

IN BOARD OF SUDBURY SELECTMEN  
TUESDAY, NOVEMBER 16, 2010

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

The statutory requirements as to notice having been complied with, the meeting was convened at 7:31 p.m. in the Lower Town Hall, 322 Concord Road.

**Opening Remarks**

At 7:31 p.m., Chairman Drobinski opened the meeting. He wished all Sudbury residents a happy Thanksgiving holiday. He also congratulated the Lincoln-Sudbury Regional High School (L-SRHS) sports programs for successful seasons leading to tournament play.

Chairman Drobinski thanked the Town Public Safety Departments for their professional and timely responses to last week's Nixon School incident. Later in the meeting, he expressed his gratitude to Police Chief Glavin, who was in attendance tonight, for his Department's handling of the situation. Police Chief Glavin stated all Town and School Departments worked well together to handle the situation.

Chairman Drobinski also thanked the citizens of Sudbury who supported the successful HopeSudbury Telethon, which raised over \$60,000 this year. He noted it is a great event exhibiting tremendous community spirit.

**Reports from the Board of Selectmen**

Selectman Haarde stated he participated in this year's HopeSudbury telethon and enjoyed the event. He also attended the opening of the newly renovated Wayside Carriage House Inn. Selectman Haarde stated Sudbury now has a great boutique hotel facility of 46 rooms. He encouraged the business community to refer visitors to the Carriage House and the ten rooms at the Wayside Inn.

Vice-Chairman O'Brien also attended the Wayside Carriage House Inn opening. He noted the facility could also be used for small events and meetings. He also enjoyed his participation with the HopeSudbury telethon. Vice-Chairman O'Brien encouraged those interested in knowing more about the event to access a recent article on *SudburyPatch.com*.

Vice-Chairman O'Brien reported that Superintendent Brackett convened a recent meeting regarding the Green Repair project for the Noyes School. A decision is expected soon from the Mass. School Building Authority regarding Sudbury's application. If the project proceeds as expected, a special ballot question requesting override funds and a Special Town Meeting (possibly January 18, 2011) would be required.

Vice-Chairman O'Brien stated a School Committee meeting held last week discussed the Nixon School incident. The meeting was taped and those interested can access the discussion on *SudburyTV.org*.

Chairman Drobinski attended a Massachusetts Municipal Association meeting regarding solid waste and other matters.

**Reports from Town Manager**  
**HopeSudbury Telethon**

Town Manager Valente commended everyone who worked on the HopeSudbury telethon, which she said

is always professionally coordinated. She also thanked the Town's Senior Management Team for their auction item donation.

### **Eagle Scout Ceremony**

Town Manager Valente distributed copies to the Board of an invitation to the Eagle Scout Court of Honor Ceremony for Max Hudson Glick on Sunday, December 5, 2010 at 5:00 p.m. at the Nobscot Scout Reservation and she asked if any Selectman could attend to convey this directly to Mary McCormack. A letter of congratulations from the Board will be sent to Max. Selectman Haarde stated he would try to attend.

### **Lavender Asian Cuisine and bistro20 - One-Time Closing Hour Extensions**

Town Manager Valente reported that Lavender Asian Cuisine and bistro20 have requested an extension of the closing hour until 2:00 a.m. on Thursday, November 25, 2010. Police Chief Glavin stated he has no objections as long as the Department's procedures are followed.

Vice-Chairman O'Brien requested that bistro20 be reminded that the kitchen must remain open to serve food while liquor is being served.

It was on motion unanimously

VOTED: To approve the extension of the closing hour and the serving of alcoholic beverages for any licensed holders who make application, in advance, to the Town Manager's Office; and for bistro20, 120 Boston Post Road, and Lavender Asian Cuisine, 519 Boston Post Road on Wednesday, November 24, 2010, until 2:00 a.m. on Thursday, November 25, 2010, (Thanksgiving Day), both of which have made application today, on the condition that the kitchen remains open and food is served.

### **Green Repair Program – Noyes School – Special Town Meeting and Election**

Town Manager Valente reported that the Sudbury School Committee met with the Sudbury Finance Committee to explain the project to repair the Noyes School roof, boiler and windows and that a Special Town Meeting and Special Election would likely be required in 2011.

### **NETRA Up and Coming New Professional Award Recipient – Anna Wood**

Town Manager Valente announced that Sudbury's Teen Center Director/Adaptive Sports and Recreation Specialist Anna Wood has been awarded the NETRA Up and Coming New Professional of the Year Award for her demonstrated excellence in leadership and professional involvement. Ms. Valente extended congratulations to Anna for this prestigious accomplishment.

Vice-Chairman O'Brien suggested inviting Ms. Wood to a future Board of Selectmen meeting to explain her programs.

### **All Alcoholic Beverages License Violation – Chili Basil Restaurant – Discussion**

Present: Chili Basil Manager Wudthipong Guygaew and Police Chief Richard Glavin

At 7:51 p.m., Chairman Drobinski welcomed Police Chief Richard Glavin to describe a license violation which occurred on Saturday, July 13, 2010, at Chili Basil Restaurant.

Police Chief Glavin stated that in June 2010, all licensed facilities were notified that the Police Department would be conducting random compliance checks on the serving of alcohol. On July 13, 2010, the random checks were conducted, and only one establishment committed a violation. Chief Glavin stated that two under age persons were able to purchase beers at Chili Basil Restaurant.

Chairman Drobinski asked Chili Basil Manager Wudthipong Guygaew if he wished to respond to, or comment on, the incident. Mr. Guygaew stated he had recently taken over the restaurant and had not seen the Police Department's correspondence. Chairman Drobinski stated lack of notification is not an excuse for the offense. Mr. Guygaew apologized for the incident and stated he is TIPS certified. However, the waitress who committed the violation did not pass a recent TIPS-certification program. He stated she would try again to become certified.

Vice-Chairman O'Brien asked if the employee who committed the violation is still serving alcohol at the restaurant. Mr. Guygaew stated she is working in Boston and works only on Friday nights in Sudbury. Vice-Chairman O'Brien stated it is the policy of the Board that all bar personnel be TIPS-certified. He recommended that, until this employee is certified, another person should be designated as the bartender. Vice-Chairman O'Brien emphasized that this Board has to be concerned that a tragic accident does not occur because of these types of violations. Town Manager Valente stated that the requirement of TIPS certification is also voted by the Board as part of the license approval.

Chairman Drobinski stated he takes the issuance of a liquor license and its responsibilities very seriously, since his name appears on license approvals. He believes it is the responsibility of the establishment to abide by all pertinent laws. Chairman Drobinski stated that the Police Chief has suggested a recommendation for this offense, but that the Board would consider more serious action if this were to happen again.

Chairman Drobinski asked Police Chief Glavin for his recommendation. Police Chief Glavin stated that the Police Department's philosophy has been that the best way to elicit compliance is with cooperation from the offender and with progressive sanctions. Since it is the restaurant's first violation, he recommended an official warning be issued.

Selectman Haarde asked if everyone at the restaurant who serves alcohol is TIPS certified. Mr. Guygaew stated only he is. Selectman Haarde asked how long it would take to become certified. Mr. Guygaew and Chief Glavin stated two weeks should be sufficient. Selectman Haarde suggested that written evidence of every employee's TIPS certification be provided in two weeks to the Police Department.

Selectman Haarde asked what the Town's precedent has been for handling second offenses. Police Chief Glavin stated that circumstance has never occurred. Chairman Drobinski stated the Board would consider a suspension if a second violation were to occur.

Vice-Chairman O'Brien confirmed the address for communication with Mr. Guygaew, noting that the confirmed address is where the Police Department sent notification regarding the upcoming compliance checks. Town Manager Valente noted that records also indicate that the advance notification was hand-delivered by a Police Officer to all relevant establishments. Chairman Drobinski reiterated that not receiving a letter is no excuse for the offense and that it is the responsibility of the license holder to be compliant with all applicable laws. He also repeated that, if this were to happen again, the Board would take more severe action.

It was on motion

VOTED: As the Licensing Authority for the Town of Sudbury, to issue a warning to Chili Basil Restaurant regarding the appropriate implementation of its All Alcoholic Beverages License, requiring that all Restaurant employees provide written evidence of TIPS certification within two weeks to the Police Department.

Vice-Chairman O'Brien opposed the vote.

**Route 20 Sewer Project - Update**

Present: Weston and Sampson engineers Steven Pederson and Kent Nichols, Director of Planning and Community Development Jody Kablack, Technical Advisory Committee (TAC) Chair Lisa Eggleston, TAC members Bob Leupold and Bill Cossart (Sudbury Water District representative)

At 8:06 p.m., Chairman Drobinski opened a discussion regarding the Route 20 Sewer Project. The Board was previously in receipt of copies of a memorandum from Director of Planning and Community Development Jody Kablack dated November 10, 2010, summarizing the history of the project to date, the August 2010 Wastewater Management Plan Update prepared by Weston & Sampson, and a Draft Citizen's Advisory Committee Mission Statement dated August 2010. Copies of a PowerPoint presentation to be given tonight by Weston and Sampson tonight were also distributed to the Board.

Ms. Kablack stated that she has worked on this project since 1993, and that the Town articulated the project as a need in its 2000 Master Plan. She explained that without a Route 20 sewer district, businesses will be constrained from growing as will the business district itself.

Ms. Kablack stated that Sudbury's Technical Advisory Committee (TAC) is a group of local scientists and engineers who have worked on this issue for several years. She introduced TAC Chair Lisa Eggleston who is also an environmental engineer. Ms. Eggleston stated that there is currently a critical need for this project and that a 2001 Needs Assessment identified septic systems which were already failing. She further noted that the project has been complicated by the Route 20 proximity to Town wells and poor soil conditions on sites previously researched.

Ms. Eggleston stated that preliminary testing has indicated that the Curtis Middle School could be a viable site for subsurface disposal of highly-treated effluents. She emphasized that it could possibly be the Town's only viable location for this purpose near Route 20. Ms. Eggleston further clarified that the subsurface-treated effluents would be of a better quality than what is found in the current Curtis septic system and/or the current treatment plant at the High School.

Ms. Eggleston stated that TAC has tried to identify an appropriate site for seven years which could handle the anticipated volume without causing harm to the surrounding area. In addition, TAC has researched and pursued numerous resources for funding, inventoried potential parcels (Town-owned and privately owned) and gathered soil data. It was noted that additional testing is ready to commence at Curtis and that funds were already appropriated at the 2002 Town Meeting and re-appropriated at the 2010 Town Meeting for this purpose.

Ms. Eggleston introduced Weston and Sampson engineer Steven Pederson to summarize his firm's Route 20 Business District Wastewater Management Plan, describe the permitting process, and timeline for the project. She noted that cost would be difficult to estimate until there is a better understanding of what system and its size would satisfy Sudbury's needs. Ms. Eggleston further stated that the Selectmen would soon appoint a Citizens' Advisory Committee to assess the relevant political issues.

Vice-Chairman O'Brien asked if additional testing has occurred at Curtis. Ms. Kablack stated the next round of testing to better determine if Curtis can handle the anticipated primary and reserve volumes are scheduled for December.

Ms. Eggleston stated that the DEP has approved the proposed hydrogeological testing. She also emphasized that Sudbury's children, if they are playing in their back yards, are already playing on surfaces over septic tanks with far lower treatment levels than would be constructed at Curtis. Ms. Eggleston further stated that there are a number of schools and town playing fields in the State that have subsurface disposals under them. Ms. Kablack stated that the Curtis School Committee is aware of the proposal and has granted permission for testing to occur.

Selectman Haarde asked if the construction and placement of this project now would be a consideration 30-40 years from now when a new middle school might need to be built. Ms. Kablack stated that the project would likely interfere with future proposals, but that there is also additional space for the School to grow behind the present structure. Ms. Eggleston noted that the proposed placement of this project would not preclude future construction, and that it is not impossible to put parking over a subsurface disposal system.

Weston and Sampson engineer Steven Pederson briefly explained how the Curtis location was identified and the proposed on-site systems and underground aquifers for treatment and disposal. Mr. Pederson noted that water supply protection is a concern due to wells in the area. He displayed exhibits of the Route 20 Business District, noting significant analysis was done regarding on-site constraints. From the analysis, Mr. Pederson stated that a matrix was developed to classify wastewater needs on a lot-by-lot basis regarding system age, condition of the system, soils classification, groundwater levels, lot size and environmental concerns. Subsequently, parcels were ranked as non-priority, priority or critical.

Mr. Pederson presented a "Summary of Build-Out Wastewater Design Flows (gpd)" indicating an anticipated 318,640 gallons per day. He noted that Board of Health Director and TAC member Bob Leupold helped provide and update the data. Sites that are between two to six acres were evaluated, as were the depth-to groundwater, permeable deposits and the human and ecological impacts. Mr. Pederson stated that the Town screened 86 sites, initial testing was performed at six sites, and Haskell Field, Old Lancaster Road and the Curtis Middle School were tested in the fall of 2009. Based on the testing, he stated that the Curtis site had the highest potential for success.

Mr. Pedersen stated that Ms. Kablack has recently submitted a Project Evaluation Form (PEF) for State Revolving Fund (SRF) consideration, and a Citizens' Advisory Committee statement has been drafted. In addition, the work plan for hydrogeological testing has been drafted and approved by DEP. These items are part of the Phase 1 Planning stage. Mr. Pederson described Phase 2 as related to Design and Permitting, Phase 3 as related to Bidding and Construction, which would be followed by Project Financing. Exhibits of a conceptual system and potential layout were displayed. He stated that the Groundwater Discharge Permit process with DEP is typically lengthy.

Mr. Pederson presented a "Proposed Project Schedule," noting that the 2011 Town Meeting would need to authorize further work to be completed with funds to become available July 2011. A PEF would again be submitted in August 2012, leading towards construction possibly in May 2013. He proposed fall 2013 as a possible date for bidding the treatment plant, and fall 2015 for bidding the collection system, noting these dates are subject to change.

Selectman Haarde asked in what other municipalities the firm has been involved with wastewater facilities planning. Weston and Sampson engineer Kent Nichols provided several examples where the firm has worked or is working on planning, testing and operational phases of similar projects. Selectman Haarde

also asked if it is common to locate these subsurface discharge systems under playing fields. Mr. Pederson confirmed it is commonly done, and he circulated copies of a listing of examples to the Board for review. Mr. Nichols emphasized that the technology provides a very advanced treatment of the pollutants, leading to reuse standards, but not quite drinking-quality standards.

Selectman Haarde asked what sustainability measures are being considered in other towns. Mr. Nichols stated that the firm tries to incorporate long-term thinking in its designs utilizing renewable energy and LEEDS-certified methods if possible. Ms. Kablack stated that these issues have been discussed, including possibly capturing some methane from the facility.

Selectman Haarde asked what the effective lifetime is for this type of facility. Mr. Nichols noted that these facilities operate 24/7, and thus membrane systems do need to be replaced every five to seven years and that recurring capital costs should be considered.

Selectman Haarde asked the consultants if they foresaw any particular challenges with this project for Sudbury. Mr. Nichols and Mr. Pederson stated that finding funding will be the largest challenge because this is an expensive project. Selectman Haarde stated he supports the use of sustainable, state-of-the art technology and LEED-certified practices because the facility will serve the Town for decades and that it will be important to pursue funding.

Vice-Chairman O'Brien noted that there are different types of businesses in the Business District and he asked if different treatments are therefore recommended. Mr. Nichols stated this would be determined later in the design process because there are many variations for treating commercial and school waste. Vice-Chairman O'Brien noted that, after the capacity of Curtis is determined, it will be easier to project how much of the center and western Business Districts would be covered.

Vice-Chairman O'Brien opined that the CAC Mission Statement did not address zoning as much as it should, given that it is a critical issue. Ms. Kablack and Selectman Haarde noted it is mentioned. Ms. Kablack further stated that the CAC would focus on other issues and that perhaps, another subgroup could address zoning which is important. Selectman Haarde questioned whether another group is needed or if zoning could be evaluated by the Planning Board. Ms. Kablack stated it could possibly be evaluated by the Planning Board itself or working with others, and that this would be decided at the appropriate time.

Chairman Drobinski asked what the ballpark estimate is for cost of the project. The consultants approximated \$15 million. Ms. Kablack stated that a capital budget request for \$1 million has been submitted for Phase 2 funding to be considered for presentation at the 2011 Town Meeting. Town Manager Valente stated it would likely need to be presented as a debt exemption bond.

Town Manager Valente asked when the results from the next round of testing at Curtis would be available. Mr. Pederson stated results should be available by the end of the year.

Selectman Haarde thanked Ms. Kablack and Ms. Eggleston for their work on this project to move it forward. Ms. Eggleston stated, after seven years of trying to locate a site, they too are pleased to see progress.

Chairman Drobinski stated the information from the December testing at Curtis would be key to how the project proceeds, and he concluded the discussion at 9:05 p.m.

**Residential Exemption – Discussion**

Present: Maureen Hafner, Director of Assessing, Cynthia Gerry, Assistant Director of Assessing, Finance Director Andrea Terkelsen and Senior Tax Advisor David Levington

At 9:05 p.m., Chairman Drobinski opened a discussion regarding consideration of a residential exemption report to determine the percentage of tax levy on residential property. The Board was previously in receipt of copies of a letter from Town Director of Assessing Maureen Hafner dated November 8, 2010 and an accompanying Residential Exemption Report, which utilizes data from the FY2010 assessment and tax files. He commended Town staff on the informative package of materials prepared for the Board's review, and he suggested it be posted on the Town website. Ms. Terkelsen stated the information would be posted soon. Town Manager Valente briefly explained the genesis for the Report as a result of a request from Senior Tax Advisor David Levington that a study be done to study adoption of this program as a way to reduce the property tax burden for senior citizens. She stated the Board would review the information tonight, but a vote would not be taken until the tax classification hearing scheduled on November 22, 2010.

Director of Assessing Maureen Hafner highlighted the Report in a PowerPoint presentation. Copies of the slides were distributed to the Board. She explained that a Residential Exemption would provide a mechanism to redistribute the tax burden within the residential class. Ms. Hafner stated that Sudbury has utilized dual tax rates since 1981, i.e., one for residential and another for the Commercial, Industrial or Personal (CIP) property classes but has never adopted the Residential Exemption.

Ms. Hafner stated there are currently only 14 Massachusetts municipalities which have adopted the Exemption. She opined that the Exemption is most beneficial to communities with a high percent of non-owner occupied properties. Sudbury is 82% owner-occupied. Ms. Hafner noted that the Residential Exemption does not shift taxes to the CIP properties, it is not means-based and it is not available to all residential property.

Ms. Hafner explained that the adoption of the Exemption at the maximum exemption allowance of 20% of the average residential property assessment would translate to a flat amount of \$121,896 being deducted from one's property tax assessment. Most residents would benefit from this, but their benefit would be covered by others paying higher taxes. Chairman Drobinski emphasized that the overall tax "pie" remains the same, and the only thing that changes is how the "pie" is sliced.

Ms. Hafner exhibited charts of "Sudbury's Property Demographics" and "Sudbury's Eligibility List." She explained that no vacant land properties or apartment buildings would qualify. Vice-Chairman O'Brien noted that ownership structure is important because some real estate trusts may also not qualify. He later asked if apartment buildings are classified as residential or commercial. Ms. Hafner stated they are classed as residential, as are assisted living centers.

Ms. Hafner explained that the reduction in property value is applied equally to all qualifying properties, which is calculated using an average residential valuation. Sudbury's FY10 average assessed value of all residential properties is \$609,478. Ms. Hafner highlighted that a lower tax value would translate into an increase in the tax rate from \$16.08 per thousand to \$19.24. She displayed a "Residential Impact On a Single Tax Bill" chart, noting that the homes with lower values would realize the greatest tax relief. Ms. Hafner stated the breakeven point would be an assessment of \$742,100.

Ms. Hafner stated the Exemption is not specific to senior citizens. However, she further stated it would likely benefit 192 of the 198 seniors participating in the 2010 deferral program. Ms. Hafner summarized the Board must consider the equity and redistribution of tax issues that would result if the Exemption were adopted. However, she further stated adoption is a legally-allowable option.

Ms. Hafner noted that the administrative requirements of adoption would be extensive and that, once implemented, it could be difficult to reverse.

Selectman Haarde stated the information is straightforward -- depending on the assessment of one's home, some will either save or spend more money of property taxes.

Vice-Chairman O'Brien stated the information is very helpful in preparing for the tax classification hearing.

Chairman Drobinski asked if there are any unintended consequences to adopting the Exemption they should consider. The consensus was none that have not already been highlighted.

Senior Tax Advisor David Levington commended the Assessing Department on the information provided. He stated that his intent and that of the Council on Aging (COA) was not a proposal targeted for senior citizens, but rather a move for Sudbury more in the direction of a progressive tax program. If adopted, he believes approximately 1,500 property owners would benefit from lower property taxes, 3,500 would experience a negligible difference and approximately 600 property owners would experience an increase in their property taxes. Mr. Levington stated that the COA goal was to use an existing law to help shift the tax burden more progressively to help make the Town more attractive to a wider spectrum of individuals. He further opined that he believes a large percentage of real estate revocable trusts would qualify for the Exemption.

At 9:45 p.m., Chairman Drobinski closed the discussion.

#### **Sudbury Housing Authority – Waiver of Building Fees – Discussion**

Present: Sudbury Housing Authority (SHA) Executive Director Jo-Ann Howe, SHA Chair Steve Swanger, and Director of Planning and Community Development Jody Kablack

At 9:45 p.m., Chairman Drobinski welcomed Sudbury Housing Authority (SHA) Executive Director Jo-Ann Howe and SHA Chair Steve Swanger to continue discussion regarding a previous request to waive the plumbing, building, electrical and septic permit fees for its ten-unit re-development project. The Board was previously in receipt of copies of a memorandum from SHA Executive Director Jo-Anne Howe to the CPC dated August 16, 2010, requesting CPA Administrative Funds, a memorandum from Ms. Howe to the Selectman dated April 20, 2010, and copies of an email from Building Inspector James Kelly dated July 6, 2010, suggesting the use of CPA funds to cover the permit fees.

SHA Chair Steve Swanger stated that the Board had previously suggested that the SHA consult with the Community Preservation Committee (CPC) as to whether Community Preservation Act (CPA) Administrative Funds could be used to cover the fees. Unfortunately, the CPC informed the SHA that sufficient Administrative Funds are not available. Mr. Swanger presented the request again to the Board to waive the plumbing, building, electrical and septic permit fees, noting there has been a precedent of doing so in the past.

Chairman Drobinski stated that different economic environments made it possible to waive fees in the past, but that this would be more difficult for the Board to do at this time.

Mr. Swanger emphasized that the SHA has stretched its creative thinking to the limits in trying to find resources to help keep costs low and manageable. He stated the SHA has a 20-year history of building affordable rental housing stock which remains as low-income housing in perpetuity because income is

assessed every year. He urged the Board to support the request, acknowledging that “every penny counts” for this project and for the Town budget.

Vice-Chairman O’Brien distributed copies to the Board of a proposal to consider. Since the current economic climate is negatively affecting Town revenues, he suggested that the Board adopt a fee discount schedule instead of a 100% waiver. Vice-Chairman O’Brien presented this option as a creative solution to provide some savings for project proponents and some revenue for the overburdened Town General Fund.

Selectman Haarde stated he appreciates the fact that SHA units are affordable into perpetuity and that it annually qualifies the income of occupants. He further stated he respects the very important work done by the SHA. He asked if the project duplexes would be tax-exempt. Sudbury Housing Authority (SHA) Executive Director Jo-Ann Howe responded affirmatively. Selectman Haarde stated that the tax-exempt nature of the project concerns him. He opined that the Town needs to adopt a new approach in the future of determining where the revenue comes from to offset these projects before they are approved. Ms. Howe noted that the SHA makes a Payment in Lieu of Taxes to the Town. Selectman Haarde emphasized that the Town cannot continue to increase its expenses by cutting its revenue. He stated that a majority of Sudbury voters recently voted to repeal Chapter 40B because they want these programs overseen in a more fiscally-responsible manner for the benefit of the entire community. Selectman Haarde further stated that permit fees are a part of the Town’s local receipts. He does not believe it is wise in the current economy to vote to decrease revenue and then ask citizens in a few months to approve an override because local receipts are down.

Mr. Swanger opined that during a bad economy it is even more important to support the efforts of the SHA because the need for affordable housing is even greater. He recommended that financial cuts should be made in other less essential areas, such as recreation, and not in areas strongly needed during challenging economic times. Selectman Haarde stated that the Town does need to decide where the financial hardships will fall, but that raising taxes to cover these costs is not the best approach. Mr. Swanger stated the SHA is not asking the Board to raise taxes and is only asking it to consider cutting costs elsewhere. Mr. Swanger further stated that, during difficult financial times, the Town should be supporting its charitable organizations more than ever before rather than considering asking them to increase their Payments in Lieu of Taxes.

Selectman Haarde stated that the Board needs to be able to justify to residents why it chooses to reduce revenues for the sake of other projects and that it is a difficult decision.

Chairman Drobinski clarified that the Board has not previously mentioned an override being requested. He further stated that the Board needs to make responsible financial decisions, and he asked if the Board wished to waive or discount the fees.

Selectman Haarde stated the Town needs revenue, and he does not believe the fees would be waived for a commercial property. He believes that waiving permit fees for a tax-exempt property in this economy is a tough decision for him to be asked to make.

Ms. Kablack noted that this is the first project brought forward by the SHA in 19 years, and she emphasized the SHA does not routinely make these requests. She further stated that fee waivers are not entertained for private Chapter 40B developments and infrequently sought only by the public construction projects, of which there are few.

Vice-Chairman O’Brien made a motion to authorize the Town Manager to instruct Staff to reduce the total inspectional fees for the Sudbury Housing Authority’s ten-unit re-development project by 15%.

Selectman Haarde asked if this is a policy decision going forward. Vice-Chairman O'Brien suggested it could become policy. Selectman Haarde reiterated that the Town needs revenue and the Board must think of the community as a whole. He stated that the project is publicly funded already by taxpayers. Town Manager Valente clarified that the motion was only for this project and it was not articulated as policy. Chairman Drobinski stated if the Board were to consider Vice-Chairman O'Brien's proposal as policy it should be scheduled as a separate agenda item. Vice-Chairman O'Brien concurred and stated his motion is only intended for this project.

Selectman Haarde stated it should be considered that, over the past ten years, the Town's tax-exempt properties have increased by over 347%. Chairman Drobinski noted that it is believed a change in record keeping regulations could account for some of this increase.

It was on motion

VOTED: To authorize the Town Manager to instruct staff to reduce the total inspectional fees for the Sudbury Housing Authority's ten-unit re-development project by 15%.

Selectman Haarde opposed the vote.

On behalf of the SHA, Mr. Swanger stated it was disappointed and concerned that the SHA was omitted from the Selectmen's FY11 goals and that it hopes to be included next year. Chairman Drobinski and Town Manager Valente apologized for the oversight.

**Sudbury Housing Trust –Request for Waivers of Fees – 278 Maynard Road - Discussion**

Present: Community Housing Specialist Beth and Director of Planning and Community Development Jody Kablack

At 10:13 p.m., Chairman Drobinski welcomed Community Housing Specialist Beth Rust to the meeting to discuss a request by the Sudbury Housing Trust (SHT) to waive the plumbing, building, gas and electrical permit fees for its 278 Maynard Road project. The Board was previously in receipt of copies of a memorandum from Ms. Rust dated November 9, 2010, copies of a relevant section of the Board's June 10, 2008 Meeting Minutes regarding waivers of permit fees, copies of Article XV (1) 2002 Building Code regarding building permit and inspection fees, and copies of a Letter to the Editor, suggested title, "A Case Where Government Worked" regarding the current sentiment of the neighborhood supporting the project.

Ms. Rust stated that the Board identified this project on its list of goals and thus, support of the waiver request would be an appreciated gesture. She stated the neighbors are now supportive of the revised project. Ms. Rust highlighted that the properties would pay taxes and the permit fees being requested for waiver only total \$7,500.

Ms. Rust further stated that waivers for building fees are written in the Town bylaws for Town-owned buildings. Since the SHT is part of the Town and owns the property, the law applies. Vice-Chairman O'Brien opined that the SHT is more of a stand-alone entity and not really part of the Town. The consensus of many was that the SHT is part of the Town. Town Manager Valente clarified that, although it is not a Town department, the SHT's unique features constitute it as a Town-entity.

Selectman Haarde questioned if the bylaw was intended more for a building which would continue to be owned and serve the Town rather than be owned temporarily and then sold to a family. Ms. Kablack clarified that the SHT would own the property prior to the permit, and thus she believes the bylaw exempts the SHT from building permit fees. She noted that the waiver of \$7,500 would represent a significant

savings for the project. Ms. Rust later noted that the project is trying to achieve unanticipated standards such as the Stretch Energy Code requirements.

Selectman Haarde asked if Community Preservation Act (CPA) monies fund the entire project and if some of the CPA funds could cover the fees. He noted that taxpayers have already paid a 3% surcharge to the CPA fund and should not be asked to forego additional revenue from local receipts. Selectman Haarde stated that the Town's operational budget is under intense pressure, and thus he believes the money to cover these fees should come from CPA funds and not the operational budget.

It was on motion

VOTED: To authorize the Town Manager to instruct staff to reduce the plumbing, building, gas and electrical permit fees for its 278 Maynard Road project by 15%.

Selectman Haarde opposed the vote.

Chairman Drobinski stated the Board appreciates all the hard work done by these entities, but unfortunately financial times for the Town are difficult.

### **Regional Housing Services**

Present: Community Housing Specialist Beth Rust and Director of Planning and Community Development Jody Kablack

Town Manager Valente stated she, Ms. Kablack and Ms. Rust have worked with regional peers to develop a concept for a Regional Housing Services proposal. She noted how highly Ms. Rust is regarded regionally for her expertise and how gratifying it is to hear this from colleagues. The Board was previously in receipt of a memorandum from Ms. Rust dated November 10, 2010, requesting permission to proceed with defining an inter-municipal agreement to share housing administrative services with neighboring communities and copies of a PowerPoint presentation regarding a Regional Housing Services Office. Town Manager Valente stated they would appreciate an indication tonight from the Board as to whether it is comfortable with this concept and Sudbury being the lead town for this effort.

Vice-Chairman O'Brien asked why a Revolving Fund is proposed instead of an Enterprise Fund. Town Manager Valente explained that Enterprise Funds are limited to only certain activities and that a Revolving Fund offers more flexibility.

Vice-Chairman O'Brien also asked if there are any cash flow benefits to the Town. Ms. Kablack stated that all costs associated with Ms. Rust's salary and benefits will be covered by the program. She explained it is proposed that each member town would pay a fee to Sudbury. In response to a question from the Board, Ms. Kablack stated that 50% of Ms. Rust's salary is currently paid by CPA funds, but it is expected in the future to be covered more from the external work she does through the Sudbury Housing Trust. Town Manager Valente emphasized that the other towns are not subsidizing the Town and that Sudbury is not looking to make money on providing the services, but to only cover costs.

Chairman Drobinski opined that taking these first steps is important when developing working relationships with other towns. Ms. Rust agreed, noting that three other potential members have already reached their 10% affordable housing inventory quota and could be useful resources. In addition, she stated that Sudbury has been sought out as the regional provider.

Selectman Haarde asked if other towns have employees comparable to Ms. Rust. The consensus was no. Selectman Haarde also asked where the revenue would come from for the Revolving Fund. Ms. Rust described that towns would pay a membership fee. She further explained that some towns already have funds appropriated in their budget or have CPA funds available.

Town Manager Valente stated that hundreds of hours of work will be required to initiate the program. She emphasized that towns interested in participating as members have been advised that a two-year commitment would be required to ensure receipt of sufficient revenues to cover costs. She estimated that Ms. Rust would devote two days of her schedule to regional work with the other member towns.

Selectman Haarde stated that the program appears as if it would be an opportunity for learning, achieve some economies and cover approximately 40% of Ms. Rust's salary.

Ms. Kablack stated that the program would significantly enhance the regional information available regarding affordable housing.

It was on motion unanimously

VOTED: To authorize the Town Manager to continue discussions and draft an Inter-municipal Agreement with the Towns of Bedford, Concord, Lexington, Lincoln, Wayland and Weston for shared housing services.

### **Minutes**

Chairman Drobinski noted in the first paragraph on page 3 of the November 3, 2010 Executive Session Meeting Minutes the word leaching is misspelled twice and should be corrected.

It was on motion unanimously

VOTED: To approve the regular minutes of November 3, 2010 and the executive session meeting minutes of November 3, 2010 as amended this evening.

### **Annual Sudbury Spring Sprint Triathlon**

It was on motion unanimously

VOTED: To grant permission for the Annual Sudbury Spring Sprint Triathlon on Sunday, May 8, 2011, from 7:00 a.m. to 10:00 a.m., which will begin and end at the Fairbank Center, and the second Annual TriSprouts Children's Triathlon on Saturday, May 7, 2011, at 9:00 a.m. as requested in a letter dated November 3, 2010 from Race Director, Bill Fiske, subject to conditions and permits required by the Park and Recreation Dept. and conditioned on a meeting with the Sudbury Police Department at least 24 hours in advance of the TriSprouts event, regarding safety concerns, and the applicant providing for cleanup of any litter created by race participants and staff.

### **MEMA – Citizens Corps Grant**

It was on motion unanimously

VOTED: To accept, on behalf of the Town, two Citizens Corps Grant funds totaling \$2,500 from MEMA to support the Medical Reserve Corps (MRC) and the Community Emergency Response Team (CERT)

emergency preparedness activities, trainings and public outreach, to be expended by the Board of Health Director, as requested in a memo dated October 1, 2010.

**Fairbank Community Center – Award of Contract**

Selectman Haarde asked what contracts have been received and the costs. Town Manager Valente stated the bid was coordinated by Town Counsel's Office, and she would need to access the documentation at a later time. She suggested providing the information to the Board for review at its next meeting on November 22, 2010.

It was on motion unanimously

VOTED: To hold on approving the award of contract by the Town Manager for the removal and replacement of asbestos-containing tile in a portion of the Fairbank Community Center to the lowest responsible and eligible bidder, as determined by Town Counsel pursuant to bids to be received on November 22, 2010 until further documentation can be reviewed by the Board at its November 22, 2010 meeting.

**Minuteman Regional Vocational Technical High School – Capital Plans and Regional Agreement Amendments Discussion**

Present: Minuteman Regional Vocational Technical High School Superintendent Dr. Edward Bouquillon and Minuteman School Committee Sudbury Representative David Manjarrez

The Board was previously in receipt of copies of memoranda from Town Manager Valente dated October 29, 2010 and November 15, 2010, summarizing the status of several issues regarding the Minuteman Regional Vocational Technical High School (MRVTHS) project and suggested revisions to the member agreements, updated Project Assumptions spreadsheets dated November 10, 2010 and November 16, 2010, the excerpts from the District Agreement for Minuteman –File # 2.10, and an opinion from Town Counsel dated November 8, 2010 addressing withdrawal from the Minuteman District Agreement.

Town Manager Valente commended the Minuteman staff on their efforts to communicate with the 16 member towns regarding ideas and plans for a project of this magnitude. She stated Minuteman has scheduled a meeting for November 17, 2010, which she will attend with Selectman Haarde and Finance Committee member Bill Kneeland to discuss the capital project. Ms. Valente stated the Minuteman School Committee has not voted on recommendations which were proposed by a task force.

Ms. Valente highlighted concerns regarding the proposed allocation method for capital costs and the ratio of students from member and non-member towns. She noted that the proposed recommendations would result in increased costs for Sudbury no matter what allocation method is used.

Chairman Drobinski stated it would be important at tomorrow's meeting to try to ascertain what the true impact would be on Sudbury's taxpayers, noting this is a large project. Selectman Haarde concurred, and he stated that, since the Town has recently built a new high school, Sudbury will have that information and experience to draw upon for comparison.

Vice-Chairman O'Brien stated he has forwarded some questions he has regarding the project and proposed recommendations to Ms. Valente. He referenced information provided by Minuteman regarding "Enrollment Changes based upon Preliminary October 1, 2010 Data." Vice-Chairman O'Brien suggested the Board might want to consider the question of whether Sudbury wishes to participate in school choice in other

ways and whether it should consider withdrawing from the Minuteman District. He also questioned whether the 16 Minuteman District members have an equal vote on issues or if votes are weighted.

Sudbury's Minuteman School Committee Representative David Manjarrez stated there is a need for a new Minuteman High School. As a Sudbury resident, Mr. Manjarrez stated he too is concerned about the impact the project would have on Sudbury taxpayers. He stated that each District member town has an equal vote on issues.

Vice-Chairman O'Brien asked for confirmation that votes by the 16 District member towns need to be unanimous. Mr. Manjarrez and Minuteman Regional Vocational Technical High School Superintendent Dr. Edward Bouquillon clarified that all 16 District member towns must independently affirmatively vote to support all recommendations and issues, but that within those towns the individual Town Meeting votes do not need to be unanimous.

Selectman Haarde stated that Sudbury does have concerns regarding the proposed capital project allocation formula and that non-member towns may not be paying an appropriate share of the costs. He also is concerned that the proposed funding methodology results in disproportionate costs for the on average 16 Sudbury students who attend the School each year.

Dr. Bouquillon stated that a capital project of this size has inherent numerous complications when it is being coordinated with 16 towns. He emphasized that his focus has been on communicating the facts of the project to help focus discussion. Dr. Bouquillon stated enrollment studies were completed to help document strategic planning. He also stated a Regional Agreement Task Force comprised of citizens was asked to make recommendations based on the totality of the project. He further stated it is a goal to add more members to the District. Dr. Bouquillon noted that a proposal by any member to withdraw from the District would need to be voted unanimously by the other members. He stated an impact analysis for the anticipated \$60 million renovation will be distributed at tomorrow's meeting. Dr. Bouquillon welcomed questions and stated he is willing to meet with Sudbury representatives anytime. He is proud of what the School has accomplished in recent years, noting the School has reduced staff by 35%, reduced its budget by 72%, kept growth to less than 1% this year, all while the freshman class has increased by 16%. Dr. Bouquillon also noted that there would be no financial impact from this project before FY14.

Chairman Drobinski thanked the gentlemen for their input and Mr. Manjarrez for representing Sudbury's interests.

At 10:57 p.m., Chairman Drobinski announced the close of the regular meeting.

There being no further business, the meeting adjourned at 10:57 p.m.

Attest: \_\_\_\_\_

Maureen G. Valente  
Town Manager-Clerk