

IN BOARD OF SELECTMEN
MONDAY, DECEMBER 11, 1995

Present: Chairman John C. Drobinski, Selectmen Maryann K. Clark and Lawrence Blacker.

The statutory requirements as to notice having been met, the meeting was convened at 7:40 p.m. by Chairman Drobinski.

Conservation Commission Appointment

Present: Cheryl Baggen of the Conservation Commission; and Bridget Hanson, nominee for appointment to the Conservation Commission.

The Selectmen conducted an interview of Bridget Hanson, whose name was recommended to the Board by the Conservation Commission in a memo, dated November 14, 1995, for appointment on the Commission to replace Robert Lancaster.

Interim Town Manager Thompson stated that Russell DiMauro had considered becoming a candidate, but has decided he does not currently have the time; thus, at the present time, Ms. Hanson is the single candidate for this position. However, Mr. Thompson added that it is expected that there will be two additional vacancies on the Commission in Spring, 1996.

Chairman Drobinski queried Ms. Hanson as to why she wishes to serve on the Conservation Commission. Ms. Hanson replied that she had moved to Sudbury from the city (Cambridge, MA) because of its country environment and she would like to help preserve it.

Selectman Clark asked if Ms. Hanson had ever served on any other municipal boards and Ms. Hanson replied that she had only moved to Sudbury recently but that in Cambridge she had worked for the city for nine years as a pediatrician and thus was familiar with municipal issues. She stated that she had also worked on the Health Policy Board for the City of Cambridge from 1991 to 1992. Ms. Clark asked Ms. Hanson if she had any special projects in mind for her service to the Conservation Commission. Ms. Hanson replied that the Commission is currently concerned with the wetlands issue in which she is interested, but also she said that Sudbury at present does not have an open space plan and a plan is needed in order to receive State money; this is something Ms. Hanson would like to address.

Selectman Blacker stated that his concern with the Conservation Commission is that it is composed of people with a singular view, unlike the Board of Selectmen which is composed of people who represent different views. Therefore, Mr. Blacker stated, in the expression of these different views, a "give and take" process occurs in a search for consensus. He cited the Zoning Board of Appeals as another example of a board which is composed of differing points of view. Because of these concerns, Mr. Blacker stated that he had come this evening to oppose the appointment of Ms. Hanson, as in his opinion, she represents the same view as those already serving on the Conservation Commission. However, after hearing that there will be new vacancies in the Spring, Mr. Blacker said he would support Ms. Hanson's nomination, with the understanding that he go on record as wishing a diverse view be represented on this Commission.

Chairman Drobinski asked Ms. Hanson to answer some of Mr. Blacker's concerns about balancing conservation vs. development outlooks. Ms. Hanson replied that she does not believe that conservation necessarily demands eliminating development; she said that there are ways to plan

development to take into account environmental issues, to do things that have less impact on the environment and maximize the good features of the site. She said that "stop development" is not her view. Mr. Drobinski asked Ms. Hanson if she feels that the Wetlands Bylaws and the Wetlands Act have some flexibility or need to be rigidly enforced. Ms. Hanson replied that she is new to this issue. When Mr. Drobinski asked her about her philosophy on the issue, she replied using the example of those she has seen come before the Conservation Commission with open minds who wish to work with Conservation; Ms. Hanson said she sees cooperation between Conservation and those interacting with the Commission to be her preference.

Chairman Drobinski stated that the Board concurs with the appointment of Ms. Hanson to the Conservation Commission, as in her interview before the Selectmen she had demonstrated an open mind.

On motion by Chairman Drobinski, it was unanimously

VOTED: To appoint Bridget Hanson, 19 Brewster Road, to the Conservation Commission to fill the term of Robert Lancaster to expire April 30, 1998.

Ms. Hanson was sworn in by Mr. Thompson.

Contract with Group Health Insurance Consultant

Present: Terri Ackerman, Personnel and Budget Officer; Christine Gundling, Benefits Coordinator; Rosalind Hill, Sudbury School Department; and Daniel Loughlin and Martha Lynn, of the Sudbury Employees Group Insurance Advisory Committee.

1. The Board acknowledged receipt of a memo (4 pages) from Benefits Coordinator Christine Gundling, dated December 6, 1995, reporting on the four proposals received on Nov. 13, 1995. Ms. Gundling's memo stated that bids came from four consultants: Cook & Company, Sterling, Group Benefits Strategies, Inc., and Coopers & Lybrand. Recommended by the Benefits Coordinator, Budget & Personnel Officer, Town Treasurer & Collector, and Assistant Town Accountant was low bidder Group Benefits Strategies, since they offer the same basic services as the present provider at less cost and they offer the analytical and computer expertise which will be needed in the future. The memo continued by listing the pros and cons of all four companies and summarized Ms. Gundling's recommendation thusly:

If we stay with Sterling no time lost for transition.

Cook and Co. and Group Benefits Strategies provide same basic services as Sterling; however the following things need to be considered:

- a. Sterling is charging \$12,000 for providing same services as Cook (\$7,500) and GBS (\$5,000).
- b. Cook and GBS offer analytical staff and extensive in-house data base which may provide more accuracy and accountability.
- c. Each company appears to have different future goals. The Town should consider if we want to have a consultant with analytical expertise, large data base and the ability to advise us on Trust

Fund levels and future benefit levels. At this point, having an established self-funded program, we probably need these services more than Sales ability.

2. The Board also acknowledged receipt of a memo from the Sudbury Employees Group Insurance Advisory Committee, dated December 8, 1995, which enumerated their reasons (less cost, large and diverse staff, large client base, and very professional client representative) for choosing Group Benefits Strategies.

Interim Town Manager Thompson reminded the Board that this is an item that several months ago it agreed to bid. He said the matter has been reviewed by the Insurance Advisory Committee and the new Health Benefits Coordinator, the results of which is the recommendation received this evening by the Board.

Terri Ackerman introduced to the Selectmen Christine Gundling, the new Benefits Coordinator. She informed the Board that the Insurance Advisory Committee deliberated separately from herself and each arrived independently at the same conclusion, that the Town contract with Group Benefits Strategies, Inc. (GBS)

Selectman Blacker queried as to how many towns GBS represents. Chairman Drobinski noted that the summary given to the Board indicates over 200 towns in this state. Mr. Blacker asked what is in the database of GBS. Ms. Gundling replied that the database consists of information on insurance claims. She said they have an in-house systems analyst to review the claims process, because they deal with so many municipalities.

Chairman Drobinski asked the Board if it had further questions. Selectman Clark replied in the negative and said she thought the report submitted was very complete.

Selectman Blacker requested that this item be tabled until the next Board meeting so that he could make some inquiries about the report. Interim Town Manager Thompson said that the Board will not meet again during the month of December; however, the contract expires December 31, but is renewable on a monthly basis. He said the contract would have to be renewed on such a basis if the Board wishes to take the matter up at its next regularly scheduled meeting on January 8, 1996. (Other meetings of the Board scheduled for December are not open meetings.) Selectman Blacker said that he wishes to talk to the Insurance Advisory Committee, to GBS and to Sterling before he makes a decision.

Mr. Drobinski thanked the Committee for a very good analysis. He asked if there were any further comments from them and Rosalind Hill stated that the Committee had met with all four consultants for a substantial amount of time. Ms. Gundling said she had spent an hour with each consultant as well. Mr. Thompson said that the Committee did a thorough job and their recommendations have a lot of merit, but that if any member of the Board wants more information, the item should be tabled.

It was on motion unanimously

VOTED: To table the authorizing of the Interim Town Manager to enter into a contract for calendar 1996 with a group health insurance consultant until January 8, 1996, to allow for Selectman Blacker to speak with the Insurance Advisory Committee, with Group Benefits Strategies, Inc. and with Sterling.

Public Hearing to Determine Local Tax Rate for FY1995-96

Present: Director of Assessing Dan Loughlin, Assistant Assessor Mary Walsh, Chairman Thomas Hillery, William Keller, and David Tucker of the Board of Assessors; Ronald Stephan, of the Chamber of Commerce; former Selectman William Cossart and numerous members of the Sudbury business community.

The Board opened a public hearing in accordance with General Laws Ch. 40, sec. 56, as amended, to determine what percentage of the local tax levy will be borne by each class of real and personal property relative to setting the Fiscal Year 1995-1996 tax rate, and to consider options on whether or not to allow a residential property exemption, a small commercial exemption, or an open space exemption.

The Board acknowledged receipt of a memo from Daniel A. Loughlin, dated December 8, 1995, stating that as a consequence of the delay caused by final valuations not having been yet calculated, at this year's hearing it will be necessary to vote for a desired percentage change in the tax bills, rather than for a specific shift in the rate. This memo was accompanied by an eight-page Fiscal 1996 Classification Hearing informational packet, dated December 11, 1995, covering data on commercial shift, open space classification, residential exemption and small commercial exemption.

Dan Loughlin, Director of Assessing for the Board of Assessors, made a presentation to the Board as follows: This is a procedure undertaken every year in December; the two major rates under the tax rate classification are residential and commercial. For the last 15 years there has been a split rate of varying degrees. Page 4 of the Board of Assessors' handout shows shifts (these imply the differential between the two afore-mentioned rates). "Shift" is a percentage expression. In 1995, the shift was 150%; what this means is that the commercial tax rate was 150% of what the flat tax rate would have been. When a rate of 150% for commercial taxation is calculated, this automatically pushes down what the residential rate would be. In this instance, the residential rate was 92% of what the flat rate would have been. A large shift in the commercial rate produces only a small shift in the residential rate. This is true because the commercial properties in question comprise only a small percentage of properties in Town. Page 3 shows the various possibilities in terms of shifting. A shift of 100% means a flat tax rate, with all taxpayers paying one single rate. Currently the classification shift is at 150% for FY95. If this same shift is selected this evening, the results shown on Page 3 would be a 3.4% change in the typical residential bill and a 2.7% change in the typical commercial bill. (This is almost an even increase in both rates.) Such a change in the residential bill would represent one of the smallest increases the Town has seen over the last six years. This is partly true because the Town has not had to deal with any major overrides recently, so taxes will not rise this year as much as they have in the past.

Mr. Loughlin verified for Selectmen Blacker and Clark that if the Board chooses a 145% shift factor, the average homeowner's tax bill would be \$19 higher than what it would have been using the present shift, and he clarified that \$160 would be the total additional cost to the typical taxpayer which includes the built-in change due to the Town budget voted last Spring, i.e. \$141.

Ronald Stephan spoke for the Chamber of Commerce, saying: since 1981 the Sudbury business community has been taxed at a rate at least 140%--175% times residential. In the past four years, the rate has been reduced to 150%. Mr. Stephan said that the commercial businesses do not overburden the schools or any other services offered by the Town. Services provided by the Town to commercial

properties actually are less than required by residential properties. For any override voted in Town, the business owner does not have a vote in this, as some of the businesses are not owned by residents of the Town. He said the rate is deceiving because, e.g. this year's rate of 150% is actually calculated to be at about 156% (when it was at 175% it was really 200%). Thus, for three years (1988-91) the rate was in reality at 200%. Other towns such as Framingham and Marlboro offer trash collection and sewerage to their commercial properties. Business owners in Sudbury contribute to the schools in donations for fund drives, and contribute to Town celebrations such as the Fourth of July parade. Of the ten surrounding towns to Sudbury, six of these do not charge a different tax rate. Two of these towns do charge a different rate but offer much more, and are not anywhere near our population count. Now the business community is faced with plant lay-offs and possible closings; vacant store fronts are back; many small businesses are struggling to survive and are surely not expanding. Until recently banks would not re-mortgage commercial property, except at low levels of market value, which meant owners had to look for private money (at a much higher rate). Interest rates right now are great, but commercial properties have slipped in value. (Appraised values are in some cases 50% to 80% to what they were in the late 80's.) Commercial properties have 3 to 5 year mortgages rather than 15 or 30. The small commercial exemption which was discussed at one of the Chamber meetings really does not seem to be fair because only 80 of 180 businesses would qualify for this and 100 would not. Mr. Stephan concluded that the Town and the Selectmen should look at the business community as a partner and not as an enemy with deep pockets. Mr. Stephan asked that the Town revert to an equal rate of taxation.

William Keller of the Board of Assessors spoke as a taxpayer, saying that he believes that the tenor of the argument this evening is short sighted. He said that keeping the tax rate the same represents a small increment; Sudbury seems to have a major problem in that the Town is not generating enough tax revenues to fund the cost of the schools and other Town services. He said that this problem is the product of the growth that has taken place in Town over the last few years. The balance of single-family residences with children, single-family residences without children and commercial properties used to generate enough tax money. The taxes coming from single-family homes with children are not anywhere near enough by themselves. Mr. Keller said it seems to him that the commercial tax base has not kept pace with residential tax base, so that Sudbury has not seen an increase in the commercial tax base. When Mr. Keller reads the local paper, it appears that the Town does not want any new businesses in Town; that the Town makes it difficult for business to locate in Town. Mr. Keller said that he sees this as "shooting ourselves in the foot." He said that if we do not experience growth in the commercial area, we will be experiencing the same problem every year, difficulty in funding schools and services. Mr. Keller said that on page 5 of the material provided by Mr. Loughlin, last year's tax rate was at a 150% shift (\$16.58 per thousand rate for residential and \$24.50 rate for commercial). If Sudbury had a flat tax rate, everybody paying the same, residential taxes would be \$1 per thousand more, but the businesses would have saved \$10 per thousand. This Mr. Keller said he sees as a rather substantial impact. Mr. Keller referred to Mr. Stephan's comments about vacant businesses in Town; he confirmed Mr. Stephan's observations and said that with Sudbury Farms moving to a new location, and Prime Value Mart closing, new businesses will be needed to fill the vacant spaces left. Since the business area in Town is on Route 20, a business owner will compare Sudbury's Route 20 with the same route in neighboring towns. Page 5 of the handout shows Wayland has a flat tax rate (\$17.88 per thousand); Marlboro has a split tax rate (\$30.69 per thousand for commercial) and Sudbury has the split with a \$10 difference between commercial and residential. He said that if he were a merchant, the message he would get from Sudbury is that he is not wanted here; Wayland would be a better place to locate. Mr. Keller said he believes that this is wrong and the Selectmen should take a new look at this policy and minimize the difference between residential and commercial rates, because in the long run this will encourage more businesses to locate in

Town and generate more money for the schools and services the Town offers. Mr. Keller said that as a residential taxpayer this will mean a few hundred dollars of tax increase but in the long run this would be better for the Town. On the subject of the small business exemption, since he believes that small businesses are what built this country, perhaps such an exemption might help generate some new businesses to grow bigger and help our tax rate overall.

Alan Marrone of 729 Boston Road spoke as a member of the business community. He said he believes that it is time for the Town to bring the tax rate down for businesses to be on an even basis with residential rates. Mr. Marrone says that over the past year with the higher tax rate that businesses are assessed, they have definitely contributed more than their share to the Town. Finally, Mr. Marrone said that most residents have a large mortgage payment and that the small increase that a flat rate would bring homeowners, divided by 12 months, would not represent a big jump in monthly payments.

Thomas Weston of 370 Old Lancaster Road spoke to say that Raytheon is in Sudbury's tax base. He said that he disputes Mr. Stephan's example of Prime Value Mart's leaving Sudbury as a demonstration of the effect of a higher tax rate on commercial properties; he said the owner left because the Town did not support his business. He said that many small businesses in this Town pay rent; they are not privately owned. He said that as residents of the Town we support these businesses. He said Raytheon came to Sudbury because employees considered Sudbury a good place to work and live, and it considered the tax rate when it chose to locate in Sudbury. Mr. Weston concluded by stating his opposition to the flat tax rate.

Selectman Blacker said he completely disagreed with Mr. Weston. He said that taxes are included in rent, and as prices rise, a small business can be priced out of the market. He said Raytheon is a good case in point; the state recently gave Raytheon a large tax break in order to keep them here. Also, when Raytheon first came to Sudbury, there was a single tax rate. Mr. Blacker said he wished that Mr. Keller would send the speech he gave at this meeting to the Planning Board and to the Conservation Commission to help them understand that cluster zones are needed, especially for housing suitable for families without children, and that, even with a shift to 175%, single family homes with children will bankrupt this Town. Mr. Blacker said that there is a mentality in Town that wants nothing here that could add to the tax base, yet complain strongly when taxes rise. He said that the burden should not fall on the small businesses. However, Mr. Blacker said that, although he would not vote for a flat 100%, he is in favor of doing something.

Mr. Weston responded that he feels that in deciding on a rate on anywhere between 150% down to 100%, the Selectmen should consider what the tax rate already is in Sudbury for the services provided and what the impact will be if such an adjustment is made.

William Cossart of 411 Concord Road said that the tax rate should be equalized. He said that recently the League of Women Voters discussed this subject; the consensus of that meeting was that Sudbury has to do something to encourage the commercial activities of Sudbury. Mr. Cossart said he was on the Board of Selectmen when the opportunity to have a differential tax base came about. He said that at that time Sudbury did not have a Board of Assessors as sophisticated as the one currently operating; residents were coming before the Board saying that they were paying more taxes than commercial properties such as Star Market was paying. The reason the Board concurred with a differential tax rate at that time was that it was a quick, decisive way to try to correct inequities. Mr. Cossart said he believes

that the original reason for choosing the differential rate no longer exists and that the Town should return to a flat rate.

Chairman Drobinski noted that since Sudbury is composed of both residential and commercial properties, both should work together and not at odds.

Mr. Weston said he was the only representative speaking in behalf of residential interests at this hearing, but several members of the business community spoke up to state that they are also residents. Karl Michaels of 66 Colonial Road said he saw many business people here who are also residents who thus pay homeowner taxes as well as commercial taxes.

Selectman Clark said she noticed that Framingham, Marlboro and Acton have a large commercial component and also a dual rate. She said that the principle of flat tax rates does not seem to apply as being good for business; Wayland, with a flat rate, wants very little business; the same is true of Weston. Ms. Clark said that she believes that when there is a dual rate, business comes in.

Selectman Blacker disagreed, saying that the towns mentioned have very large businesses such as Shoppers World, which will skewer percentages tremendously. Ms. Clark stated that her point was that looking solely at the shift does not explain whether or not businesses choose to locate here; it is the uniqueness of the Town. Businesses have convinced lenders to finance them based on their business plans and projected increases in real estate taxes. Ms. Clark sees some businesses as wanting to resolve some of their problems on the "backs" of the residential owners. Ms Clark continued: Each business has researched the Town of Sudbury for its client base, even before they put together a business plan. Families with school children are the clients of the business community. In 1991, Mr. Loughlin's chart shows that the commercial tax percentage was 175%. In 1995, just five years later, it has been reduced to 150%. That is a substantial shift from the commercial onto the residential, which has given the commercial a substantial decrease in taxes in just that five years. The commercial tax bill change in 1995 was a decrease of 13.7% while the residential tax bill change was an increase of 6.9%. It is not the commercial taxes that are the problem; they are only a small portion of fixed overhead, fixed cost. It is this: is the type of business you have appropriate for Sudbury? Is your management being observed and not neglected? There are a whole host of things which go into this figuring; one cannot just point to Raytheon and say that they got a state break on taxes; that was because of another problem--that they lost out on contracts with the Federal government. Retired and elderly on fixed income and single homeowners do not require school services. Businesses are not the only parties not requiring school services. Yet the retired and the elderly and the single homeowner are expected to carry a greater burden than the businesses. A business does not have a fixed income. Its income is based on its know-how, its business abilities. Ms. Clark said that if the Board votes to keep the shift at 150%, the residential tax bill will increase 3.4% while the commercial will increase 2.7%. She said she believes that this is fair and equitable.

Selectman Blacker said no-one tonight has said that their businesses will fail if the tax rate goes up or down. However, he said that the question is whether or not the Board wishes to be pro-business, given the limited commercial space that Sudbury has and further, what is the rationale for charging commercial owners at a higher rate? Mr. Blacker said he would like to see the shift go down to 140%.

Ms. Clark said that if a business is a proper fit for the Town and it has the right client base it will prosper irrespective of what that commercial rate is; each business has to take this on itself. The

Selectmen cannot make a decision for the businesses as to whether or not they should locate in Sudbury. To try to lure businesses into Sudbury with a lower tax shift will not work, she opined.

Mr. Weston asked Mr. Blacker to investigate as to why the differential shift is the case across the state. He said that businesses do come into a community knowing what the tax base is. He said that they can make a profit based on the market the community provides; the bottom line is that businesses which are remaining in Sudbury are doing so because they have the market. Mr. Weston asked Mr. Blacker why he believes that the tax differential should be lowered for the business community. Mr. Blacker answered that he still does not understand the rationale for having a rate other than 100%. Mr. Weston said that if the Town's rationale is that it wants to encourage businesses to come to Sudbury, then why not drop the rate to 50%?

Mr. Keller said here that what the Town needs in the long run is to generate more income and we should indeed be encouraging businesses to come to Town. He told Mr. Blacker that dropping the rate down from 150% to 140% is not going far enough.

Chairman Drobinski stated that a good discussion was held this evening; he said that many salient points were made and that Sudbury does have many things to consider of which the Board is well aware. He said he wished to state that the Board recognizes the need for a vibrant business community and the Board recognizes what the business community does for Town residents. Mr. Drobinski said neither segment of the community could exist without the other and that the partnership should be maintained. He said that discussions should be kept positive as each Selectman is trying to do what he/she sees as best for the Town. The Board does not always agree but does search for consensus.

At the close of this discussion, it was on Selectman Blacker's motion and Chairman Drobinski's second of the motion

VOTED: To set the percentage of the local tax levy at a shift differential of 140% in the Fiscal Year 1995-1996 tax rate.

Chairman Drobinski - aye; Selectman Blacker - aye; Selectman Clark - opposed.

Upon question by Mr. Loughlin, it was further on motion, unanimously

VOTED: To decline to support the idea of an open space exemption;

and unanimously

VOTED: To decline to support the idea of a residential property exemption.

(At its regular session of Dec. 4, 1995, the Board of Selectmen declined to support the idea of a small commercial exemption and so informed the Board of Assessors.)

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of December 4, 1995, as amended.

Council on Aging - Van Donation

It was on motion unanimously

VOTED: To accept \$41.50 in miscellaneous donations for deposit into the Council on Aging Van Donation Account and to authorize the Council on Aging to expend the same for purposes of operating and maintaining the Council on Aging vans.

Sudbury Foundation Grant - Technology Management Plan

It was on motion unanimously

VOTED: To accept with thanks a grant from the Sudbury Foundation in the amount of \$5,000, to be used for the support of development of a Technology Management Plan for the Town of Sudbury and the Sudbury Public Schools, to be deposited into a separate account and expended under the direction of the Board of Selectmen.

E. B. Hosmer Memorial Fund Expenditure

It was on motion unanimously

VOTED: To authorize an expenditure from the E. B. Hosmer Memorial Fund in the amount of \$2,250 to purchase "Sudbury Throws" for sale by the Historical Commission.

House Trailer Special Permit

The Board is in receipt of a letter from Mr. & Mrs. John Potter, dated Dec. 6, 1995, requesting permission to put a mobile home on property at 26 Sexton Street for the reason that they experienced a house fire on Dec. 3, 1995 and that it will be approximately one year before they will be able to inhabit their home.

It was on motion unanimously

VOTED: To grant a special permit to Mr. & Mrs. John Potter for use of a house trailer at 26 Sexton Street for dwelling purposes for twelve months while fire damage repairs are being made, subject to obtaining a building permit for repair of the damaged home and subject to Board of Health approval involving connection of the trailer to septic system and water.

Conservation Restrictions

Present: Cheryl Baggen and Bridget Hanson of the Conservation Commission.

The Board is in receipt of a memo from Deborah Dineen of the Conservation Commission, dated Dec. 7, 1995, enclosing original copies of Conservation Restrictions (for Selectmen's signature) on: Meachen property, Lots 40A and 41A, Marlboro Road; Wilcox, 54 Bigelow Dr. (land swap per 1995 Annual Town Meeting vote); and Brannen, Pantry Road, Lot 1A. Enclosed with the memo were plot

plans for all three properties, along with the plot plan for the Sheingold property, which restriction was not prepared for signing at the time of this Board meeting.

Selectman Clark had a question as to where the Meachen land designated 61A was located on the plot plan and Ms. Hanson showed Ms. Clark the parcel in question.

It was on motion unanimously

VOTED: To approve and accept Conservation Restriction from John W. Meachen, Jr., Trustee Brown Moore Meggs, President and Fellows of Harvard College, and Briarwood Development Corporation on Parcels 40A and 41A, Marlboro Road, shown on "Plan of Land in Sudbury, Mass. owned by John W. Meachen II", by Thomas Land Surveyors & Engineering Consultants, Inc., dated November 22, 1995;

and unanimously

VOTED: To approve and accept Conservation Restriction from Rodger F. and Kathy K. Wilcox, on property located at 54 Bigelow Drive and shown on "Plan of Land in Sudbury, Mass., prepared for Rodger F. & Kathy K. Wilcox", by Zanca Land Surveyors Inc., dated Sept. 19, 1995;

and unanimously

VOTED: To approve and accept Conservation Restriction from Robert Brannen on property located on Pantry Road, Lot 1A, shown on "Plan of Land in Sudbury, Mass.", by Colburn Engineering Inc., dated April 14, 1992.

Recommendation to Board of Appeals on Bell Atlantic/NYNEX towers

The Board is in receipt of a copy of letter from Interim Town Manager Thompson to Patrick Delaney, of the Board of Appeals, dated Dec. 6, 1995, informing Appeals that the Selectmen tabled discussion of a recommendation until tonight's meeting and had continued the Site Plan Special Permit public hearing on the towers until Jan. 8, 1996 because of December scheduling problems.

The Board is also in receipt of a memo from Janet Silva (regarding information requested by Selectman Clark at the last Board meeting) which relayed the information that Mr. Belli, of CMC Management said he has seen "tree" towers, but there are none local which could be viewed. Mr. Belli said that he would contact NYNEX to try to get material on such camouflaged towers and would be prepared to relay this information at the scheduled Jan. 8, 1996 hearing. He further opined that such camouflage resembles "towers trying to look like trees" and that pine tree branches go on the antennae and might limit multiple vendors, as vendors cannot go on the same antenna.

Selectman Clark stated that she remains interested in seeing an example of camouflaged towers, and Selectman Blacker agreed, asking Interim Town Manager Thompson if he knew of such examples in other states. Mr. Blacker said that if a Selectman were to travel to such a location, e.g. Florida, and knew of a tower in that state, it might be possible to view it. Mr. Thompson promised to continue researching the issue.

Chairman Drobinski stated that he does not believe that it is the Board's place to tell another Town board what to do, but asked for consensus on whether or not to pass on to Mr. Delaney (as per his request in a communication dated Nov. 28, 1995) that the Board of Selectmen are conceptually in favor of the Site Plan Special Permit application 95-325 for Bell Atlantic/NYNEX Mobile tower. The Board concurred, with the stipulation that the Board of Appeals understands that approval by the Selectmen is subject to the tower height being lowered to 125 feet.

It was on motion unanimously

VOTED: To inform Board of Appeals Chairman Patrick J. Delaney, III, that the Board of Selectmen is "conceptually" in favor of approving the Mobile Site Plan application 95-325 of Bell Atlantic/NYNEX (continued by the Board of Selectmen on Dec. 4, 1995), subject to the towers being lowered to 125'.

Board Input to MBTA Advisory Board

The Board acknowledged receipt of a letter from Anne M. Larner of the MBTA Advisory Board, dated Dec. 4, 1995, regarding recommendations currently before the Legislative Commission on MBTA Financing. Ms. Larner stated that these recommendations may impact the MBTA assessment to Sudbury and the leverage Sudbury may have to affect change in commuter rail service. Ms. Larner listed four recommendations and an explanation of these recommendations and how they would affect the Town:

1. Remove commuter rail assessments from communities within the MBTA District.
2. Remove non-served communities from the T District.
3. Parking surcharge on MBTA lots would be returned to the host community to help mitigate the cost of hosting T parking and traffic.
4. Increase the fare recovery ratio to 42%, the average of the 30 largest urban transit systems in the country.

Accompanying the letter was a two-page sheet entitled "Comparison of MBTA CY1994 Estimated Assessments exclusive of commuter Rail Costs.

Selectman Clark stated that she was in favor of Recommendations 1 through 3, but not of the fourth. Interim Town Manager Thompson stated then that he had intended to ask that the Board take a position on Recommendation 2, but if the Board wished to favor all of the first three recommendations, he would so inform Ms. Larner. He asked Ms. Clark why she was opposed to the last recommendation and she responded that if there is a rate hike, then less people will use the MBTA. Selectman Blacker opined that if a resident depends on public transportation, other than expressing disapproval of a hike in rates, that resident will continue to use public transportation, as there is no alternative.

After this discussion, the Board directed Mr. Thompson to respond to Ms. Larner expressing the Board's agreement with all four recommendations.

Land Use Reports

The Board acknowledged receipt of Land Use Reports from the Park and Recreation Commission, dated Dec. 1, 1995, regarding Heritage Park, Feeley Park, and Haskell Recreation Area.

With these reports, the Commission requested a review of the management of Heritage Park and possible assignment of this park to the responsibility of the Conservation Commission.

The Board also acknowledged receipt of a letter from Deborah Dineen, Conservation Commission Coordinator, dated Dec. 5, 1995, in response to her reading of the above request for review and reassignment of Heritage Park to Conservation.

The Board is in receipt of a listing of lands managed by the Conservation Commission and Park and Recreation Commission respectively, and information on when each assignment expires.

Conservation Commission

Raymond Land (portion) - West 72 acres, East 38 acres; assignment expiring 1/1/96	
Parkinson Land (includes from 12/8/80 Pernice Land (TP#187); " " unspecified	
Surrey Lane TP #188 (1.45 acres); " " 1/1/96	

Park and Recreation Commission

Raymond Land (portion) - East 18 and 8.9 acres; assignment expiring 1/1/96	
Raymond Land ballfield area; " " unspecified	
Haskell Land; " " unspecified	
Heritage Park; " " unspecified	

Interim Town Manager requested that the Board allow him to resolve the differences between these two Town commissions.

Chairman Drobinski recommended and the Board concurred to accept the Land Use Reports, but approve no changes as to who is to administer each land parcel, and to direct Interim Town Manager Thompson to help resolve differences on this issue between the Conservation and Park and Recreation Commissions.

It was on motion unanimously

VOTED: To accept annual land management reports dated Dec. 1, 1995 from the Park and Recreation Commission;

and unanimously

VOTED: To extend the assignment to the Park and Recreation Commission for management of the 18-acre and 8.9 acre parcels of the Raymond Land to Jan. 1, 1997.

Policy on Reservation of Graves for Veterans

The Board acknowledged receipt of a letter from Highway Surveyor Robert Noyes, dated November 30, 1995, asking for a ruling by the Board on the sale of cemetery lots to veterans and their spouses. Mr. Noyes stated that current policy (dated 1964) merely states that "all requests for veterans' lots shall be made to the Superintendent, and upon approval, the Town shall provide the necessary land

and maintenance required." Mr. Noyes stated that in the past it was Town policy to give a free grave at the time of death to a veteran whose spouse requested it. At the same time, the spouse was allowed to buy an adjacent grave so that the couple could be buried together. However, a recent request was received by Mr. Noyes from a veteran to reserve a grave for himself and buy an adjacent one for his wife in advance of need. In light of this request, Mr. Noyes stated his concern that the Town could find itself in a position where it has no grave available for a veteran who may die unexpectedly. Mr. Noyes further stated that of the 108 veterans' graves in Wadsworth Cemetery, there are currently only 26 left available. Janet Silva added a note to Mr. Noyes' letter: the recent request is being accommodated by Mr. Noyes but he would like the Board to review this situation and set a policy for the future.

In response to Chairman Drobinski's query as to whether or not the Town needs a change in policy on this issue, Interim Town Manager Thompson recommended that the Board leave the policy as it is and address each request on a case by case basis. Selectman Clark opined that the Town will not be able to honor many requests for veterans graves if there are only 26 left. Mr. Thompson told the Board that the Town is currently negotiating for more land for cemeteries.

It was on motion unanimously

VOTED: To decline to change the current Town policy on the reservation of veterans' graves, and to advise Robert Noyes to respond to requests for exceptions to this policy as each one is presented.

Annual Report of Selectman for 1995 Town Report

Prior to this evening's meeting, the Selectmen received a draft copy from Interim Town Manager Thompson of their Report for the Annual Town Report. Chairman Clark had written in her changes prior to this meeting. Chairman Drobinski gave his written comments to Mr. Thompson during the meeting.

In reference to this Report, Mr. Thompson opined that the problems the Town faces were aptly demonstrated at the public hearing this evening on the tax rate; he said that with most of the Town being residential (single family homes) and with school enrollment on the rise, the Town's financial outlook will become very grave. Selectman Clark responded that she is glad for the input of citizens such as Tom Weston, who was vocal tonight on the subject of residential tax burden. She said that such citizens becoming involved in Town affairs will help the Town address its concerns.

Town Budget Requests for FY97

The Board acknowledged receipt of a memo from Interim Town Manager Thompson, dated Dec. 6, 1995, containing an update on the review of all Town budgets.

Interim Town Manager Thompson called to the attention of the Selectmen the charts accompanying his memo, noting that the charts show school enrollment on the rise and the expense of the schools being the highest of the Town's operating expenses. A discussion ensued on possible combining of the two school districts and on other possible ways to save the Town money. This discussion included opinions of the Board about programs and materials which are too costly and about the merits of a citizens' group which would regularly attend Board meetings (as in years past).

Personnel Administration Plan

Present: Terri Ackerman, Budget & Personnel Officer.

The Board acknowledged receipt of a copy of the Personnel Administration Plan prepared for adoption by the Interim Town Manager, under the Chapter 131 of the Acts of 1994.

Selectman Clark stated that she believes that the Plan as submitted goes beyond the scope of what she believed the Board authorized when it directed Mr. Thompson to proceed in implementing Ch. 131. She said that she believes that this is an area to which a newly-hired Town Manager should bring his/her expertise. She further said that this plan as written commits a new Town Manager to "old ways" and diminishes the new position; she said it would not be good to lock the new person in to something that obviously was one reason for the change in our form of government.

As to re-classifying the Grade 11 position to a Grade 14 position of Assistant Town Manager, Ms. Clark said that the only difference she sees is a salary jump. She said that any Assistant Manager (if one is necessary) should be chosen by the new Town Manager, who would choose someone with whom he/she can work well. In summary, Ms. Clark said that the Plan as submitted needs revision; it contains much of the "old" rules; it needs streamlining, as it contains some redundancy. She recommended that the Board leave these matters for the new Town Manager to work out.

Mr. Thompson responded that any new manager coming in will certainly be able to change what is written here; what is written is not irrevocable. He said that an attempt was made to formalize what is being done anyway. He said he had gotten the input of the Personnel Board in preparing the plan as submitted. He further stated that he is seeking to convince the Board to promote Terri Ackerman because she has been here for some time and because she deserves the promotion; when the new Town Manager comes in he/she will come to rely on Ms. Ackerman and she should receive recognition for the duties she is performing for the Town, which should be formalized under the title of Assistant Town Manager. If Ms. Ackerman wishes to move on someday, it would be much easier to do so with the title of Assistant Town Manager. Finally, Mr. Thompson stated, no one else in Town's employ qualifies more; Ms. Ackerman has the intellect and educational background for this position. Mr. Thompson concluded by saying that the reason he is bringing this up at the moment is because such a position must be included in the budget.

Mr. Thompson further stated that one of the applicants for the new Town Manager position interviewed him recently; Mr. Thompson mentioned to this person that he was preparing the draft of the Personnel Administration Plan (which contained no major changes from the Personnel Bylaw) and the candidate had no problem with this.

Selectman Clark reiterated that she does not feel such a step is appropriate at this time, as it takes away from the new Town Manager's role. Ms. Clark feels the Board would be "jumping the gun" to proceed on appointing an Assistant Town Manager when we do not even have a Town Manager yet.

Ms. Ackerman spoke here, saying she was present to answer any questions on the Plan itself, but would prefer to leave when the Board discusses the new position as it relates to her personally.

Ms. Ackerman said that she had wanted a new plan in place before December 31, 1995 because the Town cannot operate without a policy. She said that the new Manager could change what is written, but in the interim, something written is necessary. She said that what is presented was the result of input from the Personnel Board and approved by Town Counsel as well as Mr. Thompson.

Chairman Drobinski queried as to how this Plan compares to last year's and Ms. Ackerman replied that it was very similar. Selectman Blacker stated that there were only a few grade changes and Mr. Thompson responded that there was only one.

Mr. Drobinski asked if the Board had any other questions on the Plan aside from the question on a new Assistant Town Manager. Ms. Clark responded that yes, she also had questions on the salary plan. Mr. Thompson said the new Town Manager will have that responsibility rather than the Personnel Board. Selectman Blacker stated that although the salary section does need to be streamlined, the new Town Manager will have the authority to do this. He also said that this Personnel Plan, minus the idea of a newly-created position of Assistant Town Manager, would have appeared in the warrant and been voted on without discussion.

Ms. Clark said that much of the information in the Plan is already in the employee handbook. Selectman Blacker clarified that the handbook is for informational purposes only.

Mr. Thompson reiterated that there is no written plan in effect right now.

Ms. Clark responded that the Town will bide its time until the new form of government is in place. Until then, this Plan as presented should be used as a reference or resource only. She said that on August 28, 1995, when the Selectmen authorized Mr. Thompson to proceed with the implementation of a Personnel Administration Plan, it was on the stipulation that a consensus would be necessary for the Board to approve it; since there is no consensus, this item should be tabled.

Chairman Drobinski asked if the Board wished to discuss the idea of an Assistant Town Manager as a position only instead of discussing it with a person in mind. Selectman Blacker expressed no feeling one way or the other.

Mr. Thompson withdrew the issues of the Personnel Administration Plan and Assistant Town Manager position from consideration since the Board had failed to reach a consensus.

Selectmen Department Budget - FY97

Accompanying this budget was a two-page draft of a job description for an Assistant Town Manager, including definition, distinguishing characteristics, examples of work, education and experience required, knowledge, ability and skills necessary, and salary range.

Selectman Clark stated that she does not see why a Benefits Coordinator budget position must be moved from Accounting to the Selectmen's budget. She asked what purpose moving this position accomplishes and stated that she thinks it should stay under Accounting. Interim Town Manager Thompson replied that this position is being handled out of the Selectmen's office; it had originally been put into Accounting because at that time no-one knew where else to put it. Chairman Drobinski asked if a Benefits Coordinator is considered Human Resources and received an affirmative answer. He asked Ms.

Clark what her objection is to listing the Benefits Coordinator in the Selectmen's budget and Ms. Clark responded that she would like to keep all personnel working in benefits in one place. Selectman Blacker expressed no preference. Mr. Drobinski said he did not want to second guess the day-to-day operations of the staff.

Ms. Clark reiterated that she would like to see the position of Benefits Coordinator put back under Accounting; Mr. Thompson went on record as saying that would be a mistake. He said that Ms. Peterson is not working on benefits, but on accounting; she had been handling some benefits issues until the new Coordinator was hired. Selectman Clark said she had talked to Ms. Ackerman and Ms. Peterson and understood that the new Coordinator would do some of Ms. Peterson's work but not all, as she was hired on a part-time basis. Ms. Clark continued that until such time as it is demonstrated that the benefits position can be justified to be full time, the work will be divided with Accounting and should be listed as such. Mr. Thompson replied that the intent had been to take the benefits function out of the Accounting Office; he said that the new Coordinator is performing substantially what is a full-time job on a part-time basis and that she acts as a consultant as well. He said that the Accounting Office had been very burdened with benefits issues until the new Coordinator was hired and that their real function should be to act as the eyes and ears of the Selectmen, to oversee Town and school budgets, etc.

Selectman Blacker stated his preference that the Benefits Coordinator stay under the Selectmen's Budget as Mr. Thompson had placed it; he said it makes sense to separate the benefits and accounting functions. Ms. Clark again disagreed, so Chairman Drobinski stated that the Board should continue seeking a consensus. Mr. Thompson said he would relay this information on the Board's feelings on this issue to the staff. Ms. Clark said she would like to know when the Selectmen's budget goes before the Finance Committee. Mr. Thompson replied he would give the Selectmen the whole budget hearing schedule.

Mr. Thompson asked if he should leave the position of Benefits Coordinator under the Selectmen's budget for now and the Board concurred.

Sudbury Foundation Grant

The Board acknowledged receipt of a copy of a letter to Mr. Thompson from Derry Tanner, Executive Director of The Sudbury Foundation, dated Dec. 6, 1995, in which Ms. Tanner enclosed a check for \$8,000, the second installment of a two-year, \$16,000 grant to help enable the Town Historian to research and write a comprehensive history of the Town of Sudbury from 1889 to the present. Ms. Tanner expressed concern that, without Town support, the history will not be completed by December, 1996, and asked for a meeting with Mr. Thompson to discuss the possible use of Wood-Davison funds or other options.

It was on motion unanimously

VOTED: To accept with gratitude the second portion of a grant from The Sudbury Foundation in the amount of \$8,000, to be used to help the Town Historian research and write a comprehensive history of the Town of Sudbury from 1889 to the present.

Draft from Department of Elections

Selectman Blacker informed the Board that he had received a letter from Michael Sullivan, Director of the Office of Campaign & Political Finance, dated December 7, 1995. Mr. Blacker asked Interim Town Manager Thompson to give the letter to Town Counsel Paul Kenny so that Mr. Kenny could draft an article in concordance with the letter and its attachment of draft legislation entitled "An Act Authorizing Cities, Towns and Regional Districts to Send Certain Information to Registered Voters".

Lease of Loring School

Selectman Clark told Interim Town Manager Thompson that she would like him to obtain a full written accounting of rental payments from the two firms currently leasing the space at the Loring School. Mr. Thompson said that he had recently requested such an accounting.

Legal Opinion on Interim Town Manager Severance Package

Selectman Clark informed the Board that on October 2, 1995, she had requested a legal opinion from Town Counsel on the funds for the Interim Town Manager Severance Package. She said that since then Mr. Kenny had rendered a verbal opinion that the Town could not use its retirement funds, but that it could pursue other ways to fund this package. Ms. Clark stated that she would like a written opinion from Mr. Kenny.

Donation of Computer Equipment

Interim Town Manager Thompson informed the Board that he had received a letter from Town Accountant James Vanar saying that a company called Horizon was willing to donate computer hardware and software to the Town, but needed the concurrence of the Selectmen.

It was on motion unanimously

VOTED: To accept with gratitude any or all of the following equipment which may be available from Horizon of Framingham:

<u>Company</u>	<u>Description</u>	<u>Software Title</u>	<u>Unit Value</u>
PowerSoft	Client-Server Database	Watcom SQL Server for Novell (6-user)	\$795
TimeVision	Network Scheduling	TimeVision scheduler for Novell (10-user)	\$695
Future Domain	SCSI Controller	MCS-350DNK 8-bit Adapter Kit for Microchannel (IBM PS/2) w/Software	\$150

Future Domain	SCSI Controller	MCS-700DNK	\$250
		16-bit Adapter Kit for Microchannel (IBM PS/2) w/Software	

San Antonio Grill - Change in Manager

The Board acknowledged receipt of a Petition for Change of Manager for Matt Garretts of Sudbury, Inc., d/b/a San Antonio Grill, 120 Boston Post Road, holder of a Common Victualer All Alcoholic Beverages License.

Upon Interim Town Manager Thompson's recommendation, in accordance with G. L. Ch. 138, it was moved and unanimously

VOTED: To approve a Petition from San Antonio Grill, dated Dec. 4, 1995, for a change of Manager from Brian Libby to Robert H. Doe, Jr.

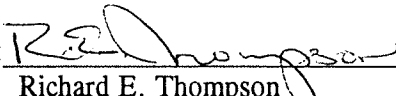
Negotiations for Training for Hazardous Materials Emergencies - Fort Devens Annex

The Board acknowledged receipt of a copy of a letter to Interim Town Manager Thompson from H. Carter Hunt, Deputy Commander of Fort Devens, dated Dec. 5, 1995, in which Mr. Hunt responded to the concerns expressed by Fire Chief Dunne that the Army is not offering enough hours of training to the Fire Department for responding to emergencies at the Sudbury Annex, in light of OSHA regulations for such sites. Mr. Hunt reiterated his offer of 8 hours of training to the Fire Department of Sudbury, coupled with information separately forwarded to Fire Chief Dunne. Accompanying Mr. Hunt's letter were a copy of a map of the Fort Devens Sudbury Annex, with the location of all remedial sites annotated, and an applicable extract from OSHA regulations.

Upon being asked by the other Selectmen, Mr. Blacker clarified here that Fire Chief Dunne has concern about hours of training to his staff to be provided by the Army for clean-up of hazardous materials at the Fort Devens site. He said that Chief Dunne told him that Ashland fire personnel were given 8 hours of training by the Army, but when they arrived at a hazardous waste site, they were told by OSHA personnel to leave, as their training had not been as adequate as OSHA regulations demand. Chief Dunne does not want the same thing to happen in Sudbury; he does not wish to be caught between the two agencies.

After discussion, it was decided to await the reaction of Fire Chief Dunne to this above-referenced letter from H. Carter Hunt, as the Board needs time to evaluate its response and to make a response in conjunction with the Fire Chief.

There being no further business to come before the Board, the meeting was adjourned at 10:20 p.m.

Attest: 
Richard E. Thompson
Interim Town Manager-Clerk