

IN BOARD OF SELECTMEN
MONDAY, JULY 22, 1996

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

The statutory requirements for notice having been met, the meeting was convened at 7:30 p.m. in the Sudbury Town Hall.

Renewal Bond Anticipation Notes

Present: Town Treasurer and Collector, M. E. N. Dunn, and Assistant Town Clerk, K. Middleton.

On the subject of awarding and executing renewal bond anticipation notes in the amount of \$1,775,000 pursuant to bid opening on July 18, 1996, for the purpose of school construction (\$1,681,000), drainage work (\$50,000), school roof (\$40,000), and tennis court (\$4,000) authorized by the 1994 Annual Town Meeting, it was on motion unanimously

VOTED: To approve the sale of a \$1,775,000 4.25 percent Bond Anticipation Note of the Town dated July 29, 1996 and payable July 29, 1997, to Fleet Securities, Inc., at par and accrued interest, plus a premium of \$4,082.50.

Opening Statement by Chairman Blacker

Chairman Blacker noted that the Town was seeking applicants for the Strategic Planning Committee and encouraged residents to serve on this committee.

Citizen Petitions

Ann Lynch, along with two other residents, brought to the Board's attention a problem with the volunteer recycling efforts at the elementary schools. Ms. Lynch, a school Health Education Coordinator, related that the transportation of materials is "breaking the backs of the volunteers". Currently, volunteers must drive the recyclable materials from the Noyes and Haynes schools to the Nixon school for pick up by a private hauler. She suggested that the school system and the Town work together. She asked the Town to consider having the firm that removes solid wastes at the Noyes and Haynes elementary schools to also haul the recyclable materials.

Town Manager Steven Ledoux reported that the Town contracts annually with the lowest bidder and that the Town would need to expand the bid to include this service. He said that the Town would be entering into a new contract in the fall. He said that this additional service could be considered.

Chairman Blacker asked the Town Manager consider requesting two bids, one for the existing service and another to include both the existing service and this additional service. He indicated that if the new service were to be added that it would not commence until January of 1997.

Cable License Transfer - A-R Cable Services, Inc

Present: Robert Travers, Director of Programming, Thomas Garcia, Director of Engineering, representing A-R Cable Services, Inc.; Margaret Fredrickson, Local Access Coordinator.

At 8:00 p.m., the Board convened a public hearing on the application of A-R Cable Services, Inc., subsidiary of Cablevision Systems Corporation, requesting approval of the acquisition of all stock interests in A-R Cable Services, Inc., held by Warburg, Pincus Investors, L.P., by Cablevision Systems Corporation or one or more of its wholly owned subsidiaries. Board consideration of the application is in accord with regulations of the Mass. Community Antenna Television Commission, 207 CMR 4.03. Under the regulations of the Commission, the application requests a transfer of the existing cable TV license issued by the Town of Sudbury.

Notice of this public hearing was issued by Town Manager Steven Ledoux on July 2, 1996, duly posted, cablecast, and published in The Middlesex News on July 6 and July 13, 1996. The hearing was videotaped by A-R Cable Services, Inc.

The Board was in receipt of the following:

1. FCC Form 394 and application fee of \$100.
2. Communication, dated June 5, 1996, from Audrey M. Hall, General Manager, A-R Cable Services, Inc., informing that Cablevision Systems Corporation, whose subsidiary, A-R Cable Services, Inc., serves the Town, has entered into an agreement whereby one or more of its subsidiaries will acquire all the stock interests in A-R Cable Services held by Warburg, Pincus Investors, L.P. As a result, Cablevision, which has had sole management responsibility for the system, will own 100% of the equity interests in the cable television systems. It noted that while management of Town's local system will not change, the transaction will result in the Town's system becoming an integral part of the financially stronger parent company.
3. Communication dated June 12, 1996, from Peter F. Atherton, Manager of Government Relations, Cablevision, noting that the proposed transfer of the cable television license will have no effect on the communities it serves and subscribers will see no change in their rates, charges or service. It noted that there will be no change in management, location of offices or payment centers or alterations to local origination or access studios, equipment or schedule.
4. Communication, dated June 24, 1996, from John D. Patrone, Commissioner, Cable Television Commission, noting that a transaction such as this one, where an investor, albeit one with significant stock ownership, sells its stock to the day-to-day controlling manager, is not one which requires significant local scrutiny. He noted that the standard of review in the transfer rules limits municipalities to consider only the transferee's (a) management experience, (b) technical expertise, (c) financial capability and (d) legal ability to operate a cable system under the existing license. In this case since Cablevision will be running the systems after the stock purchase takes effect, as it currently does, municipalities need not make a comprehensive inquiry into each criterion, and opined that only (c), financial capability, is likely to be at issue.

5. Communication, dated April 29, 1996, from John Urban, Vice President, Cablevision, informing that the consolidation of the suburban-Boston systems into a wholly-owned subsidiary will ultimately mean increased investment and improved services. It noted that Cablevision has managed A-R Cable Services, Inc., systems since 1988 and has managed A-R Cable Partners and Cablevision of Framingham since 1994 and will continue to do so after the proposed transaction.

Chairman Blacker called for public comment and no one came forth.

Chairman Blacker noted that the Board has a limited function in the consideration of this issue. Chairman Blacker asked Mr. Travers of A-R Cable Services, Inc., regarding the status of cable access for residents of Longfellow Glen. Mr. Travers informed the Selectmen that an access agreement had been negotiated and that the agreement merely needed to be executed. He said that construction would begin within 60 days from the date of the written agreement. He related that it had taken a long time to work out the access agreement.

Chairman Blacker also asked if it were possible to air live broadcasts of the Board of Selectmen meetings. Mr. Travers responded that there needed to be a "drop" in the building so that the signal could be relayed to their system. He indicated that he would look into it and inform the Town Manager. Margaret Fredrickson, Local Access Coordinator, indicated that should the Selectmen wish to be taped to just call them and a volunteer would be able to tape the meetings.

Town Manager Steven Ledoux asked if A-R Cable Services, Inc. installed data links. He explained that the Town was interested in linking its Fairbank site with other town offices. Mr. Garcia responded that the state of the art in data links is constantly changing, but that he would be pleased to meet with the Town Manager to discuss the Town's needs and possible options.

Therefore, finding that the Transfer will be beneficial to the residents of Sudbury, it was on motion unanimously

VOTED: To approve the application of A-R Cable Services, Inc., subsidiary of Cablevision Systems Corporation, requesting approval of the acquisition of all stock interests in A-R Cable Services, Inc., held by Warburg, Pincus Investors, L.P., by Cablevision Systems Corporation or one or more of its wholly owned subsidiaries.

Minutes

It was on motion unanimously

VOTED: To adopt the regular session minutes of July 8, 1996, as amended, and of September 15, 1995.

Council on Aging - Donations

It was on motion unanimously

VOTED: To accept \$150.33 in miscellaneous donations for deposit into the Council on Aging Van Donation Account and to authorize the Council on Aging to expend the same for purposes of operating and maintaining the Council on Aging vans.

Fire Department - Donation

It was on motion unanimously

VOTED: To accept a Gamewell Master Fire Alarm box from Mr. and Mrs. K. D. Skaff of 45 Clifford Road for use by the Fire Department.

Park and Recreation - Donation

It was on motion unanimously

VOTED: To accept \$25.00 in miscellaneous donations from Mellon Bank for deposit into the Park and Recreation Revolving Account and to authorize the Park and Recreation Commission to expend same.

Accept Land and Easements - Run Brook II and III

Concerning acceptance on behalf of the Town of certain interests in land granted by John C. Cutting, Frank J. Cutting and Louise C. Dorian, relative to the Run Brook II and III Subdivisions, Selectman Clark noted that the Board did not have any Town map(s) designating the locations of the property interests at issue.

The Board unanimously agreed to pass over this item until its next regularly scheduled meeting at which time appropriate map(s) will be available.

Contracts

It was on motion unanimously

VOTED: To approve the execution of the following contracts by the Town Manager Steven Ledoux:

- a. With A-Copy for purchase of a Canon copier with sorter for the Flynn Building in the amount of \$8,861.
- b. With A-Copy for annual maintenance agreement for the Canon copier at Loring Parsonage in the amount of \$999.
- c. With Walker Business Systems Inc. for annual maintenance agreement for Xerox copier at Town Hall in the amount of \$420.
- d. With Bardon Trimount, Inc. for Asphalt Cold Patch w/additive @ \$63/ton delivered.
- e. With Lorusso Corp. for Asphalt Cold Patch w/o additive @ \$31/ton delivered.
- f. With MASS Broken Stone Co. for Class I Bituminous Concrete Type I-1 and Type I Dense Mix @ \$26\ton delivered.
- g. With Assabet Valley Tree & Landscape for trees and stumps removal.

- h. With R N H Landscape & Design for cemetery mowing (\$19,500) and fall cleanup (\$2,500).
- i. With Interstate Gas & Oil Corp., for Diesel 2 Fuel @ \$0.7905/gal. as of 1-1-96.
- j. With American Sweeping Co., Inc. for street sweeping @ \$78.93/hr.
- k. With J. Melone & Son, Inc. for Ordinary Borrow, Gravel Borrow (Bank run), Sand (Bituminous Cover), and Concrete Sand.
- l. With Kimball Sand Co., Inc. for Ordinary Borrow, Gravel Borrow (screened), Loam Screened, Pea Stone mix (sand 60/40%), Pea Stone mix (sand 40/60%), Pea Stone mix (sand 30/70%), and 1-3" Stone.
- m. With E. H. Perkins Construction, Inc. for Processed Crushed Bank run, and Sand (ice control)
- n. With W. J. Graves Construction for Gravel Borrow (Bank run), Gravel Borrow (screened), Loan Borrow, Sand Borrow, and Brick Sand.
- o. With P. J. Keating for Pea Stone Washed, Pea Stone, 3/4" Stone, 1 1/2" Stone, and Processed Crushed Base Mix.
- p. With Bardon Trimount, Inc., for Type I in place Raise Structures in the total amount of \$92,274.
- q. With Accurate Paving for constructing Fairbank Walkway in the total amount of \$62,591.
- r. With E. H. Perkins Company for Cold Planing Resurfacing in the total amount of \$567,285.

Appointment of Election Officers for 1996-1997

It was on motion unanimously

VOTED: To appoint the Election Officers for the 1996-1997 year commencing August 15, 1996, in accordance with names provided by the Democratic and Republican Committee Chairmen under dates of May 1 and June 1, 1996, respectively and as approved by the Acting Town Clerk.

Loring Lease

Pursuant to the discussion at the Board's meeting of July 8, 1996, it was on motion

VOTED: To authorize postponement of the payment of rent for the Loring School facility by Congregation B'nai Torah until September 1996.
(Chairman Blacker abstained; Selectmen Clark and Drobinski in favor.)

Strategic Planning Committee - Charge and Membership

Selectman Clark expressed some concern with the name of the committee. She said that it might be too broad. She did not like the use of the word planning. She suggested that perhaps it should be called the Growth Management Committee.

Town Manager Steven Ledoux responded that the name given is a modern corporate term. He also indicated that if we changed the name it might confuse the public.

Selectman Drobinski stated he desired a broad response. He said that some may be in favor of more growth. Chairman Blacker agreed, stating that "Growth Management" implies that we do not want the growth that we are having. He stated that the committee should be free to adopt a plan in accord with town attitudes whatever they might be.

Selectman Clark conceded the point and pursuant to the Board's meeting of July 8, 1996, it was on motion unanimously

VOTED: To establish a Strategic Planning Committee (SPC) comprised of twenty-eight members, the charge and constitution of membership as finalized by the Town Manager and dated July 9, 1996 as follows:

In developing a Strategic Growth Management Plan for the Town of Sudbury, the charge of the Strategic Planning Committee and the purposes of the Plan are as follows:

To describe what the community of Sudbury wants their town to be like in 5, 10, and 20 years from now;

To identify and document the municipal policies needed to lay the groundwork for that future;

To outline steps that Sudbury must take to protect the aspects of the Town that its citizens identify as key elements to achieve the desired future.

The written plan will serve as a reference for citizens and Town Officials for use in evaluating decisions in terms of the Town's long range policies and objectives.

Public opinion is the cornerstone of sound planning. No-one is more familiar with the issues facing the Town of Sudbury than its townspeople. Residents must have the opportunity to identify issues and concerns as well as share their vision of Sudbury's future at both neighborhood and town-wide meetings. Surveys and questionnaires should be used to the fullest extent possible, as well as public forums. Surveys and questionnaires should be of the full Town citizenry.

The Strategic Planning Committee shall be as constituted as follows: one member from each of the following boards: Selectmen, Sudbury School Committee, Lincoln-Sudbury School Committee, Planning Board, Counsel on Aging, Housing Authority, Chamber of Commerce, Finance Committee, Conservation Commission, Board of Appeals, Board of Health, Park and Recreation Commission, League of Women Voters. The Committee shall also have 15 citizens at large. The Town Manager, Town Planner, Superintendent of the Sudbury Public Schools, and the Superintendent of Lincoln-Sudbury Regional High School shall be ex officio, non-voting, members.

Strategic Planning Committee - Designation of Selectman

Chairman Blacker moved to nominate Selectman Clark to serve on the Strategic Planning Committee. He noted her comments on the matter during the Town Meeting and her great interest in moving this matter forward.

It was on motion unanimously

VOTED: To appoint Selectman Clark to represent the Board of Selectmen on the Strategic Planning Committee.

Strategic Planning - Incentive Aid Grant

Town Manager Steven Ledoux reported that he desired to apply for an Incentive Aid Grant in the amount of \$30,000 to hire a facilitator for the Strategic Planning Committee as well as to develop a build-out analysis to assist in defining what various growth scenarios would look like.

It was on motion unanimously

VOTED: To authorize the Town Manager Steven Ledoux to apply for an Incentive Aid Grant in the amount of \$30,000 for the above-stated purpose.

Purchase Contracts Policy

Town Manager Steven Ledoux requested the Board to consider authorizing the Town Manager to enter into certain levels of purchasing contracts without the approval of the Selectmen as currently required under Section 10(d) of the Town Charter. Section 10(d) provides that "...for the purchase of all supplies, materials, and equipment, except books and other educational material for schools and books and other media material for the libraries. The Town Manager shall award the contracts for all Town departments with the exception of the school and health departments, subject to the approval of the Board of Selectmen."

Chairman Blacker expressed that it did not seem necessary for the Board to have to approve every purchasing agreement. He noted the lengthy list of contracts it had to approve during the course of this meeting. Selectman Drobinski agreed and suggested a ceiling of \$10,000.

It was on motion unanimously

VOTED: To authorize the Town Manager to enter into purchasing contracts, under \$10,000, without the approval of the Board of Selectmen on purchases defined in Section 10(d) of the Town Charter. The Town Manager shall provide a list of such awards to the Board of Selectmen on a quarterly basis.

Designation of Alternates - Earth Removal Board

The Board of Selectmen was in receipt of an opinion from Town Counsel Paul L. Kenny, which suggested that Board of Appeals members be designated as alternates on the Earth Removal Board. The

Town Counsel noted that, historically, the alternate members of the Board of Appeals sat as the Earth Removal Board. At times when the Earth Removal Board did not have sufficient members, members of the Board of Appeals sat as Earth Removal members, the rationale being that the Board of Appeals members had all been appointed to the Earth Removal Board. Earth Removal Board actions have always been taken when that board was composed of members of the Board of Appeals, whether they were full or alternate members. For these reasons, the Town Counsel's suggestion that Board of Appeals members be designated as alternates on the Earth Removal Board would both maintain the status quo and clear up any confusion that might exist.

It was on motion unanimously

VOTED: All full members of the Board of Appeals (currently, Marshall A. Karol, Patrick J. Delaney, III, Lawrence Shluger and Thomas W. H. Phelps) are designated alternates to the Earth Removal Board.

Board of Appeals - Appointment

It was on motion unanimously

VOTED: To appoint Gilbert Wright as a full member of the Board of Appeals and as an alternate member of the Earth Removal Board for a term to expire April 30, 1999, replacing E. Stevens.

Review of Department of Public Utilities Case 96-61 - Addition of New Area Codes

Town Manager Steven Ledoux reported that the State is running out of telephone numbers. He stated that two options are being proposed. One would be to assign a new area code to all new customers in the 617 and 508 area codes. Two would be to assign a new area code in a portion of the areas now covered by the 508 and 617 area codes.

Under the first option existing customers would not have their numbers changed. Under the second option many customers would have their numbers changed. Town Manager Steven Ledoux stated that a Public Hearing on the issue would be taking place in August and that the Board may wish to send its comments. The hearing is being held by the Department of Public Utilities.

Chairman Blacker stated that his preference was for the geographic designation. He said that it did not make sense to have your next door neighbor have a different area code. Selectmen Clark and Drobinski concurred.

It was on motion unanimously

VOTED: To support the geographic split of existing area codes and to authorize the Town Manager to relay its position to the Department of Public Utilities.

Town Position Re: Institution of Casino Gambling In State

Town Manager Steven Ledoux reported that the state legislature may soon vote on the casino gambling issue. He related that the Wampanoag Indian Tribe desires to establish a casino in New Bedford. He further noted that some believe that casino gambling will reduce lottery revenues, a portion

of which is dedicated to the various towns throughout the state. For this reason he suggested that the Board may wish to take a position.

Chairman Blacker stated that he had no opinion whatsoever. He said that he did not believe that casino gambling would impact the lottery sales. He said that there was no scientific basis for such a conclusion and that it was merely an opinion. Selectman Clark stated that she would not like to see the Town lose money from the lottery sales.

The Board declined to take a position on this issue.

Reports from Board and Town Manager on Current Items

Legal Decision: Town Manager Steven Ledoux presented the Board with a copy of the district court decision in Jay R. Echouafni v. Board of Selectmen, Town of Sudbury, Case No. 96-SK-748. There, the district court affirmed the order of the Board of Selectmen. Both Chairman Blacker and Selectman Clark questioned the ability of the court clerk to waive the procedural rule which requires that petitions for review must be filed within ten days, but expressed their agreement with the decision on the merits.

ADA Compliance: Town Manager Steven Ledoux reported that he had been in communication with the Bruce Bruneau of the Massachusetts Office on Disability. The Town Manager stated that public meetings conducted by the Town must be held at sites accessible to the handicapped. He noted that meetings that presently are being held at the Flynn Building, Loring Parsonage and Hosmer House, all of which are not accessible to the handicapped, will have to be moved. He reported that the Town Hall, the Library, Fairbank Center and Main Fire Station are accessible to the handicapped and can be used for Town meetings. He stated that he had sent out a memo to all Town boards and committees apprising them of the need to conduct meetings at these handicapped accessible sites.

Upper Hop Brook Ponds: Town Manager Steven Ledoux reported that pursuant to Art. 49, prior to the approval by the Attorney General of the bylaw changes regarding the use of the Upper Hop Brook Pond it must first be submitted to the Director of Environmental Law Enforcement. The Town Manager further related that such action is being taken.

Utility Petition 96-1(a) - Boston Post Road: Town Manager Steven Ledoux reported that Utility Petition 96-1(a) of Boston Edison Company and New England Telephone and Telegraph Company which the Board had considered on January 10, 1996, needed to be reconsidered. The Town Manager reported that the Town Engineer indicated that Pole 1/139 near the intersection of Peakham and Boston Post Road should be located 21 feet easterly, instead of 15 feet easterly from its original location. The Town Manager reported that no public hearing is required to make this amendment at the request of the Town Engineer.

It was on motion unanimously

VOTED: To amend Utility Petition 96-1(a) of Boston Edison Company and New England Telephone and Telegraph Company to wit: Pole 1/139 near the intersection of Peakham and Boston Post Road shall be located 21 feet easterly, instead of 15 feet easterly, from its original location.

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Board of Selectmen Meeting Schedule: Chairman Blacker noted that the next regularly scheduled Board meeting is slated for August 12, 1996, and that Selectman Clark will not be able to attend. He also noted that it was Selectman Drobinski's wedding anniversary. Town Manager Steven Ledoux indicated that it was his moving day and that he also may not be available. Selectman Clark noted that the Board had scheduled to consider at its August 12 meeting the site plan special permit application by the Auto Diagnostic Center. She suggested that the Board meet on either August 19 or August 26 at the convenience of the Auto Diagnostic Center. The Board requested the Town Manager to speak with the Auto Diagnostic Center and schedule the next meeting on either August 19 or August 26, 1996, depending upon their needs.

There being no further business to come before the Board, the meeting was adjourned at 8:40 p.m.

Attest: _____
Steven Ledoux
Town Manager-Clerk