

IN BOARD OF SUDBURY SELECTMEN  
TUESDAY, APRIL 12, 2011

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

Absent: Chairman John C. Drobinski

The statutory requirements as to notice having been complied with, the meeting was convened at 7:34 p.m. in the Lower Town Hall, 322 Concord Road.

**Opening Remarks**

At 7:34 p.m., Vice-Chairman O'Brien opened the meeting. He announced Chairman Drobinski is out of town and unable to attend tonight's meeting. Vice-Chairman O'Brien announced the start the Annual 2011 Town Meeting will be on Monday, May 2, 2011. He also reminded residents that the Annual Spring Clean-Up Day is April 30, 2011. He encouraged interested citizens to contact the Board of Selectmen's Office for additional details.

**Reports from the Town Manager**  
**Staffing - Updates**

Town Manager Valente congratulated two new Sudbury Fire Department firefighter paramedics, Alex Gardner and Shane Medeiros, who recently graduated from the Fire Academy. She noted the Department is committed to hiring new recruits who are trained as paramedics as the Town moves towards providing its own Advanced Life Support program. Two new recruits, Mike Killgallen and Louis Forte will attend the Academy soon for 12 weeks. In July 1, 2011, two more recruits, Teddy Wagner and Adam Salmon will begin their Academy training. She also noted Sudbury Fire Department Lt. Rainey announced his retirement as of May 31, 2011. In addition, the Town is engaged in ongoing collective bargaining sessions with the Firefighters' Union regarding implementation of advanced life support level of emergency medical response.

Town Manager Valente announced Officer Paul T. Wigmore, Jr. was recently hired by the Sudbury Police Department. She noted two positions remain vacant, one of which has been held due to budget constraints.

**Regional Dispatch Center - Update**

Town Manager Valente reported the first meeting of eight communities considering a Regional Combined Dispatch Center was held on April 5, 2011. She emphasized that there has been no decision made at this time to proceed with the creation of a shared center. However, discussions are focused only on developing a study to determine potential outcomes of a regional center for the eight participating towns. Data collection has begun, and Ms. Valente will update the Board periodically on the project, which was funded by a \$150,000 State grant.

**Health Plan Option Fairs - Update**

Town Manager Valente thanked Assistant Town Manager Maryanne Bilodeau and Debbie Greeno for the work done to coordinate several health fairs with plan providers to explain plan options to Town and Sudbury Public School (SPS) employees.

### **Grant Notification - Updates**

Town Manager Valente reported the Town was awarded three grants pursued by the Energy and Sustainability Green Ribbon Committee in the amounts of \$30,500, \$9,000 and \$30,000. She also announced a small grant has been received to continue the work commenced by the Regional Housing Office. Town Manager Valente thanked Town staff and Committee volunteers who work on submitting the applications to make these awards possible. The Town has also been informed of \$10,000 in additional grants from its insurance pool.

### **Sudbury Financial News - Updates**

Town Manager Valente distributed copies to the Board of three Press Releases dated April 4, 2011, April 7, 2011 and April 12, 2011, highlighting financial-related news. The first noted the Town's long-term AAA rating was re-affirmed by Standard & Poor's Rating services.

The second announcement highlighted the Town's sale of long-term debt to refinance an existing bond for the Israel Loring Elementary School. Town Manager Valente stated the net savings to the Town over the next ten years is estimated at \$212,809. She highlighted that this refinance and two other similar ones completed in recent years by the Town have saved Sudbury approximately \$851,000. Town Manager Valente thanked Finance Director Andrea Terkelsen for her work to complete this transaction.

Town Manager Valente stated the third announcement reports the Town has been awarded the "Distinguished Budget Presentation Award" by the Government Finance Officers Association for the current fiscal period. She noted Sudbury is one of only seven Massachusetts municipalities to be so honored.

### **Legislative – Update**

Town Manager Valente reported conversations with State Senator Susan Fargo and Superintendent John Brackett have indicated that the State House budget regarding State Aid should be released this week. She further reported the House budget is expected to be more conservative than the Senate budget, which will be released later this spring. Thus, it has been suggested that municipalities plan their budgets on the House version. Ms. Valente stated Sudbury has planned for a 5% decrease in State Aid and will adjust figures accordingly, once more information is available from the State.

### **Reports from the Board of Selectmen**

Selectman Haarde attended the reception for Scott Carpenter last night, and noted the Town is fortunate to have someone of Mr. Carpenter's caliber at Lincoln-Sudbury Regional High School. He also attended a meeting regarding a Town Wastewater Management system. Selectman Haarde stated the discussion helped to clarify that there are vehicles available to help recover project costs. He noted there are several benefits to having a Town sewer system, including the potential to raise commercial property tax revenues, by attracting more commercial tenants, which increases property values and thereby tax revenue. Selectman Haarde explained that access connection fees and usage fees could be established to offset project costs. He noted that many Route 20 property owners were in attendance, and they are concerned about the ongoing costs to upgrade septic systems. Selectman Haarde further noted there is the possibility some businesses are unable to upgrade their septic systems because the soils cannot support expansion. He stated some businesses have left Route 20 and that the creation of a sewer system would help businesses stay in Sudbury.

Selectman Haarde had another discussion with Lincoln Selectman Noah Eckhouse. Lincoln is considering the next step in discussions of joint efforts with Sudbury might be best served through a

mediated session. Vice-Chairman O'Brien stated he believes data collection has begun to gather information from comparable communities. He asked Town Manager Valente and the Board to contemplate who might be a good representative from Sudbury to work on this short-term mission. Selectman Haarde reported Selectman Eckhouse has suggested that joint meetings between representatives of the Selectmen continue and that a representative from each Town's Finance Committee be added. Vice-Chairman O'Brien also suggested that an annual dinner/meeting with the Lincoln Board of Selectmen be considered.

Selectman Haarde also attended the Lt. Scott Milley Memorial Hockey Game between L-SRHS alumni and Boston Bruins alumni. He said the game was well attended and that L-SHRS alums fared extremely well against the former pros.

Vice-Chairman O'Brien attended the recent Housing Planning Forum, as did Selectman Haarde. He reported the meeting was beneficial and provided useful feedback from the approximately 25 attendees. He also attended the Civics Bee hosted by the League of Women Voters at the Curtis Middle School, and he noted that this year Sudbury won this competition.

Vice-Chairman O'Brien announced tonight's 9:00 p.m. agenda item regarding a solarization grant application by the Sudbury Energy and Sustainability Green Ribbon Committee has been postponed to a future date.

**Public Hearing: Transfer Station Consolidation with the Town of Wayland – Discussion**

Present: Department of Public Works Director Bill Place

At 7:57 p.m., Vice-Chairman O'Brien opened a Public Hearing regarding the question of consolidating Sudbury's Transfer Station operations with that of the Town of Wayland. Town Manager Valente noted that, since the Board's last meeting, the Board has received input from several citizens through email communications. She also noted an Op Ed article by Sudbury resident Lenny Simon appeared in the local paper, recommending the Town not combine service with Wayland and offering recommendations for better service. Town Manager Valente distributed copies to the Board of a petition signed by over 200 citizens stating they do not support a combined Transfer Station program with Wayland.

Vice-Chairman O'Brien stated the question under discussion tonight is whether the Town should combine its operations with Wayland as of July 1, 2011. Department of Public Works Director Bill Place requested that, if Sudbury decides to maintain its own facility and not to proceed with Wayland, he would want to return to a service schedule of Tuesday, Thursday and Saturday, and a sticker fee would need to be established. Town Manager Valente recommended tonight's discussion focus only on whether to proceed with a consolidation of operations with Wayland, and that a future discussion be scheduled to determine fees and other details. In that future discussion, Vice-Chairman O'Brien asked Mr. Place to consider offering Sudbury residents an eight-gallon bag option as is provided in Wayland. He then opened the discussion to public comment.

Eva Fridman, 25 Christopher Lane, has lived in Town since 1963, and she considers it an advantage to utilize the services of the Transfer Station, which encourages citizens to recycle. She visited the Wayland Transfer Station today and concluded it is not as well managed as Sudbury's. Ms. Fridman stated she is very much opposed to combining operations and believes Sudbury should maintain control of its own facility. She also noted she utilizes a separate curb-side service to dispose of garbage. Vice-Chairman O'Brien suggested Ms. Fridman might want to consult with the DPW and consider eliminating her curb-side vendor and adding trash to her fee structure for a total of \$155 a year, which could possibly save her money.

Ron Riggert, 133 Moore Road, uses the Transfer Station and has been using the Wayland facility during the pilot program. He stated he prefers Wayland's single stream system and believes the facility is well managed. Mr. Riggert stated he understands this is an emotional issue for some, but he does not see a discernable difference for users between the two facilities, since they are so close to each other. He referenced material from the last discussion accessed on the Town website and asked a few questions regarding the financial model presented in Attachment A. Town Manager Valente addressed how the information was reflected for Sudbury's operation, Wayland's operation and a combined facility. Mr. Riggert stated he believes there is a cost advantage to combining services with Wayland, and he does not understand why this would not be pursued. He asked if there is an environmental disadvantage to comingling recyclables. Mr. Place stated there is a higher-quality recycle market if items are separated. Mr. Riggert reiterated that he believes the decision should be based on cost and convenience, which he believes a combined operation achieves.

Vice-Chairman O'Brien stated that he believes Sudbury does a better job environmentally and that Wayland's facility does not seem as well maintained or organized. Mr. Riggert stated he has observed more litter near the Sudbury facility than at the Wayland location.

Timothy Coyne, 24 Taylor Road, urged the Board to halt the combined pilot program experiment, citing Wayland has not been able to follow Sudbury's rules and regulations. He referenced 24 spoiled loads during the duration of the pilot program which has cost Sudbury money. He believes Sudbury's system is more highly evolved, and to provide less service would be unacceptable. Mr. Coyne believes Sudbury should not engage in services with any party who is unable to abide by, at a minimum, current Sudbury standards. He urged the Board to maintain the Town's own Transfer Station, and not to allow a good program like Sudbury's to become subservient to an inferior program.

Henry Noer, 55 Goodman's Hill Road, does not believe one station can handle the anticipated Saturday volume. He believes it would be a challenge to take ownership for what is already working financially and environmentally in Sudbury in a combined operation. He urged the Board not to combine services with Wayland.

Carol Englander, 56 Victoria Road, described her experience with the Sudbury facility as always being able to get in without waiting and interacting with helpful staff. In contrast, she has found the Wayland facility to be filthy, with overflowing containers. She does not believe there is as much guidance given by Wayland staff, and she believes people are too busy to wait for 25 minutes to access the Wayland site. Ms. Englander believes it would be a great loss for Sudbury to consolidate its Transfer Station.

Ralph Tyler, One Deacon Lane, was at the Wayland Transfer Station today. He believes there is an additional cost to Sudbury residents to travel the extra distance to the Wayland site. Mr. Tyler believes Sudbury should retain its own Transfer Station. However, he suggested more be done to encourage new Sudbury users who might prefer the Wayland comingling process, or arrange for a reciprocal arrangement for Sudbury residents who prefer the single stream process to possibly use the Wayland site. Mr. Tyler also suggested consideration be given to reducing the cost for curbside trash removal in Sudbury.

Margaret Boyle, 799 Concord Road, stated she initiated the petition which amassed 221 signatures in five hours. She believes this is a clear message that the people of Sudbury do not want to combine their Transfer Station services with Wayland.

If the Town retains its Transfer Station operations, Lenny Simon, 40 Meadowbrook Circle, emphasized that Sudbury has an opportunity to teach its youth about how to recycle correctly. Vice-Chairman O'Brien thanked Mr. Simon for his emails to the Board.

Selectman Haarde suggested that positive lessons were gained from this experience by reaffirming that Sudbury recycles correctly and better than other communities. He asked if there is even more the Town could do to refine its practices. Town Manager Valente concurred, stating it is important to learn from the pilot program and to work to incorporate comments and feedback received into better services.

Vice-Chairman O'Brien thanked residents for their passionate opinions on this issue and the strong sentiment expressed to keep Sudbury's Transfer Station operational. He commended Mr. Place and his staff on maintaining a facility which citizens clearly feel is superior to surrounding communities and has become part of the "fabric" of the Town.

Town Manager Valente stated she learned through this process that Sudbury citizens are not reluctant to change, but believe there are concrete reasons to retain service as it is currently being provided in Sudbury. She noted that customers apparently are motivated by more than cost and several factors impact their position. Town Manager Valente stated there may be ways the two towns can continue to work together on a joint bid for hauling and disposal of materials. She also believes more can be done to enhance community education about waste services.

Mr. Place stated the DPW works frequently to educate local Boy Scout and Girl Scout Troops and to provide educational opportunities at the Schools. He also stated the DPW would further research whether brush disposal services should be added.

Selectman Haarde thanked all who offered opinions on the issue. He stated he originally had concerns, but financially the operation does not draw on the Town's operating budget. He emphasized that the Transfer Station's fees cover the cost of operation within its Enterprise Fund.

Vice-Chairman O'Brien stated there is a State bill pending which could help taxpayers from towns like Sudbury reap similar tax deduction benefits, possibly for the cost of stickers and bags as citizens receive who pay for trash as part of property taxes. He encouraged citizens to share their opinions with State legislators.

Selectman Haarde suggested consideration be given to providing Sudbury residents with coupons to use for compost.

It was on motion unanimously

VOTED: To close the Public Hearing regarding the question of consolidating Sudbury's Transfer Station operations with that of the Town of Wayland.

It was also on motion unanimously

VOTED: To not consolidate Sudbury's Transfer Station operations with that of the Town of Wayland and to discontinue the pilot program as of July 1, 2011 or sooner if deemed appropriate by the Town Manager of Sudbury, the Town Administrator of Wayland and the Department of Public Works Directors from both towns.

**Public Hearing: Street Acceptance Layouts – Brookside Farm Lane and Trevor Way**

Present: Conservation Commission Coordinator Debbie Dineen and Director of Public Works Bill Place

At 8:48 p.m., Vice-Chairman O'Brien opened the Public Hearing regarding Street Acceptance Layouts for Brookside Farm Lane and Trevor Way. The Board was previously in receipt of a draft acceptances of

“Layout, Relocation and/or Alteration of a Town Way” and accompanying maps for Trevor Way and Brookside Farm Lane, emails and a letter from Department of Public Works (DPW) Director Bill Place dated April 8, 2011 and April 7, 2011 respectively, providing status updates, and a memorandum from Conservation Commission Coordinator Debbie Dineen dated April 8, 2011, recommending Trevor Way not be accepted as a public way this year.

Mr. Place stated Brookside Farm Road has been completed for over a year, and it was constructed in compliance with regulations governing subdivisions.

Town Manager Valente stated the Board typically considers these matters with input provided by the Planning Board. However, due to Board meeting schedules, the Planning Board will discuss this topic tomorrow and provide a report at Town Meeting.

Ms. Dineen stated the Conservation Commission recommends acceptance of Brookside Farm Road.

Mr. Place explained that Trevor Way was also constructed in conformance. However, he noted four items need to be completed: an as built plan, street bounds and lot corners to be set, a bound certification plan and street trees. The Town holds a bond in the amount of \$20,344.00.

Ms. Dineen stated the bond does not cover work ordered by the Order of Conditions. She described problems related to the detention basin/vernal pool which have not been rectified. Ms. Dineen noted the DPW has been working on the issues, but, from a practical standpoint, she believes it is premature to accept Trevor Way.

Selectman Haarde referenced a note from Mr. Place stating the owner has 120 days to complete these items from the date of the Town Meeting vote. Mr. Place confirmed this information. Town Manager Valente clarified that tonight is the last opportunity for the Board to decide if the acceptance of Trevor Way proceeds to the Annual 2011 Town Meeting.

Vice-Chairman O'Brien opined he is inclined to defer to the Planning Board, DPW and Conservation Commission to resolve the outstanding issues. Ms. Dineen opined she does not believe 120 days is adequate time to resolve the outstanding issues, given she and Mr. Place have spent considerable time on these matters since last May.

Town Manager Valente reviewed options for consideration, noting the article could be pulled at Town Meeting or within the 120-day allotted timeframe following Town Meeting. She explained the street layout must be filed with the Town Clerk no later than April 22, 2011.

It was on motion unanimously

VOTED: To close the Public Hearing regarding Street Acceptance Layouts for Brookside Farm Lane and Trevor Way.

It was also on motion unanimously

VOTED: To lay out the following Town Way with the boundaries and measurements as set forth on plans on file in the office of the Town Clerk, to be presented for acceptance at the 2011 Annual Town Meeting: Brookside Farm Lane from Landham Road to a dead end, a distance of 500 feet +/-; and further vote that all layouts are subject to meeting the conditions and requirements deemed necessary by the Board of Selectmen prior to the execution and recording of an Order of Taking.

Thus, Town Manager Valente clarified that Trevor Way would not proceed to Town Meeting this year. Ms. Dineen noted the additional time would be useful to work on solutions to the outstanding issues.

**Sudbury Housing Authority – Cooperation Agreement and Payment in Lieu of Taxes Program (PILOT) – Discussion**

Present: Sudbury Housing Authority (SHA) Executive Director Jo-Ann Howe and SHA member Steven Swanger

At 9:03 p.m., Sudbury Housing Authority (SHA) Executive Director Jo-Ann Howe and member Steven Swanger were welcomed to the meeting. The Board was previously in receipt of a letter from Ms. Howe dated March 24, 2011, asking for clarification regarding a Cooperation Agreement for a Duplex Project and SHA's Payment in Lieu of Taxes (PILOT) agreement status and a copy of the current Cooperation Agreement between the SHA and the Town of Sudbury, signed June 11, 1982. In addition, copies of letters documenting relevant information dated February 17, 1999, January 22, 1999, January 6, 1999, and May 6, 1986 were distributed to the Board tonight for review.

Mr. Swanger noted the SHA is far along in its process of finalizing financing with the State and it had assumed continuation of the current Agreement terms when submitting its budget paperwork to the State.

Selectman Haarde referenced a June 12, 1981 document. He asked if the formula used at that time is the same as the current formula. Town Manager Valente stated it is similar and that she would need to research it further. Selectman Haarde also referenced the May 6, 1986 Department of Revenue letter. He asked if the development is intended for elderly and handicapped persons of low income as stated. Ms. Howe stated it is not, and that those groups are serviced by the Musketaquid Village development.

Vice-Chairman O'Brien asked what the deadline is for a decision. Ms. Howe stated there is no definitive deadline. Mr. Swanger noted the project is moving forward, and it would be best if this issue could be resolved. In response to a question from Vice-Chairman O'Brien, Ms. Howe clarified that the SHA cannot change what it charges for rents, and thus any unexpected increase in expenses would impact the operating budget.

Mr. Swanger emphasized the SHA performs many benefits to the Town through its work, and acts in many ways as an extension of Town government.

Vice-Chairman O'Brien suggested the current formula be confirmed for this development and that the Town continue PILOT discussions with the SHA for the future. Ms. Howe clarified the development plan results in a net of six additional units.

Selectman Haarde stated it is important for the Town to consider how it will recover costs and how costs are offset responsibly for all taxpayers. He asked for clarification of the number of bedrooms. Ms. Howe stated there would be net four additional bedrooms. Vice-Chairman O'Brien noted this is consistent with the original plans. Selectman Haarde also asked if all the units are considered affordable and if income is verified each year. Ms. Howe confirmed income is verified and that all the units count 100% toward the Town's 10% affordability housing stock goal.

It was on motion unanimously

VOTED: To affirm the current Cooperation Agreement between the Town of Sudbury and the Sudbury Housing Authority (SHA) regarding the funding formula to be used for the SHA new 11-unit redevelopment project, and to direct Town Staff to draft an agreement to this effect.

### **Town Auditors – FY10 Report**

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

At 9:20 p.m., Vice-Chairman O'Brien welcomed Town Finance Director/Treasurer Andrea Terkelsen, Town Accountant Barbara Chisholm and Matthew Hunt from Sullivan, Rogers & Company, LLC to present the FY10 Report from the Town auditors.

Mr. Hunt provided a brief review of the audit reports for the fiscal year ended June 30, 2010. 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 FY10 was approximately \$9.4 million. Mr. Hunt noted that approximately \$1.5 million of that Fund was reserved for encumbrances. Mr. Hunt emphasized that Sudbury did an excellent job through a difficult economy to end the year with an increase in the undesignated General Fund. The resulting undesignated General Fund balance in FY10 was slightly over \$1,236,002 or 1.5% of total general fund expenditures and transfers out, compared to a ratio of 1.3% last year.

Mr. Hunt briefly reviewed the FY10 Stabilization and Enterprise Funds activity. He stated the Stabilization Fund earned \$50,000 from investment income. He commended the Town on maintaining this fund as part of its reserves. Mr. Hunt stated this is a factor looked upon favorably by bond rating agencies. He noted the Community Preservation Act Fund collected surcharges totaling \$1.5 million and received a State match of funds totaling \$540,000. Mr. Hunt stated the net assets for the Swimming Pool Enterprise Fund were approximately \$549,000. He emphasized the reports provided are full accrual financial statements. The net assets for the Transfer Station Enterprise Fund were approximately \$381,000 and the Field and Recreation Maintenance Enterprise Fund had net assets of \$56,887 in its first year.

Mr. Hunt further reported that the Town's total principal and interest for debt service totals approximately \$4.2 million. The debt service represents a ratio of 5.4% of overall expenditures, which Mr. Hunt stated is excellent. He noted Sudbury's total outstanding debt as \$36 million, of which approximately \$14 million will be reimbursed by the State for school construction projects. Mr. Hunt concluded the net outstanding debt is quite manageable for a town the size of Sudbury.

Selectman Haarde asked for clarification regarding whether implementation of Government Accounting Standards Board (GASB) Statement #45 impacts the Swimming Pool Fund more than other funds or is it due to more employees. Mr. Hunt opined it is likely that it was determined during the actuarial evaluation that revenues for the Swimming Pool Enterprise fund did not increase enough to absorb the cost of employees and their salaries. He also explained that some funds might not meet materiality thresholds for reporting purposes.

Selectman Haarde asked Mr. Hunt's opinion regarding the CPA Fund debt ratio. Mr. Hunt opined it appears reasonable and fair.

Mr. Hunt next reviewed the Management Letter, which included six comments for areas which could use improvement. Mr. Hunt stated the Town places a strong emphasis on internal controls. He briefly reviewed



the comments and recommendations regarding the following areas: School Department Encumbrances, Transfer Station, Swimming Pool, Estimated General Fund Revenue Budgets, Risk Assessment and Monitoring, and New Accounting and Financial Reporting Requirements for Fund Balances (GASB #54).

Ms. Terkelsen noted that five of the six concerns have already been addressed in FY11. She further stated the Town is working on its Risk Assessment and Monitoring Program.

Mr. Hunt further stated the Town was in full compliance with all major grant reporting, and he commended Sudbury for improvements made in this area.

At 9:46 p.m., Vice-Chairman O'Brien thanked Mr. Hunt for his thorough report. He also thanked Ms. Terkelsen and Ms. Chisholm for their work throughout the year. Ms. Terkelsen stated the audited financials will be posted on the Town website tomorrow.

It was on motion unanimously

VOTED: To accept the June 30, 2010 (FY10) audited financial statements as presented by the audit firm of Sullivan Rogers & Company, LLC this evening.

#### **Sheet Metal Permitting – Discussion**

Present: Building Inspector James Kelly

At 9:47 p.m., Vice-Chairman O'Brien welcomed Building Inspector James Kelly to the meeting to update the Board on Sheet Metal Permitting. The Board was previously in receipt of copies of a memorandum from Building Inspector James Kelly dated April 6, 2011, requesting approval of a fee schedule, the new State regulation, the Town of Sudbury Sheet Metal Permit Application, a draft Building Department Fee Schedule, and a Board of Examiners of Sheet Metal Workers' Frequently Asked Inspector Questions handout dated March 30, 2011.

Mr. Kelly explained there is a new permit required for which a fee needs to be created. He canvassed other communities and is recommending the fee structure be set similarly to building permit fees as: \$10 per \$1,000 for single-family dwellings, \$15 per \$1,000 for commercial/multi-family dwellings and \$40 minimum permit fee.

Vice-Chairman O'Brien asked how Mr. Kelly is trained to accurately perform required inspections. Mr. Kelly stated training is ongoing as new licenses, codes and permits are required and training is provided by the State.

Selectman Haarde asked if air conditioning systems would be subject to the permit fee. Mr. Kelly stated they would. In response to a question from Vice-Chairman O'Brien, Mr. Kelly stated there are likely exceptions for existing systems, which would be delineated in the code.

It was on motion unanimously

VOTED: To adopt a Sheet Metal Permit fee schedule as follows: \$10 per \$1,000 for single-family dwellings, \$15 per \$1,000 for commercial/multi-family dwellings and \$40 minimum permit fee, as requested by James Kelly, Building Inspector.

Mr. Kelly briefly updated the Board on some Town grants received. He commended the Energy and Sustainability Green Ribbon Committee for its commitment and work to make these grants possible.

Selectman Haarde noted that the Eastern Massachusetts National Wildlife Refuge Complex Visitor Center at the Assabet River National Wildlife Refuge, 680 Hudson Road, is an impressive facility, which incorporated geothermal and solar features. Mr. Kelly will further research the solar panels used on this facility's roof.

### **Minutes**

It was on motion unanimously

VOTED: To approve the regular session minutes of March 29, 2011.

### **Cheri-Anne Cavanaugh Fund – FY11 Expenditure Increase**

It was on motion unanimously

VOTED: Acting as Co-Trustees of Town Trust Funds, to approve an increase of expenditure limits for FY11 for the Cheri-Anne Cavanaugh Fund from the previously requested \$1,640 to a new limit of \$3,420 as requested by Andrea Terkelsen, Treasurer/Collector, in a memo dated March 28, 2011, submitted on behalf of the Director of Health.

### **Citizen's Comment – Outdoor Wood-Fire Burner**

Present: Sudbury resident Robert McDonald

Sudbury resident Robert McDonald, 23 Aaron Road, requested the Board's support to institute Board of Health regulations regarding the use of outside wood burners (OWB). He explained that for the past five years he and his neighborhood have been plagued by one of these systems. He commended the work of his neighbor, Joseph Onorato, 2 Lee Anne Circle, for reaching an agreement with the OWB owner to no longer operate the unit. Mr. McDonald emphasized the Town has no regulations prohibiting the use of OWBs. He believes the opportunity exists to establish them, and he urged the Board to do so to protect its residents.

Mr. McDonald stated the Board of Health has scheduled a Public Hearing on April 26, 2011. He is under the impression that the Planning Board has worked with the Board of Health to establish setbacks which would increase the State required 50 feet to 125 feet. Mr. McDonald suggested it be set at 250 feet from a lot line. He believes regulating or banning the use of these units protects the health and property values of others in the neighborhood. Mr. McDonald reiterated his belief that the health of citizens should be protected by the Town they live in. He requested the Board submit a letter to the Board of Health supporting the curtailment of the proliferation of OWBs and supporting a 250-foot setback from lot lines as part of its regulations. Mr. McDonald stated the Board of Health Public Hearing is scheduled for April 26, 2011. He also noted the Planning Board voted to withdraw a related Warrant article.

Vice-Chairman O'Brien asked if Mr. McDonald agreed with the Planning Board's decision to withdraw the article. Mr. McDonald stated he did because, at the time, the draft article included a grandfather clause which he opposed because he believed it would create two classes of citizens in Sudbury, those who would be protected and those who would not be protected.

Selectman Haarde stated he believes something will happen soon on this issue. He opined that as people try to find more economical ways to heat their homes the interest increases for new resources. However, he asked if there is new technology being developed to help mitigate the smoke generated from these systems which might minimize the damage done to neighbors and the environment. Mr. McDonald stated he is

unaware of such technology. Selectman Haarde thanked Mr. McDonald for highlighting the issue, and he stated he would be interested to hear the Planning Board and Board of Health positions on the topic as well.

Vice-Chairman O'Brien requested that the Board receive copies of the suggested regulations from the Planning Board and the Board of Health for review as it considers drafting a letter of comments to be sent to the Board of Health. He also requested Town staff to ask the Board of Health to continue its Public Hearing on April 26, 2011 to allow the Selectmen time to deliberate the issue further as a miscellaneous agenda item at its meeting also scheduled on April 26<sup>th</sup>.

#### **Eligius Homes Company, Inc. – Drainage Easement Acceptance**

The Board was previously in receipt of copies of a Drainage Easement and Subordination of Mortgage, both signed by Eligius Homes Company, Inc. on April 1, 2011 and the Definitive Subdivision Decision Pine Grove Old Lancaster Road, dated February 9, 2011, and accompanying map.

Conservation Commission Coordinator Debbie Dineen stated the Commission has no jurisdiction over any areas on this development property.

It was on motion unanimously

VOTED: To accept a drainage easement grant of Eligius Homes Company, Inc., 329A Boston Post Road, for portions of Lots 1, 2 and 3 of Huckleberry Lane, Sudbury, as shown on the plan entitled "Definitive Subdivision Plan of 'Pine Grove' in Sudbury, MA," dated September 17, 2010, last revised January 20, 2011, as requested by the Town Planner Jody Kablack.

#### **Military Appreciation Month – Proclamation**

Town Manager Valente stated the Town has worked with the Sudbury Military Support Network to create an album to honor the Town's service men and women.

Assistant Town Manager Maryanne Bilodeau stated a dedication ceremony for the album to the memory of 1Lt. Scott Milley will be held at the Goodnow Library on May 1, 2011 at 2:30 p.m.

Selectman Haarde read aloud the proclamation.

It was on motion unanimously

VOTED: To acknowledge that the month of May is Military Appreciation Month and to sign a proclamation in this regard which will become the front page of an album honoring Sudbury service men and women; and, on behalf of the Town, vote to accept this album which will be kept at the Goodnow Library for all to view.

Vice-Chairman O'Brien suggested the album also be highlighted in some manner as part of the Memorial Day Hosmer House commemoration events.

#### **Israel Loring Elementary School – Sale of Long Term Debt Bid**

Present: Andrea Terkelsen, Town Finance Director/Treasurer

The Board was previously in receipt of a memorandum from Finance Director Andrea Terkelsen dated April 7, 2011, explaining the need for the Board to vote on the sale of long-term debt to refund a previous balance of \$5,085,000 remaining from an original \$10 million issue in FY2001 for the Israel Loring

Elementary School.

In response to a question from Vice-Chairman O'Brien, Ms. Terkelsen stated the combined interest is 2.405%. She stated that this refinance along with two others has saved the Town over \$800,000.

It was on motion unanimously

VOTED: That in order to reduce interest costs, the Treasurer is authorized to issue refunding bonds, at one time or from time to time, pursuant to Chapter 44, Section 21A of the General Laws, or pursuant to any other enabling authority, to refund all or a portion of the Town's \$10,885,000 General Obligation Bonds, 2001 Series A (Unlimited Tax) dated October 1, 2001 maturing on and after June 1, 2012 (the "Refunded Bonds") and that the proceeds of any refunding bonds issued pursuant to this vote shall be used to pay the principal, redemption premium and interest on the Refunded Bonds and costs of issuance of the refunding bonds.

It was also on motion unanimously

FURTHER VOTED: that the sale of the \$4,870,000 General Obligation Refunding Bonds of the Town dated April 15, 2011 (the "Bonds"), to Morgan Keegan & Co., Inc. at the price of \$5,128,709.05 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on June 1 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2012	\$575,000	2.00	2017	\$480,000	4.00
2013	495,000	3.00	2018	480,000	3.25
2014	490,000	4.00	2019	470,000	3.25
2015	490,000	4.00	2020	455,000	3.25
2016	485,000	4.00	2021	450,000	3.25

It was also on motion unanimously

FURTHER VOTED: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and preliminary Official Statement dated March 24, 2011, and a final Official Statement dated April 7, 2011 (the "Official Statement"), each in such form as may be approved by the Town Treasurer be, and hereby are, ratified, confirmed, approved and adopted.

It was also on motion unanimously

FURTHER VOTED: that the consent to the financial advisor bidding for the Bonds, as executed prior to the bidding for the Bonds, is hereby confirmed.

It was also on motion unanimously

FURTHER VOTED: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

It was also on motion unanimously

FURTHER VOTED: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be, and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

**Conservation Restrictions –165 Marlboro Road**

Present: Conservation Commission Coordinator Debbie Dineen

The Board was previously in receipt of copies of two draft Conservation Restrictions for 41 Lincoln Lane and 165 Marlboro Road respectively, and accompanying maps.

Conservation Commission Coordinator Debbie Dineen provided a brief explanation of the proposed Conservation Restriction.

It was also on motion unanimously

VOTED: To approve the Conservation Restriction granted by Jack T. Mollen and Bonnie J. Mollen on 28,467 s.f. of land, being a portion of the 1.6 +/- a. parcel at 165 Marlborough Road, as shown on a plan titled "Existing Conditions Plan of Land in Sudbury, Mass," dated February 17, 2011, prepared by Thomas Land Surveyors & Engineering Consultants, Inc.

**Conservation Restriction – 41 Lincoln Lane**

It was on motion unanimously

VOTED: To approve the Conservation Restriction granted by R.E. Solutions Group LLC, on 22,590 s.f. of land, being a portion of the 41 Lincoln Lane lot, as shown on a plan titled "Easement Plan of Land at 41 Lincoln Lane in Sudbury, MA 01776," dated January 20, 2011, prepared by Allen Engineering, LLC.

**Tax Override Options – Discussion**

The Board was previously in receipt of an agenda request to discuss the scenarios for holding an election should the Finance Committee recommend such for FY12, for either an operating override or a debt exemption for the design of a Wastewater Treatment System.

Vice-Chairman O'Brien stated the discussion is premature this evening, but he asked it be added to the April 26, 2011 agenda. He stated the Lincoln-Sudbury Regional School Committee is still discussing issues with its Teachers' Association which will have an impact on any override amount which might be recommended. He also noted that the Wastewater Treatment System discussion is progressing.

Town Manager Valente noted a Special Election requires a 35-day time span from the date the Ballot Question (s) are given to the Town Clerk. An override question would require a dollar amount be included in the question; a debt exemption does not have such a requirement.

**Executive Session**

At 10:50 p.m., Vice-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 firefighter negotiations and land negotiations.

Attest: \_\_\_\_\_  
Maureen G. Valente  
Town Manager-Clerk