

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, JULY 5, 2011

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

The statutory requirements as to notice having been complied with, the meeting was convened at 7:30 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:30 p.m., Chairman O'Brien opened the meeting. He thanked the Chamber of Commerce, the Department of Public Works and the Public Safety Departments for helping to make the July 4th Parade safe and successful.

Chairman O'Brien announced the Sudbury Water District has lifted the water ban, based on instructions from the Department of Environmental Protection.

Chairman O'Brien stated the Board's July 19th meeting agenda would include a discussion with Sudbury's Minuteman Regional Technical High School representative David Manjarrez regarding plans for capital improvements and modifications to the regional agreement. He stated options under consideration could result in additional expenses for Sudbury. He asked Vice-Chairman Haarde to contact Mr. Manjarrez and Finance Committee member Bill Kneeland before the meeting to discuss recommendations to the Board regarding whether Sudbury should support the proposals.

Chairman O'Brien further stated he has asked Town Manager Valente to coordinate discussions for the Board's August 16, 2011 meeting with groups regarding Park and Recreation issues, the Bruce Freeman Rail Trail, and updates from various standing boards and committees

Reports from the Town Manager

Support for Wayland Tragedy

On behalf of Sudbury, Town Manager Valente extended sympathies to the Town of Wayland for the tragic death of a local teenager. Sudbury's Police Department provided assistance with the first day of the investigation.

State Budget – Cherry Sheet and Health Insurance Option Updates

Town Manager Valente reported the initial review of the Cherry Sheet appears to have a neutral impact for Sudbury. While some monies were increased, others were reduced. She will continue to review the document as the State finalizes its budget in the coming weeks.

Town Manager Valente also reported that language regarding health insurance plan design options for municipalities has not yet been finalized. The revisions are currently under a ten-day review by the Governor. She will keep abreast of the final decision by the Governor, which she hopes will be approved.

Minuteman Regional Technical High School – Proposals

Town Manager Valente has spent significant time contacting other Town Managers regarding their perceptions of the proposed revisions. She stated Sudbury, Wayland, Weston and Carlisle would shoulder a

significant financial increase based on the School's recent proposals. Town Manager Valente will continue to evaluate options available and provide relevant information for the Board's next meeting.

Town Vendor Activity – Online Access Update

Town Manager Valente stated more time is needed to research the best way to make appropriate vendor information available online. She has discussed the idea with Superintendent Anne Wilson, and Sudbury Public Schools (SPS) would also need additional time to research the matter. Ms. Valente emphasized a major concern is to protect the confidentiality of certain material.

Reports from the Board of Selectmen

Selectman Drobinski expressed his sympathies to Wayland and the families involved.

Vice-Chairman Haarde stated the Town's thoughts are with Wayland during this difficult time. In addition, he stated thoughts from Sudbury go out to former Superintendent John Brackett for a speedy recovery. Vice-Chairman Haarde also extended well wishes to Bob Hall, noting how much Bob has been missed.

Vice-Chairman Haarde marched in the July 4th Parade, and he reported a great turnout by the community. He encouraged any organizations who want to participate to contact the Chamber of Commerce. Town Manager Valente stated the Fire Department also reported a large turnout of equipment from other towns.

Chairman O'Brien noted the Department of Public Works (DPW) has begun its paving program with FY12 funds. He urged citizens to drive carefully and be cautious of raised manhole covers. Chairman O'Brien also noted work on the repairs at Noyes School is underway.

Town Manager Valente clarified Chapter 90 State funds are used for the paving, noting the DPW prioritizes its pavement management program based on several factors.

Tax Deferral Annual Interest Rate for FY12

Present: Town Finance Director/Treasurer Andrea Terkelsen and Senior-Tax Advisor David Levington

At 7:45 p.m., Chairman O'Brien welcomed Town Finance Director/Treasurer Andrea Terkelsen to discuss her recommendation for setting the tax deferral annual interest rate for FY12. He thanked her for the comprehensive summary information packet previously provided to the Board. Chairman O'Brien provided a brief history of Sudbury's efforts to support senior tax relief.

Ms. Terkelsen stated the Council on Aging has a lot of useful information on the Town website, including all the exemptions available to senior citizens. She further stated the information packet to be discussed tonight will also be posted on the Town website tomorrow.

Ms. Terkelsen stated the tax deferral program is a popular and successful program in Sudbury. The program requires one be 60 years of age at the start of the fiscal year and have gross receipts for the previous year not in excess of \$74,000. She highlighted these limits are broader and more flexible than in other communities.

Ms. Terkelsen recommended keeping the rate the same as it has been for the past seven years at 2.5%. She explained the reasons for her recommendation are the same as last year, including allowing for consistent record-keeping and lower administrative costs. Further, it offers senior citizens predictability by

keeping the rate consistent with recent years. Ms. Terkelsen stated the average duration of a deferral is predicted to be 15-20 years, and the tax rate assigned in FY12 would remain in effect for the life of the deferral. Thus, it is believed using a long-term interest rate benchmark is appropriate. She stated maintaining the same interest rate still allows Sudbury to offer a good program with a rate well below many peer communities. She noted that four towns considered to be Sudbury's peers, Wayland, Weston, Concord and Lincoln, set their interest rate at 4%. Ms. Terkelsen briefly reviewed other charts and graphs available in her report, noting that surveying what other towns have done has been interesting. She plans to continue her research to determine if other communities have a similar financial profile to Sudbury in order to better establish what a balanced long-term Sudbury program should include.

Ms. Terkelsen stated as the program has grown, so has its long-term receivables. However, she further stated the number of participants seems to have leveled off. She noted that some who are eligible choose not to participate because the program is perceived as a type of mortgage. Ms. Terkelsen also stated some "younger" senior citizens, who still maintain a mortgage on their properties, have had difficulties with some lenders agreeing to participation in a deferral program. Town staff will work with citizens to help them resolve these issues.

In response to a question from Chairman O'Brien, Ms. Terkelsen stated anyone interested in participating should contact her or the Assessor's Office. She also stated Town staff work with citizens to make the application process as easy as possible during the first year. Participants do need to reapply each year, but the process is easy to renew.

Selectman Drobinski asked if the Council on Aging (COA) provided feedback regarding the recommendation.

Senior Tax Advisor David Levington, 155 Nobscot Road, commended Ms. Terkelsen for compiling a useful package of information. He stated the COA did not review the information or offer a recommendation. However, as the Town's Senior Tax Advisor, Mr. Levington believes it is in the Town's best short and long-term interest to lower the interest rate to 0%, as he also suggested last year. He acknowledged the pending State Special Act legislation, noting Sudbury can feel proud that it has done a lot to help keep senior citizens in Town. However, Mr. Levington believes even more can be done to make Sudbury a life-long place to live. He stated the Council on Aging will be working on this issue in the coming year, and it will ask the Board to also have it as a long-term goal. Mr. Levington believes the conversation regarding staying in Sudbury needs to happen with individuals earlier than in their sixties, and it should commence as children are graduating from school and heading off to college. He also believes participation in the deferral program should be increased, by possibly offering it to those younger than 60.

Selectman Drobinski stated he believes this program is critical for the Town to maintain for senior citizens, and he believes the 2.5% interest rate has proven to be successful.

Chairman O'Brien stated he believes the conservative approach for establishing the interest rate and determining the average duration of deferrals seems appropriate.

Ms. Terkelsen stated that, although a few towns might have interest rates at 0%, it is important to consider all the factors of the deferral program, noting Sudbury's age and income limits are likely more favorable.

Chairman O'Brien asked if the income level limits are revised each year. Ms. Terkelsen stated they are revised each year.

Vice-Chairman Haarde believes this is a good and successful program helping to address Sudbury's structural deficit, which is the Town's number one problem. Thus, he recommended that the interest rate be lowered to 0%. Vice-Chairman Haarde believes the loss of accrued interest each year is worth it, if it helps to keep Sudbury's senior citizens living here. He referenced several towns whose interest rates are lower, stating Sudbury should join them as a leader on this issue. Vice-Chairman Haarde believes the Town should do everything it can to retain senior citizen taxpayers.

Chairman O'Brien believes a 2.5% interest rate is consistent and a good program. He also believes the package of what Sudbury does for senior citizens will be enhanced with the passage of the pending State legislation. Chairman O'Brien also noted that some communities previously referenced, which have lowered the interest rate to 0%, have larger cash reserves and larger commercial bases than Sudbury.

Selectman Drobinski stated it is important to send a positive message to senior citizens that the program is consistent.

It was on motion

VOTED: To establish a tax deferral interest rate for taxes levied for FY12 to be 2.5%, as recommended by the Finance Director/Treasurer Collector Andrea Terkelsen.

Vice-Chairman Haarde opposed the motion.

Route 20 Wastewater System Steering Committee and Citizens' Advisory Committee – Adoption of Mission Statements

Present: Planning Board member Eric Poch, Sudbury Water District Chairman Bill Cossart, and Sudbury Public School Committee member Jeffrey Beeler

At 8:18 p.m., Chairman O'Brien opened the discussion regarding the adoption of Mission Statements for the Route 20 Wastewater System Steering Committee and Citizens' Advisory Committee (CAC). As a resident of the proposed project area, Chairman O'Brien recused himself from the discussion, and he asked Vice-Chairman Haarde to preside over the discussion.

The Board was in previous receipt of copies of draft Mission Statements for the Route 20 Sewer Steering Committee and the Citizens' Advisory Committee, both dated June 30, 2011, and a flow chart delineating the topics overseen by these two Committees, the Selectmen and the Technical Advisory Committee (TAC).

Vice-Chairman Haarde questioned the number of members for the (CAC), stating he is not sure representation from all precincts is necessary. He believes it is more important that members have the interest and skills needed for the tasks. Selectman Drobinski concurred, stating the current language ("to the extent feasible") allows for flexibility. Selectman Drobinski also believes the expertise of members and their willingness to work on the issues is most important.

Planning Board member Eric Poch noted time is of the essence, and he stated his preference for both Committees to be assembled before September.

Sudbury Public School Committee member Jeffrey Beeler suggested it could be useful to add a SPS School Committee representative as a member to the Route 20 Wastewater System Steering Committee, and possibly to the CAC. He believes this would enhance communications throughout the process between all parties. Vice-Chairman Haarde and Selectman Drobinski concurred.

Town Manager Valente stated she and Director of Planning and Community Development Jody Kablack recommend establishing the Steering Committee first, and then this Committee could help screen candidates for the CAC and establish a timetable for activities.

Selectman Drobinski asked if the intention is for the Board, at its next meeting, to appoint the Steering Committee.

It was on motion unanimously

VOTED: To approve the draft Mission Statements for Route 20 Sewer Steering Committee and Route 20 Sewer Citizens' Advisory Committee as drafted by the Town Planner and Town Manager and to request that the Town Manager begin advertising for interested volunteers, and to approve the addition to the Route 20 Sewer Steering Committee Mission Statement of a Sudbury Public School Committee representative as a member.

Vice-Chairman Haarde asked if the Mission Statement should also be revised to state the Committee would establish a schedule of activities and would recommend a slate of candidates for the CAC to the Board of Selectmen.

Selectman Drobinski stated the Steering Committee could assist the Board by initially screening candidates, but the Board would make the final appointments.

It was also on motion unanimously

VOTED: To approve the addition to the Mission Statement for the Route 20 Sewer Steering Committee that the Committee would recommend a slate of candidates for the Route 20 Sewer Citizens' Advisory Committee to the Board of Selectmen for approval.

Vice-Chairman Haarde requested that the Route 20 Sewer Steering Committee membership openings be posted as soon as possible and candidates be solicited on the Town website.

It was further on motion unanimously

VOTED: To instruct the Town Manager to draft a memo to be circulated as soon as possible to appropriate Town standing Committees and Boards, requesting that the names of the recommended representatives to serve on the Steering Committee be submitted to the Board of Selectmen in sufficient time to be voted on by the Board at its July 19, 2011 meeting.

At 8:33p.m., Vice-Chairman Haarde concluded the discussion.

Minutes

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of June 21, 2011.

Unibank Fiscal Advisory – Renewal Award

It was on motion unanimously

VOTED: To approve the renewal award by the Town Manager of the current contract terms and fee agreement addendum with Unibank Fiscal Advisory, effective July 1, 2011.

Terra Holdings LLC, a/k/a Nash Development - Gift

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a gift of \$5,000, from Terra Holdings LLC., a/k/a Nash Development, for the provision and upgrade of the video monitoring and surveillance system at the Fire Department, negotiated during the special permit application for the approved cluster subdivision known as Brookside Farm, said funds to be expended under the direction of the Fire Chief.

“Positive Spin for ALS” Bike Ride

It was on motion unanimously

VOTED: To grant a Special Permit to Myke Farricker, Coordinator, to hold a “Positive Spin for ALS” bike ride on Sunday, September 18, 2011, from 7:00 a.m. through approximately 4:00 p.m., following the same route as in previous years, subject to Police Dept. safety requirements, proof of insurance coverage and the assurance that any litter will be removed at the race’s conclusion. (Note: The event was previously scheduled and approved for June 12th, but was postponed due to severe weather warnings for the day.)

Department of Public Works - Annual and Renewal Contracts

It was on motion unanimously

VOTED: To approve the award by the Town Manager of Department of Public Works annual and renewal contracts for materials and services as they are submitted for FY12, award to be made to the lowest eligible bidder(s) in accordance with the requirements set forth in the bidding documents and as reviewed by Town Counsel.

<u>Contract Number</u>	<u>Contract Name</u>
2012-ER-1	Street Sweeping
2012- M-1	Bituminous Materials
2012- CM-1	Mowing/lawn and landscape
2012-G-1	Gasoline
2012-DF-1	Diesel Fuel
2012-M-3	Borrow Materials
2012-T-1	Trees & Stumps: Removal & Disposal
2012-M-2	Bituminous Concrete Type 1 in place
2012-TLP-1	Traffic Line Painting

Capital Improvement Planning Committee – Appointment

Vice-Chairman Haarde asked if the Capital Improvement Planning Committee (CIPC) vacancy should be advertised.

Chairman O’Brien stated Mr. Greece has served in the capacity of an Associate Member of the CIPC for the past year, and he has attended all meetings. CIPC Chairman Ted Fedynshyn believes this background

well qualifies Mr. Greece to assume membership responsibilities. Chairman O'Brien suggested the Associate Member position could be advertised.

Town Manager Valente clarified that the membership constitution of the CIPC is unique in that some members are appointed by her, some by the Selectmen and some by the Finance Committee. She further stated there is not an actual "Associate Member" position, but it has been the practice of allowing an interested party to attend meetings in this capacity to apprise themselves of issues and to ensure a smoother transition for filling vacancies.

Vice-Chairman Haarde emphasized his concern is with the process, and not with the qualifications of Mr. Greece. He asked if the bylaw should be amended to add an Associate Member position. Town Manager Valente stated the bylaw needs several revisions. She further stated Assistant Town Manager Bilodeau is working on this in the coming year.

Vice-Chairman Haarde stated there was some confusion within the Finance Committee regarding Douglas Kohen's recent appointment to that Committee for three years. He stated the Board had recently approved Mr. Kohen's appointment to the CIPC, and then Mr. Kohen changed his mind and was appointed to the Finance Committee instead. He commended Mr. Kohen for his years of excellent service to the Town on the CIPC.

Town Manager Valente clarified Mr. Kohen declined the appointment to the CIPC by the Board.

Selectman Drobinski noted a person can choose to resign a position at any time. Vice-Chairman Haarde concurred, noting all of the positions in question are served by volunteers.

Vice-Chairman Haarde asked if there are ways the information could be shared in the future by the Town to avoid the perceived confusion regarding the appointment process. He suggested plans to amend the bylaw and to advertise for an Associate Member proceed.

It was on motion unanimously

VOTED: To appoint Eric S. Greece, 12 Drum Lane, as a member of the Capital Improvement Planning Committee, for a term to expire April 30, 2014, as requested in an email dated June 27, 2011, from Ted Fedynshyn, Chair, Capital Improvement Planning Committee, filling a vacancy occasioned by the resignation of Douglas Kohen, and to send a letter of appreciation to Mr. Kohen.

Sudbury Historical Commission – Appointment

It was on motion unanimously

VOTED: To approve the Town Manager's appointment of Barbara A. Bahlkow, 150 North Road, Unit #22, to the Sudbury Historical Commission for a term to expire on April 30, 2013, filling a vacancy occasioned by the resignation of W. James Hodder, as recommended by Historical Commission Chair Lyn MacLean in an email dated June 24, 2011, and to send Mr. Hodder a letter of gratitude for his service.

FY 12 Capital Budget - Lease Purchase Awards

It was on motion unanimously

VOTED: Pursuant to ATM11/Art.5, FY12 Capital Budget, to approve the award by the Town Manager for the lease-purchase of one 2011 Chevy 1 Ton #3500 Dump Body with Plow at a purchase price of \$38,737, and one 2011 Chevy 1 Ton #3500 Rack Dump with Plow at a net purchase price of \$46,858 after trade-ins; said purchases to be financed over a five-year period at an interest rate acceptable to the Town, the Town Manager to execute all documents related thereto inclusive of the Lease-Purchase Agreements as negotiated by Town Counsel's Office.

Ho Tai Restaurant, d/b/a Lotus Blossom - Approval of a One-Hour Extension for Serving Hours

The Board was previously in receipt of copies of a letter dated June 21, 2011 from Sherry Chen, owner of Ho Tai Restaurant, d/b/a Lotus Blossom, requesting approval for a one-hour extension of serving hours, Monday through Saturday, effective September 2011, copies of the Restaurant's Common Victualer Alcoholic Beverages License, and several email communications from Town staff regarding the request.

Chairman O'Brien noted Police Chief Richard Glavin stated his Department is not in favor of a set 2:00 a.m. closing for businesses licensed to serve alcohol in Sudbury. The Police Chief further suggested that, if the Board were to consider granting the request, a review be completed after six months.

Selectman Drobinski stated there does not seem to be a lot of activity in Town at 2:00 a.m. on Fridays and Saturdays. He asked if any other establishments in Town are open until 2:00 a.m. Chairman O'Brien stated no others are, although the Board has occasionally approved one-day extensions of serving hours.

Chairman O'Brien stated he believes the Police Department knows best what the activity is at that hour of the morning, and he believes its opinion should be respected.

Selectman Drobinski stated he is inclined to agree that a 1:00 a.m. closing is sufficient for Fridays and Saturdays, but the applicant is welcomed to demonstrate need to the Board at a later date.

Vice-Chairman Haarde clarified the request is to extend the serving hours from midnight to 1:00 a.m. Mondays through Thursdays, and from 1:00 a.m. to 2:00 a.m. on Fridays and Saturdays. He agreed with the Police Chief that a 1:00 a.m. closing for every night of the week seemed sufficient, and that the applicant could re-apply if further need could be demonstrated.

It was on motion unanimously

VOTED: As the licensing authority for the Town of Sudbury, to approve extension of the closing hour and serving of alcoholic beverages by one hour at Ho Tai Restaurant, d/b/a Lotus Blossom, 394 Boston Post Road, from midnight until 1:00 a.m. Monday through Thursday, effective September 1, 2011 upon completion of a partial renovation to the facility, as requested in a letter dated June 21, 2011 from owner Sherry Chen., subject to the kitchen remaining open for the service of food.

There being no further business, the meeting recessed at 8:55 p.m.

Attest: _____

Maureen G. Valente
Town Manager-Clerk