

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, FEBRUARY 26, 2013

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

Absent: Selectman John C. Drobinski

The statutory requirements as to notice having been complied with, the meeting was convened at 7:38 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:38 p.m., Chairman O'Brien opened the meeting. He announced Selectman Drobinski is absent tonight, since he is traveling out of Town. Chairman O'Brien thanked the Department of Public Works for the excellent job it did to clear streets and walkways during the last month's snow storms. He reminded residents to register their dogs prior to March 31, 2013 to avoid a \$25 late fee, and to return census forms to the Town Clerk's Office. Chairman O'Brien acknowledged several Boy Scouts from Troop 60 in attendance tonight, who are working towards their Citizenship and Community Badges.

Reports from the Town Manager
Recognition of Town Staff Achievements

Town Manager Valente congratulated Sudbury's Shared Park and Recreation Director with Wayland, Nancy McShea, on receiving the 2013 Massachusetts Recreation and Park Association's Community Professional of the Year Award. She also congratulated Sudbury's Park and Recreation Adaptive Therapist Anna Wood on receiving the 2013 Community Partnership Award.

Updates

Town Manager Valente stated the Town's snow and ice budget has been depleted, and she will ask the Finance Committee for deficit-spending approval.

Town Manager Valente distributed copies to the Board of a letter from BayPath Elder Services, Inc., dated February 21, 2013, highlighting the importance of the Meals on Wheels program, and inviting Town officials to participate in delivery of this service to senior citizens. Anyone interested in volunteering can contact the Senior Center.

Town Manager Valente stated the Governor has filed legislation regarding Other Post-Employment Benefits (OPEB). She stated a State Commission was formed to study the issue, and a report was filed which led to the proposed legislation. Additional information can be accessed on the Massachusetts legislative website.

Town Manager Valente reported the Town's strategic finance subgroup has been working to compile information which will be shared with the Board at a later date.

Reports from the Board of Selectmen

Chairman O'Brien announced that, after 18 months of collective bargaining negotiations, an agreement has been reached with the Lincoln-Sudbury Regional High School (L-SRHS) teachers' association, and he distributed copies of a press release. He briefly summarized key terms to the agreement, including a modest wage increase, a Cost of Living Adjustment (COLA) over three years of 0%, 1.15% and 3.15%. The agreement is anticipated to result in approximately \$650,000 of cost avoidance, and helps to preserve

teaching positions and an excellent curriculum. He stated the contract will be posted on the L-SRHS website tomorrow.

Town Auditors – Fiscal Year Ended June 30, 2012 Report

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

At 7:45 p.m., Chairman O'Brien welcomed Matthew Hunt from the Town auditing firm, Sullivan, Rogers & Company, LLC to the meeting along with Town Finance staff Andrea Terkelsen and Barbara Chisholm. The Board was previously in receipt of the "Town of Sudbury, Massachusetts Reports on Internal Controls Over Financial Reporting, Compliance and Federal Awards Programs for the Fiscal Year Ended June 30, 2012," "Town of Sudbury, Massachusetts Management Letter June 30, 2012," and the "Town of Sudbury, Massachusetts Comprehensive Annual Financial Report For the Fiscal Year Ended June 30, 2012."

Mr. Hunt provided a brief review of the audit reports. He emphasized this year's report is much larger because the Town completed its first Comprehensive Annual Financial Report (CAFR), which will also be submitted for a Government Financial Office Association (GFOA) award. He thanked Ms. Terkelsen, Ms. Chisholm and their staffs for the outstanding work done to meet the award submission deadline of December 31, 2012.

Mr. Hunt highlighted information from the financial statements, by reviewing several key accounts and provided dollar figures and/or percentage comparisons to the previous fiscal year. The General Fund balance at the close of FY12 was approximately \$13.7 million, and the restricted balance was approximately \$6.4 million. Mr. Hunt stated the unassigned fund balance of the General Fund totaled \$5,603,341, or 6.6% of total General Fund expenditures and transfers out, compared to a ratio of 4.8% last year. He stated Sudbury has done an excellent job building back up its reserves, and the Town has an outstanding AAA bond rating. Referencing page 31 of the Report, Mr. Hunt offered a few reasons for the increase in the General Fund, noting revenues came in higher than anticipated, and the practice of conservative spending was again successful, as it has been in previous years.

Mr. Hunt briefly reviewed the Community Preservation Act (CPA) Fund balance of approximately \$8.9 million, referencing page 31 of the Report. He stated the Town received approximately \$1.5 million from the CPA surcharge and a State match of approximately \$430,000. Approximately \$1.5 million was spent in FY12, of which approximately \$1.2 million was for debt service. Sudbury's Finance Director/Treasurer Andrea Terkelsen later reminded the Board that, in FY12, significant monies were spent to purchase the Pantry Brook Farm Conservation Restriction, which will deplete the CPA cash reserves on subsequent financials as the bonding process is completed.

Mr. Hunt briefly reviewed the Enterprise Funds, referencing pages 32-35 of the Report, where combined totals are presented, and he noted separate totals are presented on pages 91-93. He noted the Swimming Pool Fund experienced an increase in net assets of approximately \$344,000 in FY12, due to a \$300,000 transfer from the General Fund. The Transfer Station Enterprise Fund experienced a decrease of \$79,000 from the previous year, for a total of \$365,000 in net assets. Mr. Hunt highlighted the decrease is due to an accrual accounting system, noting that on a cash-accounting basis the net assets would have been very similar to last year's. Mr. Hunt further noted the net assets for the Field and Recreation Maintenance Enterprise Fund were approximately \$137,000, which was an increase of approximately \$88,000 from the previous year, primarily due to a decrease in field repairs in FY12.

Mr. Hunt further reviewed the Town's debt service in the General Fund, which represents 4.5% of total expenditures, compared to 5.1% last year. Mr. Hunt noted the Town has long-term debt of approximately \$32 million, of which approximately \$12.1 million will be reimbursed from the State over the next ten years.

Vice-Chairman Haarde asked for clarification regarding the existing Field Enterprise Fund and the response provided by Town Counsel Paul Kenny to a request from the Park and Recreation Commission to create another Park and Recreation maintenance fund.

Ms. Terkelsen explained that municipalities can only create Enterprise Funds according to certain prescribed State guidelines. She stated the Park and Recreation request was to create a special purpose fund to set aside monies for turf replacement for fields, which is not possible under the law. Ms. Terkelsen stated she is meeting with the Commission on March 18, 2013 to discuss what legal options exist to accomplish what the Commission desires.

Vice-Chairman Haarde asked if monies could be drawn from the current Enterprise Funds for the purpose of turf replacement, without creating a new Enterprise Fund. Town Manager Valente stated it is possible retained earnings could be amassed and then utilized, but this was not what the Commission asked for, and what was requested is not permissible.

Vice-Chairman Haarde asked if Payment-in-Lieu of Taxes (PILOT) programs are becoming a bigger trend in other communities. Mr. Hunt stated these programs vary by town, but they do not typically reflect major fluctuations. He stated he has not observed a trend for these programs. Ms. Terkelsen noted the Town completed a PILOT study a few years ago which was presented to this Board. She stated Sudbury does not have many opportunities to dramatically increase these programs. Ms. Terkelsen stated a large factor is how a town determines it wishes to treat its tax-exempt entities. Vice-Chairman Haarde noted the Wayside Inn and the Landfill Solar Project as a few examples. Ms. Terkelsen noted there are a few special circumstances in Town, but the largest entity is the U.S. Fish and Wildlife organization, and the Town cannot negotiate with this Federal entity.

Ms. Terkelsen highlighted that, if this year's financial report is compared to those from previous years, it should be noted that the Stabilization Fund balance used to be reported separately, but it is now included as part of the General Fund balance.

Mr. Hunt next reviewed the Management Letter, which included two new comments, i.e., one for recommended identification of service organizations utilized and receipt of the appropriate Service Organization Control (SOC) report, and the other regarding recommending familiarization with the Government Accounting Standards Board (GASB) Statement No. 68, which will be implemented in FY15 regarding new financial reporting requirements for pension benefits to employees and retirees. In addition, a comment recommending improvement related to cash receipts in the Town Clerk's Office was noted again this year, and School Department encumbrances, i.e., open purchase orders not signed and/or properly dated has been resolved. He clarified that no material areas of weakness were found, however, control efficiency recommendations were made to the Town. As identified last year, the Report states more can be done to develop the Town's Risk Assessment and Monitoring System. Mr. Hunt stated Town staff continues to work on this goal. In FY12, the Town finalized an "Anti-Fraud Policies and Procedures" manual, and developed an "Internal Controls Questionnaire" to be distributed to Town departments in FY13.

Mr. Hunt next summarized the findings from the Federal Awards Program report. He explained why this Report is required, based on the total amount spent by the Town from Federal grant funds. Mr. Hunt stated the Town spends approximately \$1.3 million of these funds, primarily for Special Education programs, which is where the audit focused its attention. In summary, there was one finding reported on page 9 of the

Report, which is an internal control matter regarding signing off on invoices. Mr. Hunt noted three of the four comments from last year were resolved.

It was on motion unanimously

VOTED: To accept the June 30, 2012 (FY12) audited financial statements as presented by the audit firm of Sullivan Rogers & Company, LLC.

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

At 8:13 p.m., Chairman O'Brien thanked Mr. Hunt and the Finance staff for their work, and he closed the discussion.

Legislative Discussion

Present: State Representative Tom Conroy and State Senators Jamie Eldridge and Michael Barrett

At 8:22 p.m., Chairman O'Brien welcomed State Representative Tom Conroy and State Senators Jamie Eldridge and Mike Barrett to tonight's meeting to provide the Board with a legislative update.

State Senator Jamie Eldridge distributed copies to the Board of a handout highlighting his priorities and the FY14 Local Aid estimates comparing the Cherry Sheet for Sudbury and L-SRHS to the Governor's Budget estimates. He also congratulated Senator Barrett on his newly elected position.

Mr. Eldridge stated working to support increases to municipalities in Local Aid, lottery, regional school transportation and Chapter 70 funds are his highest priorities. He has advocated strongly for human services funding, a fair and adequate tax system and for budget transparency and accountability. Mr. Eldridge also supports stimulating economic development, investments in transportation, water, higher education, libraries and public schools, noting he will support the need to raise sufficient revenues to provide services. He also commended Sudbury for the leadership role it has taken on senior citizen-related issues.

Mr. Eldridge highlighted a few pending bills, including a housing bond bill, and there is discussion regarding a water infrastructure bond bill and a library bond bill. He also listed his Committee assignments for the coming year, including Co-Chair of a Joint Committee on Housing. Mr. Eldridge stated he met with the Sudbury Housing Authority (SHA) about its desire to maintain local control. He emphasized the SHA is an effective housing model. Mr. Eldridge also stated he is monitoring affordable housing issues, noting he is aware that Chapter 40B issues are of particular concern to Vice-Chairman Haarde. He further stated he is a strong proponent of a bottle bill.

Chairman O'Brien asked for clarification regarding bond issues for public schools. Mr. Eldridge stated the proposal is more related to public libraries and not for K-12 schools.

Chairman O'Brien suggested it might be helpful to have bonding for public school technology issues, noting technology infrastructure upgrades become outdated quickly and they are very expensive. He also suggested that State funding to assist Sudbury to repair Sherman's Bridge, which he described as a wooden bridge, heavily used as a cut through to other towns, would be very helpful.

State Representative Tom Conroy stated he is pleased to be working as part of Sudbury's legislative team with Senators Eldridge and Barrett. Mr. Conroy stated his top priority is to work to help bring as much local aid back to communities as possible, and to help increase funding for programs needed, and to eliminate

those that are not working. He acknowledged that the budget burden is trending in the wrong direction for municipalities, receiving less money from the State than they did ten years ago.

Mr. Conroy stated there is a strong trend to address transportation issues in the coming year. He emphasized the need to create a 21st Century transportation system statewide, which he hopes will also include water infrastructure improvements. Mr. Conroy acknowledged the need to increase State revenues, and he encouraged Sudbury citizens to contact him with ideas as to how best to pay for the services which are needed, and how best to raise revenues.

Mr. Conroy has been very interested in the OPEB issues facing communities, and he attended all of the Special Commission meetings last year. He believes the Commission's report will become a template for a legislative bill. Mr. Conroy stated the report presents several good recommendations, and labor parties were part of the report generation process. He also commended Sudbury Finance Committee members Bob Jacobson, Chuck Woodard and Jim Rao for their research on the OPEB issue. Mr. Conroy noted he will Chair the Joint Commission on Labor and the Workforce in the coming year. He also thanked Sudbury Senior Tax Advisor David Levington, former L-SRHS School Committee member Mark Collins and Chairman O'Brien for providing him with ideas which led to subsequent bills being proposed.

Vice-Chairman Haarde asked if Mr. Conroy had received his email regarding the municipal infrastructure liability act regarding burying utility and telecom lines, and he stated this issue could also be of interest to Mr. Eldridge, as a member of the State's Telecom Committee. Mr. Conroy stated he did not recall receiving the communication. Vice-Chairman Haarde stated that, in other parts of the country, all utilities are required to work together to put lines underground once one party digs a trench. He stated this could be very important for Sudbury as it moves forward developing a sewer system for Route 20. Vice-Chairman Haarde highlighted that placing all lines underground serves many economic, efficiency and beautification purposes. Mr. Eldridge stated he will further research this issue. Vice-Chairman Haarde emphasized the crux of the problem is that burying lines is expensive for the utility companies -- approximately \$1 million per mile, primarily to dig the trench. Thus, if the hole is being dug anyway, it is much more cost effective to have the companies comply with underground installation all at the same time.

Chairman O'Brien suggested consideration be given to developing a grant seed program to address the special education costs for school districts.

State Senator Michael Barrett thanked Sudbury for broaching the Sherman's Bridge and technology issues. He stated he will Chair the Children, Families and Persons with Disabilities Division this year, which accounts for 40% of the State's budget. Mr. Barrett stated his priority during budget discussions will be to ensure human services are given due consideration for funding. He will also focus on local aid for communities. However, Mr. Barrett emphatically stated the State will need additional revenues to deliver the services citizens expect. He encouraged citizens to let him and his colleagues know how best to strike the balance between raising taxes, but not by too much.

Mr. Barrett has co-sponsored with Mr. Conroy a proposal for a carbon tax, which he described as a gasoline, anti-pollution tax. He encouraged citizens to be more proactive about green technologies.

Chairman O'Brien noted Sudbury is a green community, and he singled out Sudbury resident Rami Alwan, who was in attendance, and who coordinates Sudbury's Solarize Mass. Team.

Vice-Chairman Haarde welcomed Mr. Barrett to Sudbury, noting the Town has a strong constituency committed to volunteerism and helping people with disabilities.

Town Manager Valente referenced State Senator Donnelly's pending bill. She distributed copies of a letter to the State legislators from the Board, noting Sudbury's support of the bill filed by Senator Donnelly regarding capital project financing of regional vocational high schools, and requesting that Representative Conroy and State Senators Eldridge and Barrett work to have this legislation enacted.

Mr. Barrett asked for a brief summary of Sudbury's position regarding the Minuteman Vocational Technical School issues.

Vice-Chairman Haarde stated Sudbury has always been pleased with the School and its terrific and state-of-the-art curriculum. However, he stated Sudbury is not pleased with the current funding mechanism, which allows for out-of-district communities, which send nearly half of the student population to the school, to not contribute anything to capital costs and the nearly \$7 million proposed renovation.

Chairman O'Brien stated the funding model needs to shift to make it advantageous to be a district member community.

Vice-Chairman Haarde stated Sudbury is currently one of 16 district members. However, he noted that, currently, it is a better deal financially to not be a district member, but all other 15 members need to agree to let one member leave the district.

Town Manager Valente stated the State is encouraging regionalization efforts. She emphasized this is a good example of where the State could assist with funding regulations to help the regional high school model work for participating communities.

Chairman O'Brien emphasized it is important that the students not be penalized from whichever outcome is reached. Mr. Barrett concurred, noting the situation is at a crisis point.

Sudbury resident Rick Johnson, 35 Bent Road, believes the State should look at correcting financial abuse, waste, and fraud issues before asking citizens for any additional monies. He cited a few examples of areas he believes are not fiscally working properly or necessary, such as the purchase of the Worcester Airport.

Mr. Conroy stated the State is always looking at ways to reduce misuses of funds. He believes government has made improvements in recent years, following a "reform before revenue" approach. Mr. Conroy stated major transportation reform was passed in 2009, which streamlined many processes. However, Mr. Conroy emphasized the need for significant transportation funds is real, noting the average age of locomotives on the commuter rail is 28 years, when the lifespan for these trains is only 30 years. He stressed the issue is one of safety, and it is critical, as are the conditions of most of the State's bridges.

Mr. Barrett addressed Mr. Johnson's comments, noting Mr. Johnson's figures are not accurate, but his moral point is well taken. He disagreed with Mr. Johnson's position regarding the Worcester airport. Mr. Barrett noted that Logan airport is at sea level, and with the climate changes which have become evident, it is prudent for the State to plan for an inland airport. He acknowledged there is likely some waste still in government, but he believes it is no more than can be found in most large organizations. Mr. Barrett believes funding for transportation is inevitable because the private sector will never take on roads, schools and transportation because these things are for the public good, and the private sector cannot make any money from handling them.

Sudbury resident and SHA member Sherrill Cline stated the SHA strongly opposes the Governor's proposal for regionalization of housing authorities. However, as a Sudbury resident, Ms. Cline thanked all three men for their courage to publicly support raising revenues.

At 9:22 p.m., Chairman O'Brien thanked the legislators for their work on behalf of Sudbury and he closed the discussion.

Public Hearing: Site Plan Application – Solar Sudbury One LF LLC a/k/a Ameresco, 20 Boston Post Road

Present: Ameresco representatives Jim Walker, John Bannon and environmental and permitting consultant Rob Pukowski of AMEC (an environmental consulting firm) and Energy and Sustainability Green Ribbon Committee Chair Bill Braun

At 9:22 p.m., Chairman O'Brien opened the Public Hearing regarding the application of Solar Sudbury One LF LLC, (a/k/a Ameresco) and the Town of Sudbury, owner, for Site Plan approval to construct a 1.5 megawatt solar photo-voltaic array on approximately a six-acre parcel of leased land at the Town's Landfill, located at 20 Boston Post Road, zoned Limited Industrial district, K12, Parcel 0002, which was continued from February 12, 2013. The Board was previously in receipt of copies of a letter from Henry Watkins, President of HDR Holdings, LLC, dated February 19, 2013, requesting additional time to familiarize himself with the project as an abutter who was not notified of the last meeting, and a letter of response to Mr. Watkins from Director of Planning and Community Development Jody Kablack.

Chairman O'Brien asked representatives of HDR Holdings, LLC how much they know about the site plans to date.

HDR Holdings, LLC General Counsel Michael Carroll, stated his company is an abutter to this project, which has just become aware of the project in recent weeks due to a notice received regarding a Conservation Commission meeting. Mr. Carroll attended the Conservation Commission meeting, noting there appears to be no concerns regarding wetlands.

AMEC consultant Rob Pukowski provided a brief description of the proposed solar array to cover approximately six acres, and he displayed photographic exhibits of the site. Mr. Pukowski explained the solar panels sit on a racking system, and there is no penetration of the landfill cap. He stated the proposal creates only a half-acre of impervious area. Mr. Pukowski referenced the Department of Environmental Protection (DEP) permitting process, noting the stormwater portion indicates there is no net increase regarding stormwater activity. He further stated there would be appropriate erosion control measures instituted during construction. Mr. Pukowski stated the overall disturbance is expected to be minimal, and that minimal grading would be required. Regarding runoff, he stated there is a drainage ditch on site.

Chairman O'Brien stated the area is proposed to be enclosed within a six-foot tall chain-link fence. He asked if Mr. Pukowski could describe the elevation of the site in relation to HDR, the abutter. Mr. Pukowski provided this information, estimating the abutter's property to be at least forty feet away from the proposed fence.

Mr. Pukowski addressed the concern regarding noise. He explained the only noise would come from the inverters and transmitters, and that the panels make no noise. Mr. Pukowski estimated the 65 decibel-noise level to be similar to a normal speaking voice three feet away.

In response to a question from Chairman O'Brien, Mr. Pukowski stated the hearings have been closed with the Conservation Commission, and the applicant has filed its stormwater management permit application, which is pending review.

Mr. Carroll stated his company has concerns, and he asked if there are any other permitting matters before DEP, such as the stormwater application. Mr. Pukowski stated the stormwater application has been filed with the Town.

Mr. Carroll stated his company has concerns regarding the visual impact of the property. He distributed copies of a photograph taken of the hill looking back towards the HDR building to illustrate the point. Mr. Carroll stated that, it appears as if the solar panels would be very visible to his client and their tenants. He also stated his client has concerns regarding the type of fence proposed, which he has discussed with Ameresco representatives. Mr. Carroll asked if another type of fence could be considered, which could also be screened to mitigate the potential negative aesthetic appearance. He further stated his client is concerned about noise, and he asked if there is a comparable site which he and his client could visit.

Ameresco representative Jim Walker stated a site visit to the outdoor facility in Fall River could be coordinated with Ameresco representative John Bannon.

Mr. Carroll stated there are also concerns about piercing the landfill cap, and he asked who would be responsible if this occurs.

Chairman O'Brien stated it is also important to the Town that the cap not be penetrated. He explained the proposed project sits completely on top of the site.

Mr. Walker stated this issue is also important to Ameresco, and he noted this is a highly regulated activity by DEP, which does not allow the cap to be pierced. He also stated it would be Ameresco's responsibility if an incident were to occur.

Energy and Sustainability Green Ribbon Committee Chair Bill Braun stated the DEP and Town are likely even more concerned that the project be in compliance with regulations than is the abutting property owner.

Mr. Carroll asked who is responsible for maintenance of the drainage ditch. Chairman O'Brien explained that it is Ameresco's responsibility within the fenced area, and the outside area would be maintained by the DPW.

Mr. Carroll stated HDR requests that the Board require a screened fence as a condition of approval. He stated he provided Ms. Kablack with examples.

Mr. Pukowski will contact Ms. Kablack regarding fencing. However, he stated that, based on his experience, screening after a few years deteriorates and looks worse than a lone chain-link fence. Mr. Walker stated fencing has not been an issue at other sites.

Co-owner of HDR, LLC David Watkins, stated he supports the technology of the project, but he believes it needs to fit into the community. Mr. Watkins is concerned about the appearance of the fence, noting he does not want it to look like a construction site. He would like a better solution proposed by Ameresco. Mr. Watkins stated he also has worked with committees for the Town of Wayland, which is planning to build a housing development in close proximity to this project. He believes Wayland as well as his company will have issues with the aesthetics of the Sudbury project.

Mr. Walker asked Mr. Watkins to contact him to discuss issues further.

It was on motion unanimously

VOTED: To continue the Public Hearing regarding the application of Solar Sudbury One LF LLC, (a/k/a Ameresco) and the Town of Sudbury, owner, for Site Plan approval to construct a 1.5 megawatt solar photo-voltaic array on approximately a six-acre parcel of leased land at the Town's Landfill, located at 20 Boston Post Road, zoned Limited Industrial district, K12, Parcel 0002 to March 12, 2013 at 7:45 p.m..

Minutes

It was on motion unanimously

VOTED: To approve the Regular and Executive Session minutes of February 12, 2013.

Sunday Entertainment License – 29 Group, LLC d/b/a No. 29 Sudbury

Town Manager Valente distributed copies of two email communications from the Interim Building Inspector Mark Herweck and Police Chief Richard Glavin, both dated February 26, 2013, noting concerns for abutters from the requested outside acoustical music on Sundays until closing time.

Vice-Chairman Haarde noted the agenda request does not specify outdoor acoustical music. He stated he would have a concern about the time permitted for outdoor music only.

It was on motion unanimously

VOTED: To approve a Sunday Entertainment License for 29 Group, LLC, d/b/a No. 29 Sudbury, 29 Hudson Road, Suite 150, for live outdoor acoustical music from noon to 9:00 p.m., and until closing for indoor entertainment for the period May 5, 2013 to December 29, 2013.

Sudbury resident Siobhan Hullinger, 55 Washington Drive, asked if there are decibel limitations as part of the license conditions. Sudbury resident Rick Johnson, 35 Bent Road, stated he believes there are local and State guidelines for regulation. The Board noted, if complaints are received, the Sudbury Police Department will act appropriately to limit the noise.

Sudbury Military Support Network – Proclamation

It was on motion unanimously

VOTED: To sign a Proclamation acknowledging the two-year anniversary of the Sudbury Military Support Network, brought to fruition by Army mother Patty Houpt, following the tragic loss of Sudbury resident 1Lt. Scott Milley, for its work and recognition on behalf of all Town military families.

Annual Town Election – Sign Warrant

Town Manager Valente distributed copies of the “2013 Official Warrant Annual Town Election Including Regional District School Committee March 25, 2013.”

Vice-Chairman Haarde asked who wrote the pro and con arguments. Town Manager Valente briefly explained the typical process, which allows for a 250-word argument, noting that for this Warrant, the

arguments were submitted by residents Mike Troiano and Stan Kaplan. She further noted the authors may be different than those who submit the articles.

Sudbury resident Siobhan Hullinger, 55 Washington Drive, asked Ms. Valente for clarification regarding the Special Act mentioned. Chairman O'Brien stated Sudbury submitted a home rule petition years ago asking permission to add pro and con arguments to the ballot questions. Ms. Hullinger asked if the Special Act only allows for the arguments, or if it also includes the authors of the arguments. If not, Ms. Hullinger asked how the authors could be added.

Vice-Chairman Haarde noted the author could choose to include their name as part of their 250-word allowance, or the Special Act would need to be changed to include this requirement. He further stated it is not always known who the authors are.

Ms. Hullinger asked if it would be possible to list from whom the argument was submitted.

Chairman O'Brien agreed with Vice-Chairman Haarde that the Special Act does not call for authors to be identified. He believes the arguments benefit voters. He advised Ms. Hullinger to contact Town Counsel for more information regarding the process for revisions.

Sudbury resident Bryan Semple, 15 Revere Street, asked how the authors are selected, noting he believes the arguments printed in the Warrant can sway voters.

Town Manager Valente encouraged contacting Town Counsel Kenny, who coordinates Ballot Question text, for more information.

It was on motion unanimously

VOTED: To sign the Annual Town Election Warrant for March 25, 2013, as requested by Town Clerk Rosemary Harvell.

Sudbury Celebrates 375/Sudbury Day Committee – Appointment

It was on motion unanimously

VOTED: To appoint John Stevens, 168 Horse Pond Road, to the Sudbury Celebrates 375/Sudbury Day Committee for a term to expire November 30, 2014.

Opt-Out Incentive Program for Health Plans – Discussion

Present: Assistant Town Manager Maryanne Bilodeau

Assistant Town Manager Maryanne Bilodeau summarized the proposal to continue the Town's Opt-Out Incentive Program for its Health Plans for active employees. Ms. Bilodeau stated the program began in 2011 for a recommended two-year term. It is now proposed to continue the Program for an additional two years as it is currently structured, with the addition of two revisions. Ms. Bilodeau explained the two revisions as requiring that active employees be on the Town's Health Plan for at least two years prior to opting-out, and requiring that, if an employee opts-out of the Town's health plan, they cannot be covered by the L-SRHS health plan. She stated the Program, over a three-year period, is expected to reduce the Town's budget by over \$1 million, and she described it as a "win-win" for all parties.

Vice-Chairman Haarde asked for clarification regarding how many employees have opted out since the program began and why the two-year wait is required. Ms. Bilodeau stated 51 employees have opted-out, at an average savings of over \$10,000 after the incentive. She also explained employees have the option to decline health coverage outright upon employment, without a need for an incentive. The two-year waiting period seems to help avoid people choosing to opt out for the wrong reasons.

It was on motion unanimously

VOTED: To approve to continue offering the Opt-Out Incentive Program through June 30, 2015 for those Active Employees who currently participate in the Program and for those Active Employees who are currently enrolled in the Town's Health Plans and who opt out of being covered by the Town of Sudbury health plans, as described in the attached document "OPT-Out Incentive Program, with updates for July 1, 2013."

Inter-municipal Agreement with the City of Marlborough for Veterans' Agent Services – Extension

The Board was previously in receipt of a draft "Veterans' Services Inter-municipal Agreement between the City of Marlborough and the Town of Sudbury." Town Manager Valente stated this agenda item needs to be postponed to the Board's March 12, 2013 meeting, to allow additional time to collect relevant information.

State of the Town Forums in Lincoln – Informational Report

Town Manager Valente read aloud her notes from a meeting she and Sudbury resident Bryan Semple, 15 Revere Street, attended with Town of Lincoln Town Administrator Tim Higgins regarding the State of the Town Forums held in Lincoln. Ms. Valente reported Lincoln conducts one forum a year, in the fall, on a Saturday. Mr. Higgins stated citizens are too busy to attend all the meetings and public hearings they are interested in, and they do not want to use the floor at Town Meetings for brainstorming. Thus, Lincoln holds a forum to discuss key issues in an informal manner with Town officials, committees and boards. Ms. Valente described a typical agenda and the process used to develop it in Lincoln. Benefits of the forums were noted as a good opportunity to receive resident feedback and the citizens appreciate the opportunity to be heard on major issues. However, it was noted that sufficient time is needed in advance to do it well, and staff time is impacted for preparation and participation. In summary, the process is non-binding for a variety of reasons, but it has worked well and has been well received in Lincoln.

Mr. Semple stated a successful forum is not assured, but with the right moderator, and with good participation from staff, boards, committees and citizens, he believes it is worth trying to coordinate a similar forum in Sudbury. He also believes it would be useful for all entities to have established goals in advance of the forum, which could then be assessed. Mr. Semple suggested the fall may be the best time to coordinate a meeting. However, he also suggested that a Moderator's Forum be coordinated now in advance of the 2013 Town Meeting.

Chairman O'Brien stated he would contact Town Moderator Myron Fox to explore whether a meeting can be scheduled. He further suggested Mr. Semple contact Mr. Fox as well. Chairman O'Brien also requested that Selectman Drobinski be provided with a tape of tonight's meeting to be familiarized with this discussion.

Annual Town Meeting Actions

The Board was previously in receipt of a draft list of the "2013 Annual Town Meeting Warrant Articles," dated February 21, 2013 as noted below. The consensus of the Board was that the list will be reviewed at its

next meeting on March 12, 2013, to designate articles for the Consent Calendar and to take positions as deemed appropriate.

- #1 - Hear Reports
- #2 - FY12 Budget Adjustments
- #3 - Stabilization Fund
- #4 - FY14 Budget
- #5 - FY14 Capital Budget
- #6 - FY14 Transfer Station Enterprise Fund Budget
- #7 - FY14 Pool Enterprise Fund Budget
- #8 - FY14 Recreation Field Maintenance Enterprise Fund Budget
- #9 - Unpaid Bills
- #10 - Special Act – Use of Local Meals Tax Revenue
- #11 - Chapter 90 Highway Funding
- #12 - Real Estate Exemption
- #13 - Accept CH. 59, s.55N – Veterans’ Property Tax Work-Off Abatement
- #14 - Town/School Revolving Funds
- #15 - Fire Department Ambulance Purchase
- #16 - Construct Police Headquarters
- #17 - Fairbank Community Center Complex – Master Plan
- #18 - Fairbank Community Center Roof Project
- #19 - Town Center Traffic Improvements
- #20 - PILOT Agreement – Solar Project at Landfill
- #21 - PILOT Agreement – Solar Project at L-SRHS
- #22 – Amend Town of Sudbury Bylaws, Art. XXV Capital Planning Bylaw Amendment
- #23 – Amend Town of Sudbury Bylaws, Art. XXV, Capital Planning Bylaw Amendment to include L-S
- #24 – Energy Improvement Program – ESCO
- #25 – Amend Zoning Bylaw, Art. IX – sec. 5336 (d) and 5435 ©, to increase the maximum allowable number of one-bedroom units in Sr. Residential Developments and Incentive Senior Developments – Refer to Planning Board
- #26 - Amend Zoning Bylaw, Art. IX, sec. 6330, Site Plan procedures to change the voting requirement from unanimous to majority – Refer to Planning Board
- #27 - Amend Zoning Bylaw, Art. IX, Replace Board of Selectmen Site Plan authority with Planning Board – Refer to Planning Board
- #28 - Amend Zoning Bylaw, Art. IX, sec. 2326, Accessory Structures (sheds) – Refer to Planning Board
- #29 - Amend Zoning Bylaw Art. IX – Section 4500 – Wastewater Facilities Bylaw – Deletion - Refer to Planning Board
- #30 - Amend Zoning Bylaw – Art. IX – Temporary Moratorium on Medical Marijuana Treatment Centers - Refer to Planning Board
- #31 - Community Preservation Fund – Amend Art. 38 of the 2006 ATM – Carding Mill Pond/Stearns Mill Pond Invasive Weed Removal
- #32 - Community Preservation Fund – Town-Wide Walkways
- #33 - Community Preservation Fund – Amend Art. 27 of the 2004 ATM – Revolutionary War Cemetery
- #34 - Community Preservation Fund - Sudbury Housing Trust 10% Allocation
- #35 - Community Preservation Fund – Historic Projects
- #36 - Community Preservation Fund – Town Center Landscaping Restoration
- #37 - Community Preservation Fund – L-SRHS Softball Field and Davis/Featherland Field Design
- #38 - Community Preservation Fund - General Budget and Appropriations
- #39 – Amend Town Bylaws – Art. V – Public Safety – Discharge of Firearms
- #40 – Amend Town Bylaws, Art. II, The Government of Town Meeting

- #41 – Amend Town Bylaws, Art. III, Town Affairs
- #42 - Amend Town Bylaws, Art. III, s. 10 Town Affairs
- #43 - Amend Town Bylaws, Art. IV, Finance Committee

There being no further business, the meeting adjourned at 10:35 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk