolidated financial statements and the budget summaries presented in the Warrant, which focus primarily on the general and enterprise funds. Mr. Hunt stated the Town is required by the State to record its information according to the UMAS system, whereas the audited financials are recorded on a Generally Accepted Accounting Principles (GAAP) basis. Thus, he stated the two methods are not analogous. Ms. Terkelsen concurred, noting the two processes used by the Town and auditors are very different.

Mr. Hunt next reviewed the Management Letter, which included two new comments for areas which could use improvement related to cash receipts in the Town Clerk's Office and School Department encumbrances, i.e., open purchase orders not signed and/or properly dated. He clarified that no material areas of weakness were found, however, control efficiency recommendations were made to the Town. Mr. Hunt noted four recommendations from last year were fully resolved this year.

Vice-Chairman Haarde asked what was the total number of unsigned purchase orders noted for SPS. Mr. Hunt will check his office notes.

As identified last year, the auditors again reported that more can be done to develop the Town's Fraud Risk Assessment and Monitoring System. Mr. Hunt stated Town staff is working on this recommendation and has contacted the firm for guidance.

Mr. Hunt next summarized the findings from the Federal Awards Program report. He explained a few findings (11-1 through 11-4), highlighting them on pages 10 and 11. He opined the grants are usually managed well. In response to a question from Chairman O'Brien, Ms. Terkelsen stated the Schools are made aware of the findings and given the opportunity to respond.

In response to a question from Selectman Drobinski, Mr. Hunt stated that Sudbury ranks high when compared financially to towns of similar size. Mr. Hunt praised Sudbury for its fiscal consistency, and he opined the Town's finances are in very good condition. Selectman Drobinski further asked what the Town could do to ensure maintaining its AAA bond rating. Mr. Hunt stated bond agencies would look favorably on the \$2 million in the Stabilization Fund and at the Town's reserves.

Vice-Chairman Haarde asked how long Mr. Hunt has been a partner on Sudbury's account and how long the firm has been the Town's auditors. Mr. Hunt stated he has worked with Sudbury for four or five years, and he believes the firm has worked with Sudbury for eight years. Vice-Chairman Haarde asked what Mr. Hunt's perspective is on auditor rotation. Mr. Hunt stated it is a topic being discussed nationally. He believes the idea has pros and cons – the pros being primarily an opportunity for a fresh view, and the cons focusing more on the difficulties involved with bringing a new firm up to speed on the Town's finances.

In response to a question from Vice-Chairman O'Brien, Mr. Hunt stated most towns are unable to fund the Other Post-Employment Benefits (OPEB) net obligation due to financial constraints. He further stated this will remain a problem for municipalities until this issue is addressed by legislation to make it happen.

Town Manager Valente referenced Ms. Terkelsen's memorandum recommending the Board sign a three-year engagement letter, and its accompanying information. She explained she and Ms. Terkelsen have set as a goal for the Town to work towards the production of Comprehensive Annual Financial Reporting (CAFR) as a best practice. In response to a question from Chairman O'Brien, Mr. Hunt stated approximately less than 10% of communities file CAFR forms. Selectman Drobinski opined that meeting the CAFR standards would likely help the Town maintain its AAA bond rating. It was also noted that Sudbury's budget has been recognized by the GFOA's national awards program.

Vice-Chairman Haarde noted Sudbury has worked with the same audit firms for most of the last decade, and he suggested it is time for a change. Selectman Drobinski stated he is willing to entertain the idea of audit rotation, but he is comfortable with the level of service provided by the current firm. He stated he would not be inclined to make a change for simply the sake of making a change without having a reason to do so which benefits the Town. Selectman Drobinski further stated value of services can be diminished during times of transition from one company to another. Given the steep learning curve involved to bring a new firm up to speed on Sudbury's finances, and that he is pleased with the services currently provided, he is inclined to not support a change at this time.

Chairman O'Brien stated he believes the current firm has provided Sudbury with good service, and he supports the Town working towards a higher standard of reporting. Thus, he is inclined to working to achieve this higher standard with the current firm, and possibly considering a change in two or three years. Chairman O'Brien stated he has not been presented with a convincing motivation to change the firm.

Vice-Chairman Haarde reiterated his preference for the Town's finances to be given a fresh look by a new firm. He emphasized this suggestion is not intended as a negative statement about the current firm, but is rather intended to pursue a common best practice within the accounting industry.

Mr. Hunt reiterated he has only been involved with the Town's report for four years. He highlighted his firm routinely changes the day-to-day field person assigned to accounts every year or two to ensure a rigorous review. Based on his professional experience, Mr. Hunt believes it would be difficult for the Town to work towards CAFR reporting while also engaging a new audit firm. He also highlighted that his firm has made the commitment to work with Sudbury the additional hours needed in 2012 to achieve this goal at no additional cost. Mr. Hunt further noted his firm takes their work very seriously, and thus it consistently writes audit reports with far more findings than is done by its competitors. Selectman Drobinski commended Mr. Hunt on the level of scrutiny given to entries, particularly to the Federal funding and grants information.

Town Manager Valente stated she initially challenged the staff recommendations, but eventually came to believe that working to achieve the CAFR goals with the current firm was in the best interest of the Town. She further noted there is nothing in the proposed engagement letter to prohibit terminating the relationship with notice within the three-year timeframe. Ms. Terkelsen concurred.

Vice-Chairman Haarde stated it is the Board's fiduciary responsibility to make the best decision possible regarding audit representation. He believes this is an important decision which deserves more time, and that the process should not be rushed because the fiscal year is almost over. Town Manager Valente stated Ms. Terkelsen brought the recommendations to her attention in February, but along with other Town duties, this agenda item fell behind on the schedule. Vice-Chairman Haarde told Ms. Valente he appreciated this clarification.

Selectman Drobinski stated he believes he is fulfilling his fiduciary responsibility to Sudbury's citizens, that it is a good choice to remain with the current firm, and that he is not convinced that any other action is

required at this time. Chairman O'Brien concurred, stating that it would benefit the Town to first try to achieve the CAFR standard, and then review this issue again in the future.

Robert Stein, 7 Thompson Drive, stated he is a member of the Finance Committee, but was addressing the Board tonight only as a private citizen. He asked if there would be any detriment for the Town to put these services out to a Request for Proposal (RFP). Town Manager Valente stated this was one of the aspects she questioned with staff. She stated an RFP is not required by the State for audit services. Mr. Stein asked if it would cost the Town anything to do an RFP. Town Manager Valente stated it would equal the cost of staff time.

It was on motion unanimously

VOTED: To accept the June 30, 2011 (FY11) audited financial statements as presented by the audit firm of Sullivan Rogers & Company, LLC.

It was on motion

VOTED: To authorize Town staff to enter into a three-year agreement with the certified public accounting firm of Sullivan, Rogers & Company, LLC for independent financial audit services.

Vice-Chairman Haarde opposed the motion and vote.

Ms. Terkelsen stated the audit reports would be posted on the Town website.

At 8:44 p.m., Chairman O'Brien thanked Mr. Hunt, and he closed the discussion.

Public Hearing: Site Plan Modification Application – 29 Hudson Road LLC

Present: Applicants/Managers Jeff Walker and Mike Carney and Director of Planning and Community Development Jody Kablack

At 8:44 p.m., Chairman O'Brien opened the Public Hearing regarding the Site Plan Modification Application of 29 Hudson Road LLC in accordance with Town of Sudbury Zoning Bylaw Section 6300 for property located at 29 Hudson Road, Town Assessor's Map H09, Parcel 0002, which was continued from April 3, 2012. The Board was previously in receipt of copies of a "Certificate of Appropriateness from the Sudbury Historic Districts Commission" dated April 18, 2012, a letter of support and recommendations for the proposal from the Planning Board dated April 20, 2012, the grading, lighting, planting and site plan designs prepared by Sudbury Lawn and Landscape Design and a "Draft Site Plan Decision Sudbury Board of Selectmen 29 Hudson LLC, Village Green, 29 Hudson Road, dated April 24, 2012."

Director of Planning and Community Development Jody Kablack stated there were not a lot of outstanding issues to resolve. Ms. Kablack stated the applicants have submitted revised plans to address comments from Department of Public Works Director Bill Place and Building Inspector Jim Kelly. Thus, review of the revisions by Mr. Place and Mr. Kelly would be a condition of the Decision prior to endorsement. Ms. Kablack also stated she met with the Sudbury Fire Chief, and as a result of his comments, an amendment to the Decision will be drafted regarding the accessibility of fire hydrants. She stated the Draft Decision has been reviewed by the applicants, who are in agreement with the conditions presented.

Selectman Drobinski asked if the recommendations made by the Planning Board were incorporated into the revisions. Ms. Kablack stated they were.

Vice-Chairman Haarde stated the Draft Decision looked good.

Chairman O'Brien asked about sprinklers in the buildings. Ms. Kablack stated they are a condition of approval to meet code.

Selectman Drobinski noted the plans still indicate a drive-through option. Property co-owner Mike Carney stated they chose to reflect the worst case scenario in the plans by including it.

Ms. Kablack briefly summarized the 33 conditions of the Draft Decision. She suggested a revision to Condition #20 to address the Fire Chief's concerns and she noted that items #17 and 18 should be deleted from Condition #32.

Chairman O'Brien emphasized the lighting plan should be executed in a manner so as to not adversely impact the neighboring homes. Mr. Carney stated the Wayside Inn lighting at night was researched during their planning. He believes the lighting will be fairly similar to what is currently in place, and that there should be no undue stress for neighbors.

Ms. Kablack stated it was determined to be premature to include rail trail language in the Decision. However, she noted the applicants have spoken favorably about the possibility of a future rail trail near the property. Selectman Drobinski noted this is also reflected in public meeting minutes.

Ms. Kablack stated she received stamped plans tonight which will be reviewed.

Vice-Chairman Haarde asked if the tunnel posed any safety risk. Property co-owner Jeff Walker briefly explained the past history of this area prior to his purchase.

Chairman O'Brien asked what the timeline is for construction. Mr. Walker stated they would like to start construction as soon as possible, and that they are close to signing a few new tenants.

It was on motion unanimously

VOTED: To close the Public Hearing regarding the Site Plan Modification Application of 29 Hudson Road LLC in accordance with Town of Sudbury Zoning Bylaw Section 6300 for property located at 29 Hudson Road, Town Assessor's Map H09, Parcel 0002.

It was also on motion unanimously

VOTED: To approve and sign the Site Plan Decision for Modification Application of 29 Hudson Road LLC, 29 Hudson Road, Town Assessor's Map H09, Parcel 0002, zoned Limited Business, in accordance with Town of Sudbury Zoning Bylaw Section 6300.

Town Forum – Planning Board

Present: Planning Board Chairman Michael Fee, and Planning Board members Joseph Sziabowski and Eric Poch

At 9:04 p.m., Chairman O'Brien convened a Town Forum for the Board to meet with the Sudbury Planning Board, and he introduced its Chairman, Michael Fee.

Mr. Fee thanked departing Planning Board member Eric Poch for his years of service. He also stated the Board enthusiastically welcomes its newest member Pat Brown. Mr. Fee also welcomed the Planning

Board's Associate Member, Craig Lizotte, who joined the Board this past year, and whose engineering experience has been very helpful when evaluating the numerous stormwater management permit applications which come before the Board.

Mr. Fee summarized the Planning Board's activities during the past year. He stated the Board approved one subdivision for five lots, and he noted only two subdivision applications have been submitted since 2007. In addition, Mr. Fee stated the Board has reviewed seven stormwater management permit applications to date, and it has averaged the review of 15 applications for each of the past two years. The Board also held public forums regarding Phase 2 plans for Maple Meadows and Mahoney Farm, and it considered a modification for Grouse Hill.

Mr. Fee highlighted several other projects the Board addressed this year, including working on Route 20 zoning issues through the assistance of a State grant, conducting a Walkway Public Forum, and developing a stormwater RFQ for Peer Review to assist with complicated permit applications. In addition, Mr. Fee stated the Board has started work to update the Town's Master Plan, which is ten years old, and needs to be re-evaluated. He further stated the process to revise the Master Plan will include coordination of several forums for public input.

Mr. Fee provided a brief summary explaining the zoning-related articles put forth in the Town Warrant for the Annual 2012 Town Meeting.

As part of its Route 20 zoning deliberations, Selectman Drobinski suggested the Board also consider development and implementation of a stormwater management district.

Vice-Chairman Haarde stated he was surprised to not see an inclusionary zoning bylaw presented for this year's Town Meeting by the Planning Board. Mr. Fee stated the Board deliberated the parameters which were proposed last year for consideration. He explained the Board struggled with the concept of using the proposed requirements without providing concurrent density incentives for developers. Mr. Fee further explained the Board had difficulty reconciling a proposed bylaw which would eliminate any by-right development. He stated the Board eventually focused its attention on the Route 20 zoning plan and the Housing Production Plan as a better use of its time. Mr. Fee highlighted that, given the economic downturn, and the fact that only one subdivision plan has been submitted in the past five years, the Board determined the impact of such a bylaw would be minimal at this time.

Vice-Chairman Haarde opined that "done is better than perfect," and that he would have preferred if something had been proposed versus doing nothing. He expressed dissatisfaction with receiving no input and no draft bylaw on the issue until tonight. Vice-Chairman Haarde believes if the Town had been focused on passing such a bylaw ten years ago, it might not have so many Chapter 40B applications popping up today. He stated that inclusionary zoning is part of the approved Town Housing Production Plan which should be implemented.

Mr. Fee stated he disagrees that "done is better than perfect," because it could be far more detrimental to the community to rush to prepare an inadequate bylaw which could have unforeseen consequences. He suggested they should agree to disagree, since both positions could be argued continually.

Vice-Chairman Haarde stated it is unnecessary to wait to create the perfect bylaw, and that amendments to bylaws are presented all the time.

Mr. Fee stated the Board thought it best to address inclusionary zoning as part of the Route 20 zoning discussions. Vice-Chairman Haarde asked when this will occur. Mr. Fee stated the deliberations are occurring presently.

Vice-Chairman Haarde asked if the Board plans to have the zoning locked in place before the citizens are asked to consider a multi-million dollar sewer article. He stated the Route 20 Sewer Advisory and Route 20 Sewer Citizen's Advisory Committees believe citizens will want to know first how Route 20 will look before they favorably vote to appropriate funds for this purpose. Mr. Fee stated communication is a two-way street, and that tonight is the first time he is hearing the wishes of these committees. He encouraged Vice-Chairman Haarde to develop a dialogue between the Route 20 Sewer Advisory Committee and the Planning Board to work together on these issues. Vice-Chairman Haarde stated he would do this in the future.

Chairman O'Brien thanked Mr. Fee for his report, and he suggested that agenda item 19 be taken out of order and discussed next. The Board concurred.

Route 20 Sewer Steering Committee – At-Large Member Appointment

It was on motion

VOTED: To appoint Eric D. Poch, 154 Nobscot Road, as a member of the Rt. 20 Sewer Steering Committee for a term to expire June 30, 2014, as requested by Selectman Bob Haarde.

Chairman O'Brien abstained from the vote.

Regional Housing Services Office – Amended Inter-Municipal Agreement for FY13 - Approval

Present: Community Housing Coordinator Beth Rust

At 9:29 p.m., Chairman O'Brien welcomed Community Housing Coordinator Beth Rust to the meeting. The Board was previously in receipt of copies of a memorandum from Ms. Rust dated April 12, 2012, the current Inter-Municipal Agreement and accompanying exhibits dated March 3, 2011, and the Regional Housing Services Office (RHSO) February 2012 Status Report. Town Manager Valente also distributed copies to the Board of the proposed draft "Amendment."

Ms. Rust stated the RHSO is entering its second year in FY13, and that an amendment to the Inter-Municipal Agreement signed last year is proposed to include Acton in the consortium. She reviewed her memo, explaining the current members have received services including monitoring of ownership units and rental developments, administration of the Subsidized Housing Inventory and HOME program and local and regional support. Ms. Rust stated several communities have expressed interest in this regional effort. She further stated it is proposed Sudbury start to receive the "like" administrative services from the RHSO. Ms. Rust stated the model continues to be successful, and that the participating communities have found value in the services provided.

Selectman Drobinski stated the program has been a success as envisioned.

Vice-Chairman Haarde stated the Draft Amendment looks good. He confirmed with Ms. Rust that Sudbury would remain as the host of the program, but it would also now receive its similar services from the RHSO.

Chairman O'Brien stated the program initiative has been great.

It was on motion unanimously

VOTED: To support the amendment to the Inter-Municipal Agreement for the Regional Housing Services Office for FY13, as requested by Beth Rust, Community Housing Coordinator.

Special Act for Senior Tax Relief - H.3435 Review Committee – Report

Present: Committee members Susan Iuliano and Jack Ryan, Sudbury Finance Director Andrea Terkelsen and Financial Analyst Peter Anderson

At 9:37 p.m., Chairman O'Brien explained the creation of an independent review panel to study the proposed changes to Sudbury's Special Act for Senior Tax Relief - H.3435, and he welcomed committee members Susan Iuliano and Jack Ryan to update the Board. Sudbury Finance Director Andrea Terkelsen distributed copies to the Board of a handout entitled, "Procedure for Implementing H.3435 – A Means Tested Senior Citizen Property Tax Exemption Activity Dates and Procedures Using FY11 as an Example.

Sudbury resident Jack Ryan, 155 Ford Road, reviewed the mission of the Committee to develop suggested revisions to H.3435 to ensure that the concept as voted at last year's Town Meeting can be implemented in a manner which complies with the legally required Department of Revenue (DOR) approval and to submit a report prior to May 1, 2012. Mr. Ryan stated the Committee soon realized the complexity of the task. However, after six meetings held, he is pleased to report the Committee believes it can achieve its goal. He commended the work of Town staff and proponents Ralph Tyler and Dave Levington in working with the Committee diligently through the past two weeks. Mr. Ryan stated the Committee has developed a procedure for implementation. He explained the draft procedure includes consideration by the Selectmen of the CIP tax rate, and then the residential tax rate would need to be later refined based on the senior exemption.

Mr. Ryan stated the Committee is still completing its work, and it will meet with Representative Tom Conroy on Friday. He further stated the Committee has spoken with DOR, which gave its permission for Sudbury to access its software system to run a test tax rate implementation. However, Mr. Ryan further reported the Committee has determined that implementation procedures are too complex to be implemented for FY13. He recognized the dedication of Town staff to accomplishing this mission, noting it would eventually result in more work.

Sudbury resident Susan Iuliano, 22 Jason Drive, commended Sudbury resident Ralph Tyler for initiating the concept. She summarized the five recommended revisions to H.3435 as determined by the Committee.

Selectman Drobinski thanked the Committee for all it has accomplished in a very short period of time.

Vice-Chairman Haarde stated the task is incredibly complex to create a system which DOR will approve, which also fulfills the article voted by Town residents last year. He asked if DOR has given the Town any feedback.

Ms. Iuliano stated the DOR is likely not to opine at this stage in the process, but it has offered assistance and access for Sudbury's tests. If the Committee had more time to produce its report, it would have requested a DOR legal opinion.

Sudbury Finance Director Andrea Terkelsen read a statement on behalf of the Town financial staff. She stated the staff is uncertain how the DOR will respond to what has been proposed by the State legislature. However, after completing a test run today, Sudbury believes it can complete the required DOR reporting system. Thus, the staff remains hopefully optimistic that it can successfully implement H.3435.

It was determined the Board of Selectmen would meet with the Committee on May 2, 2012 at 10:00 a.m., in a location to be determined, to hear the final report.

Minutes

It was on motion unanimously

VOTED: To approve the Regular and Executive Session minutes of April 3, 2012.

National Society of Daughters of Founders and Patriots of America and Wilma Wadsworth Halterman – Gifts

It was on motion unanimously

VOTED: To accept a total of \$1,300 (\$1,072.72 from the National Society of Daughters of Founders and Patriots of America and \$227.28 from Wilma Wadsworth Halterman, a descendent of Captain Samuel Wadsworth) to be used towards the preservation of documents from Sudbury's Colonial Period, to be expended under the direction of the Town Clerk.

Blue Cross/Blue Shield of Boston, MA – FY13 Dental Contract

It was on motion unanimously

VOTED: To approve a contract with Blue Cross/Blue Shield of Boston, MA to provide dental insurance for FY13 for Town employees and to approve FY13 rates for such coverage, including the proportionate amounts to be contributed by active Town employees and retirees, as requested by Assistant Town Manager/HR Director Maryanne Bilodeau.

Proclamation – CPT Thom Kenney

Chairman O'Brien read aloud a proclamation for CPT Thom Kenney, an 18-year veteran of the Army Reserves and National Guard.

It was on motion unanimously

VOTED: To sign a proclamation for CPT Thom Kenney, an 18-year veteran of the Army Reserves and National Guard, acknowledging his safe return from a tour of duty in Afghanistan and proclaiming Friday, April 27, 2012 as CPT Thom Kenney Day in Sudbury.

Buddy Dog Humane Society, Inc. – Endorse Approved Site Plan

It was on motion unanimously

VOTED: To endorse the approved Site Plan for Buddy Dog Humane Society, Inc., the Decision for which was signed by the Board on March 7, 2012.

Mass. Rural Transit Assistance Program – Mini-Grant

It was on motion unanimously

VOTED: To accept a mini-grant in the amount of \$103.50 from Mass. Rural Transit Assistance Program for safety and cleaning equipment for the Sudbury Senior Center van, as requested by Debra Galloway in a memo dated April 13, 2012, to be expended under the direction of the Council on Aging Director.

Boy Scout Troop 61 – Eagle Scouts

It was on motion unanimously

VOTED: To enter into the Town record and congratulate Jeremy Tyler LeBlanc, 67 Fairbank Road of Troop 60; and William Peter Mannherz, 33 Cudworth Lane, and Julian Peter Helgeson, 4 King Philip Road, of Troop 61, on achieving the high honor of Eagle Scout.

Sudbury's Thursday Garden Club – Signage

The Board was previously in receipt of copies of letters from Sudbury's Thursday Garden Club President Jill B. Staniar dated January 24, 2012 and March 28, 2012 respectively, regarding the request for signage at various Sudbury locations by the Thursday Garden Club.

It was on motion unanimously

VOTED: To approve the installation of four signs (approximately 18" x 8") at ground level in four different traffic islands, which are maintained by the Thursday Garden Club, and which will be removed during the winter months, as requested by Jill Staniar, Thursday Garden Club president.

Easements – 210 Haynes Road, 216 Haynes Road, and 220 Haynes Road

The Board was previously in receipt of copies of three Drain Easements for 210 Haynes Road, 216 Haynes Road, and 220 Haynes Road and accompanying maps.

It was on motion unanimously

VOTED: To accept the following easements: Drain Easement dated 2/25/12 on property located at 210 Haynes Road granted by Kenneth W. Howard and Monique Stelling; Drain Easement dated 3/24/12 on property located at 216 Haynes Rd. granted by Douglas F. McCartney and Kimberlee S. McCartney; and Drain Easement dated 4/2/12 on property located at 220 Haynes Rd. granted by Richard L. Burpee and Beatrice Kertesz; all as shown as "Proposed 20 Ft. Wide Drain Easement" on sketch plans prepared by the Town of Sudbury Engineering Department to be attached as Exhibit A to the individual Drain Easement documents.

Annual Town Meeting Actions

The Board was previously in receipt of a draft list of the "2012 Annual Town Meeting Warrant Articles," dated April 20, 2012. Town Manager Valente noted Articles #17 and 19 are likely to be indefinitely postponed. She also asked the Board to decide if it will proceed with Article #14 regarding Town Center improvements.

Town Manager Valente stated Building Inspector Jim Kelly is concerned about Article #18, given he does not believe the Natatorium roof will last through another winter. She also shared preliminary debt information prepared by Ms. Terkelsen.

Selectman Drobinski and Vice-Chairman Haarde asked questions to clarify that the Town Center Improvements would be a debt exclusion for approximately \$1 million. Town Manager Valente stated it could be presented as such, or as a capital exclusion. Selectman Drobinski stated it makes sense to hold the article this year, and to indefinitely postpone it, and to prioritize it later as part of a capital project master plan.

Vice-Chairman Haarde expressed his preference to not pull all the capital projects out of Town Meeting this year, and have them pile up to still be attended to in the future. He suggested Mr. Kelly or the Permanent Building Committee prioritize which project is most important and that at least one project be presented at the 2012 Town Meeting. Town Manager Valente will ask Mr. Kelly if he can attend the Board's May 2, 2012 meeting to further discuss the relevant articles.

Town Manager Valente stated she would like to ask Town Meeting to re-appropriate \$136,000 of this year's snow and ice budget to DPW for other projects. She will also ask the Finance Committee to support this recommendation.

The Board reviewed the list of articles and determined it would determine speakers for the articles as follows:

It was on motion unanimously

VOTED: To assign speaking positions for the 2012 Annual Town Meeting Warrant Articles as follows: Articles 2 through 8, Article 12, and Articles 14, 15 and 22 to Chairman O'Brien; Articles 9, 10, 11, 13, Articles 17 through 21 and the two non-binding Resolutions, Articles 34 and 35, to Vice-Chairman Haarde; and Articles 23 through 33 to Selectman Drobinski.

It was also on motion unanimously

VOTED: To support Articles 20, 21, 22, and 23 as noted below.

Vice-Chairman Haarde recommended the Board not support Article 13 until the Minuteman District works out the non-member town payment issues discussed throughout this year.

It was further on motion unanimously

VOTED: To oppose Article 13.

- #1 - Hear Reports - Position - **Support**
- #2 - FY12 Budget Adjustments - Position - **RTM**
- #3 - Stabilization Fund - Position - **RTM**
- #4 - FY13 Budget - Position - **RTM**
- #5 - FY13 Capital Budget - Position - **RTM**
- #6 - FY13 Transfer Station Enterprise Fund Budget - Position - **RTM**
- #7 - FY13 Pool Enterprise Fund Budget - Position - **RTM**
- #8 - FY13 Recreation Field Maintenance Enterprise Fund Budget - Position - **RTM**
- #9 - Unpaid Bills - Position - **RTM**
- #10 - Chapter 90 Highway Funding - Position - **Support - CC**
- #11 - Real Estate Exemption - Position - **Support - CC**
- #12 - Town/School Revolving Funds - Position - **Support - CC**

- #13 - Establish Stabilization Fund – Minuteman Regional Vocational School District – Position - **Oppose**
- #14 - Town Center Traffic Improvements - Position – **RTM**
- #15 - Fire Department Safety Equipment Purchase – Position - **RTM**
- #16 – **WITHDRAWN** - Pawnbroker Bylaw
- #17 - Nixon Roof Replacement & Repair – MSBA Program - Position – **RTM**
- #18 - Natatorium HVAC & Associated Roofing - Position – **RTM**
- #19 - Town and School Roofs - Position – **RTM**
- #20 - Amend Zoning Bylaw Article IX, Appendix A – B.6 – Update definition of Agricultural Use -
Refer to Planning Board - Position – **Support**
- #21 - Amend Zoning Bylaw Article IX –Appendix A – Sec. 2313 Regulate raising of roosters – Refer to
Planning Board - Position – **Support**
- #22 - Amend Zoning Bylaw Article IX – Section 5331 – Senior Residential Community – Refer to Planning
Board - Position – **Support**
- #23 - Amend Bylaw – Art. V(f) – Stormwater Management Bylaw – Refer to Planning Board - Position –
Support
- #24 - Community Preservation Fund –Town Hall Architectural and Design Study - Position – **Support**
- #25 - Community Preservation Fund – Town Center Landscaping Restoration - Position – **RTM**
- #26 - Community Preservation Fund – Historic Projects - Position – **Support**
- #27 - Community Preservation Fund – Town-Wide Walkways - Position – **Support**
- #28 - Community Preservation Fund – Town Clerk Historic Document Preservation - Position – **Support**
- #29- Community Preservation Fund - Sudbury Housing Trust 10% Allocation - Position – **Support**
- #30- Community Preservation Fund - Pantry Brook Farm Preservation Restriction - Position – **RTM**
- #31 - Community Preservation Fund – Purchase and Restore Property - 15 Hudson Road - Position – **RTM**
- #32 - Community Preservation Fund - Amend Art. 43 of the 2006 Town Meeting, Sudbury Housing
Authority Unit Buy Down - Position – **Support**
- #33 - Community Preservation Fund - General Budget and Appropriations - Position – **Support**
- #34 - Resolution – Rail Trail - Position – **RTM**
- #35 - Resolution - Rail Trail- Position – **RTM**

TD Bank – Tree Removal Discussion

Present: Director of Planning and Community Development Jody Kablack

At 11:02 p.m., Director of Planning and Community Development Jody Kablack asked the Board for its opinion regarding the request made by TD Bank in a memorandum for approval to remove a tree, which was not initially approved on the Site Plan.

Selectman Drobinski believes the tree should remain. Vice-Chairman Haarde concurred, stating the applicant should come before the Board for this request, if they want to remove the tree. He believes they should work around the tree, since removal was not approved on the Site Plan. Chairman O'Brien agreed. Ms. Kablack stated she would inform the applicant of the Board's position as stated this evening.

Executive Session

At 11:05 p.m., Chairman O'Brien announced the close of the regular meeting and it was on roll call unanimously

VOTED: To go into Executive Session for the purpose of discussing collective bargaining, wherein strategy discussion with respect to collective bargaining in an open meeting may have a detrimental effect on the bargaining position of the public body, and to discuss land acquisition, wherein an open meeting may have a

detrimental effect on the negotiating position of the public body, Chairman Lawrence W. O'Brien, aye, Vice-Chairman Robert C. Haarde, aye and Selectman John C. Drobinski, aye.

Chairman O'Brien announced regular session would not reconvene following Executive Session.

There being no further business, the meeting adjourned at 11:05 p.m.

Attest:_____

Maureen G. Valente

Town Manager-Clerk