

IN BOARD OF SELECTMEN  
MONDAY, JUNE 28, 1999

Present: Chairman John C. Drobinski, Maryann K. Clark and Kirsten D. Roopenian, Selectmen.

The statutory requirement for notice having been met, the meeting convened at 7:30 p.m. at the Town Hall, 322 Concord Road.

**AT&T Wireless PCS – Site Plan Special Permit Application 99-350**

Present: Ruth H. Silman, Anderson & Kreiger LLP, representing AT&T; Lt. Ron Nix, Police Dept.

At 7:30 p.m. Chairman Drobinski reconvened a public hearing, continued from June 14, 1999, for the purpose of continued consideration of Site Plan Special Permit Application 99-350 of AT&T Wireless PCS, Inc., including request for waiver from Site Plan Special Permit Rules and Regulations in regard to submittal requirements, to construct a wireless communications facility consisting of a power mount pole with antennas erected through the center of an existing 100'5" Boston Edison power utility tower, extending 20' above the existing tower, and a 12' x 20' equipment shelter on property owned by Boston Edison Company located at 163 Boston Post Road, zoned Industrial District #4 and Residential.

The Board was in receipt of a Draft Decision prepared by Town Counsel.

Town Manager Ledoux stated, after reviewing the Decision, several issues have been raised for discussion. He stated that, regarding runoff, Boston Edison felt that the requirement (Condition 1) was not something they should be held to. He stated that I. William Place, Town Engineer, feels that condition should be included.

Mr. Ledoux stated further that Boston Edison requests that Condition 9 requiring the fence around the tower be eliminated as the fence might present a problem for Boston Edison to access the tower and that no other area towers are fenced.

Selectman Clark opined that Condition 1 should not be a problem for Boston Edison as there is little impervious surface at the facility.

Ruth Silman, representing AT&T in the absence of Stephen Anderson, stated that Condition 1 is irrelevant at the site but that AT&T has no objection to leaving it in the agreement. Selectman Clark suggested modifying it to read "as it may apply". Chairman Drobinski opined that these are the State Stormwater Regulations, and that the site plan process states pre- and post-plan conditions must not change.

After discussion, it was agreed to keep Condition 1, as drafted.

Regarding Condition 9, Mr. Ledoux stated that Boston Edison expressed concern for access. Ms. Silman stated that AT&T prefers to fence their own equipment against trespassers, but that fencing the entire tower is not within AT&T's purview. She stated further that there will be no structure for anyone to climb upon.

Chairman Drobinski suggested that the monopole itself not have handholds so people cannot climb upon it. Ms. Silman stated the construction people advise no handholds or rungs for the first fifteen feet so it cannot become an attractive nuisance.

After discussion, it was agreed to eliminate the fencing around the tower, provided fencing exists around AT&T equipment, and specify no handholds or rungs for the first fifteen feet of the pole.

Regarding Condition 17, Mr. Ledoux stated that Town Counsel agreed that the deletion of “and become a restriction thereof” was acceptable.

Lt. Nix asked if the agreement included a provision for police and fire communications. Chairman Drobinski responded yes. Lt. Nix expressed concern that emergency power or cable requirements may need to be installed now rather than later. Mr. Ledoux stated that while AT&T will grant the Town access to equipment and the tower, the Town has to work out a separate site agreement with Boston Edison for added use.

Ms. Silman stated it is a two-level approach with the first being AT&T getting their equipment onto the tower. There is a provision that AT&T will provide the space for Town communications but that the Town has to negotiate with Boston Edison directly (the second level) in order to co-locate anything for the Town of Sudbury at that site. She stated that all AT&T can provide is the space, which is what they agreed to do, but that AT&T does not have the authority to allow the Town’s actual equipment onto a tower it (AT&T) does not own.

Ms. Silman stated that Boston Edison felt the language of Condition 12 was not directed enough and suggested amending the last phrase to read “the Town and Boston Edison shall enter into a future agreement” or words to that effect. Selectman Clark suggested “and the Town and Boston Edison shall mutually enter into an agreement” so the onus or burden is on both instead of one.

Lt. Nix opined it would be nice to have the contingency so there would be negotiating power.

Chairman Drobinski stated that Condition 19 says that no occupancy permit shall be issued until all items (including no. 12) are fulfilled. Ms. Silman stated that making AT&T’s approval contingent upon a separate agreement between the Town and Boston Edison, when AT&T’s only real power is to be able to provide space, was giving that issue more worth than necessary.

Selectman Clark asked if Ms. Silman was speaking as agent for Boston Edison. Ms. Silman stated that she cannot speak for Boston Edison and that she was simply relaying the comments she received earlier from Boston Edison.

Selectman Clark suggested the following wording: “And the Town and Boston Edison shall mutually enter into an agreement on such”. The Board agreed.

With regard to Condition 8, Ms. Silman asked under what conditions the clause would apply. She stated that neither AT&T nor Boston Edison had an objection, and it was merely a point of information. She noted that nos. 7 and 8 seem to be saying the same thing.

Town Manager Ledoux stated that on no. 8 the Town has the option to do a restrictive covenant while no. 7 just says no de-icers will be used.

After discussion, it was agreed to remove Condition 7 and renumber the rest of the decision.

Based upon a determination that the foregoing evidence, together with the plans submitted, conformed to the intent and purpose of the Zoning Bylaw requirements, a motion was made and unanimously approved as follows:

VOTED: To grant a Site Plan Special Permit to AT&T Wireless PCS, Inc., in accordance with Application No. 99-350, to construct a wireless communications facility on property located at 163 Boston Post Road (Town Property Maps K10-014 and K11-402), owned by Boston Edison Company, as shown on plans comprised of four sheets: a) Title Sheet, T-1, entitled "AT&T Wireless Services, BECO, R/W No. 8-2, Structure No. 90, Boston Post Road, (Route 20), Sudbury, MA, E-3451", dated November 16, 1998, last revised May 3, 1999, drawn by Bergman & Associates, Inc., 20 Washington Street, Haverhill, MA 01832-5524; b) Locus Plan, Sheet C-1, dated November 16, 1998, last revised May 3, 1999; c) Site Plan, Sheet C-2, dated November 16, 1998, last revised May 3, 1999; and d) Site Details, dated November 22, 1998, last revised May 3, 1999, subject to compliance with all governmental laws and regulations including, but not limited to Wetlands Protection Act and Sudbury Wetlands Administration Bylaw, zoning, building and health laws and regulations, and further subject to the following conditions:

1. Approval of the drainage system, including traps, catch basins, and periodic maintenance as required by the Town Engineer/Director of Public Works;
2. Placement of all utilities underground;
3. No wells for water supply to be installed on the site;
4. The grant of an earth removal permit by the Earth Removal Board, if applicable;
5. No storage or use of chemicals on site except in conformity with guidelines and requirements of the Board of Health and the Fire Chief; the owner or operator of the site shall comply with the Massachusetts Oil and Hazardous Materials Release Prevention and Response Act, M.G.L. Chapter 21E, as amended, and all regulations issued thereunder;
6. Exterior lighting to be directed away from adjacent residences and have shields; security lighting in conformance with Section IX.V.A.7f, "Special Regulations for Site Plan Special Permit", shall be maintained;
7. If applicable, the grant by the owner to the Town of a restrictive covenant to run with the land, governing, restricting or prohibiting the following which shall conform to requirements of the Board of Health, Town Engineer and/or Conservation Commission as appropriate:
  - (a) the disposal or removal of effluent and wastes generated on-site by AT&T Wireless PCS, Inc.;
  - (b) the use of salt or chemical de-icers on the site by AT&T Wireless PCS, Inc.;
8. A security fence shall be installed to encompass the communications equipment building, and there shall be no hand holds or ladder rungs on the tower within fifteen (15) feet of the ground;
9. AT&T Wireless shall make the security gate accessible to the Sudbury Fire Department, and the applicant shall install a Knox key box for quick access to the site;

10. The ability to co-locate other wireless communication equipment attached or adjacent to this facility shall not be precluded or prohibited in the lease or other approval documents prepared for this facility;
11. AT&T shall provide space on the power mount pole and in the communications equipment building for public communications by the Police, Fire, and Public Works Departments, and AT&T shall provide appropriate conduit and access to power as required by said Town departments, and the Town and Boston Edison Company shall mutually enter into an agreement on such, all at no cost to the Town;
12. Any air conditioners or generators shall not produce undue noise and shall be consistent with average noise levels for residential uses;
13. AT&T shall annually measure radio frequency emission levels and report same to the Board of Health and Board of Selectmen;
14. The following site plan submission requirements of the Selectmen's Site Plan Special Permit Rules and Regulations are waived: 5.1.4 Construction Detail Plan, 5.1.5 Landscape Plan, 5.1.7 Floor Plans, 5.2 coverage, drainage and earth removal calculations under Zoning Bylaw IX.V.A.5.a, additional plan details under Zoning Bylaw IX.V.A.5.b, and traffic calculations;
15. Submission of an "as built" site plan. Any change in the physical condition of the site, including changes in the location or design of structures or systems, following approval of the site plan, will require approval of the Board of Selectmen;
16. This Site Plan Decision shall be recorded by the applicant at the Registry of Deeds with the title to the property;
17. No building permit shall be issued until certain items noted above (1 & 16) as specified by the Board, are complied with;
18. No occupancy permit shall be issued until certain items noted above (2, 3, 4, 5, 6, 7, 8, 9, 11, 12 & 15) as specified by the Board, are complied with;
19. This Special Permit shall lapse if construction and a substantial use thereof have not commenced except for good cause within one (1) year from the effective date of said Permit.

**Combined Police/Fire Dispatch Center – Burke Management Company, Inc.**

Present: Gerald F. Burke, President, Burke Management Company, Inc.; George L. Fosque, Director of Emergency Communications, City of Cambridge; Peter Lembo, Police Chief; Lt. Ron Nix, Police Dept.; Michael Dunne, Fire Chief.

The Board was in receipt of A Feasibility Study, received June 25, 1999, from Burke Management Company, Inc., outlining the feasibility of consolidating the currently separate Sudbury Police and Fire Dispatch functions into one combined center.

Town Manager Ledoux stated last year the Selectmen determined as one of their goals the study of the feasibility of joint public safety dispatching for the Town of Sudbury and that monies were appropriated for this purpose.

Mr. Gerald F. Burke, Burke Management Company, Inc., briefly described the study as distributed to the Board. He stated that they paid particular attention to the capital costs, planning issues and staffing requirements associated with setting up a combined center. In preparing this study, they considered the current systems of both police and fire units before addressing possible locations for a combined center and potential advantages/disadvantages.

Mr. Burke stated the police station proved to be the better of the two options. He stated this would mean that the Fire Department radio system would be moved to the police station and added that, considering the age and technology of that system, it would be better to replace some of the equipment with a more contemporary system.

Mr. Burke stated they have identified an area within the police station that could be modified to house a combined police/fire dispatch center--a room next to the current dispatch center. The projected upgrade costs are included in the report.

Mr. Burke stated they recommend that the Town seriously consider moving the fire dispatch system to the police station and labeled it as a relatively inexpensive project with an estimated cost of less than \$150,000.

Selectman Clark asked about staffing changes. Mr. Burke stated nine dispatchers would be added to cover the seven-day, 24-hour schedule with two dispatchers on duty at any one time. He stated that in the past few years the position of dispatcher has become more professional, especially with the advent of the enhanced 911 system. The position of dispatcher is less a part-time, light duty assignment than it had been in the past.

Selectman Roopenian asked about dispatcher training and how combining two disciplines would be accomplished. Mr. George Fosque, Director of Emergency Communications and 911 for the City of Cambridge, stated that there are four or five different specialties in the dispatch center. He stated further that ideally all dispatchers should be cross-trained in the various dispatch systems, and added that those individuals are required to attend certain state courses, as well as attain certifications. He advised that, in the event a combined center is pursued, the Selectmen empower the Fire Chief and Police Chief to make certain everyone is certified in specific public safety systems and documentation is maintained.

Michael Dunne, Fire Chief, stated that the civilian fire dispatchers would be relocated to the police station and then become certified in the police dispatch and 911 emergency systems.

Lt. Ron Nix, Police Department, stated that currently they "fill in" the dispatch position with officers but added that this is not recommended in the long run. He stated there are too many different types of situations with varying types of responses that everyone may not be trained in, such as an emergency requiring police, fire, and EMT coverage. Mr. Fosque stated that a once-a-week duty as dispatch is not enough to stay adequately trained. Lt. Nix stated that it is an ongoing process for the Police Department, with a required number of hours training every year. Chief Dunne stated that the fire dispatch is not certified for 911 because they do not answer the phone; the call is answered at the police station and then transferred.

Selectman Clark opined that EMT's sometimes answer those calls at the fire station. Mr. Fosque stated this is precisely the reason everyone needs to be trained in all appropriate disciplines so that they can ask the right medical questions. While the ambulance is en route, the dispatcher can obtain valuable information from the caller.

Selectman Roopenian asked about in-house training. Lt. Nix stated that Carol Greenwood is a certified trainer and can train the 911 people. Chief Dunne stated that he sends his people to a two-day dispatch-training course.

Selectman Roopenian asked about the tower they would need. Lt. Nix stated they were able to use the North Sudbury site with Cellular One, but stated there is a dead spot in their system which could be alleviated by using the Boston Edison tower currently being discussed with AT&T Wireless. Mr. Burke stated the projected costs do not take into account the possibility of using an existing tower, but would be for placement of a 60'-80' tower at the police station.

Selectman Clark asked about regionalization of 911 coverage. Mr. Burke stated it is difficult to implement because all towns included must agree on things, and there is no layer of government that will take charge of it because there is no regional government. He stated further that a regional center would work best where the center could be located in the middle of an area with surrounding towns, such as in the Midwest, where there is open country.

Town Manager Ledoux stated that the first step, if the Board agrees to pursue a combined center, would be to start developing this in the capital plan for FY01 Budget in preparation for that Town Meeting. Selectman Roopenian asked if the construction work at the police station would have to go out to bid. Mr. Burke suggested that the Town Engineer or Building Inspector look at the proposed renovations.

Mr. Ledoux suggested that the Board discuss the matter at an upcoming goal-setting meeting. Selectman Clark replied it would be appropriate to address it at that meeting. Selectman Roopenian agreed that it is a timely proposition.

Selectman Clark commented that the Town of Wayland is building a new Police/Fire building and wondered if Sudbury could hook up with them somehow. Mr. Burke opined that, in addition to various political and planning issues, there could be financial aspects that Sudbury would have no control over.

Mr. Ledoux suggested raising this issue at the joint Wayland/Sudbury meeting this summer.

Selectman Clark asked how long it would take to get the center up and running, after it is approved at Town Meeting. Mr. Fosque responded he did not know as it takes time to process any government procurements, but added that the salary range for police dispatcher is attractive and should attract talented dispatchers from other towns.

After discussion, it was agreed to discuss this matter further at the Selectmen's goal-setting session.

### **Sidewalk Committee**

Present: Lawrence O'Brien, Chairman, Planning Board.

The Board met to continue discussing a Sidewalk Committee, first discussed on May 10, 1999, at which time the Planning Board agreed to pursue the matter. The Board was in receipt of a memo, dated

June 28, 1999, from the Planning Board, outlining proposed Walkway Committee membership and its objectives.

Lawrence O'Brien, Chairman, Planning Board, stated that the Planning Board discussed this matter on June 15, 1999, at its FY2000 planning session. He stated further that a Walkway Forum has been scheduled for August 10, 1999, at the Goodnow Library to educate residents on the reality of walkway construction, funding, how they are built, allow residents' input in walkway issues, and recruit members for the Walkway Committee. He opined that this would help define the Committee's mission before the matter gets to Town Meeting in the spring.

Mr. O'Brien stated this Committee would be a sub-committee of the Planning Board and suggested the following members: Planning Board (1), Selectmen (1), Finance or Capital Planning (1), plus interested citizens (3-5). He stated further than the Town Planner, DPW Director, Safety Officer, and Finance Director would serve in an ex-officio capacity. He stated he has scheduled a meeting with the Town Treasurer to discuss bonding issues.

Mr. O'Brien stated that while new walkways are important, it is equally important to maintain the existing walkways, giving special consideration to anything within two miles of the schools. He briefly presented an overview of the proposed objectives of this Committee.

Selectman Clark suggested Christine Faucher serve as chairperson as Ms. Faucher expressed an interest in such a committee. Mr. O'Brien stated he has spoken with Ms. Faucher, who expressed a desire to serve on the committee but not in the capacity of chairperson.

Selectman Clark asked why this Committee should be under the Planning Board and not the Selectmen. Mr. O'Brien stated that the Planning Board has been building the sidewalks the past few years and, due to their close association with Department of Public Works, it seems like a logical fit.

Selectman Clark opined that bonding is a viable way to finance these projects and stated that organizing the prioritizing of the sidewalks is important. Mr. O'Brien opined that some funds might be made available through capital planning and funding through developers, in addition to bonding. Ms. Clark withdrew her motion of May 24, 1999, to allow the Planning Board to continue with this matter.

Selectman Roopenian suggested the Committee add more "pedestrian" barrels in the school zones in conjunction with their attention to walkways. Mr. O'Brien stated he would notify Safety Officer Conrado. Chairman Drobinski suggested the Committee include a member of the School Committee.

The Board agreed the Walkway Committee is a great idea and thanked Mr. O'Brien and the Planning Board for their efforts.

### **Trustees of Town Donations**

Present: Maureen G. Valente, Finance Director/Treasurer-Collector; David Wilson, Investment Advisory Committee.

The Board, acting as Co-trustees of Town Donations, met to continue discussion with the Town Treasurer regarding 1) approving the release of funds from the George J. Raymond Scholarship Fund to pay the first semester of college for 1998-99 scholarship recipient Jennifer Gregory following certification;

2) considering amending the Town's Investment Policies relative to capital gains; and also 3) reinvesting a Treasury bond, maturing July 15, in a 5-7 year Treasury bond.

**Cemetery Trust Funds.** Maureen Valente, Co-trustee of Town Donations, addressed the issue of Cemetery Trust Funds, and distributed a memo, dated June 28, 1999, from Hilda Bridgewater, regarding carryover of funds from one fiscal year to the next. She stated that carryover funds were believed to be expendable without further approval, which is not the case. Ms. Valente asked the Trustees to authorize an additional \$4,275 to take care of the deficit and current bills.

It was on motion unanimously

VOTED: To authorize expenditure in FY99 of \$4,275 from the Cemetery Trust Funds to clear deficit and pay current bills related to cemetery maintenance expenses.

**Trust Portfolio.** Ms. Valente stated that a \$50,000 Treasury bond matures on July 15, 1999 and stated further that the Investment Advisory Committee recommends replacing it with a 5-7 year Treasury bond for the same amount.

Selectman Clark asked why Treasury bonds were preferred over other types of securities. David Wilson, Investment Advisory Committee, stated that most of the beneficiaries of the Trust want some sort of fixed income stream, and stated further that fixed income instruments suit this purpose better than other types. He advised further that the margin between Treasury and Corporate bonds is not large enough to justify the risk.

It was on motion unanimously

VOTED: To approve the recommendation of the Investment Advisory Committee to replace the \$50,000 Treasury bond, maturing on July 15, 1999, with a 5-7 year Treasury bond of the same amount.

**Capital Gains and Raymond Scholarship.** Ms. Valente stated that the conditions of the scholarship trust, set forth at Town Meeting on May 4, 1925, state that "the income is to be awarded to the boy or girl . . ." meaning the capital gains cannot be held back and considered principal, but must be distributed as income. David Wilson, Investment Advisory Committee, stated that a policy decision was made several years ago to keep the capital gains back, rolling them into principal and distribute only the accrued interest. State tax laws now state that capital gains must be distributed.

Ms. Valente requested that the Board award the capital gains to recipients for FY97 and FY98 as well as FY99. She noted that the terms of the trust prohibit belated awards any further back because those individuals would be out of college by now, and that it specifies a person "attending" college.

After discussion, it was on motion unanimously

VOTED: To award the total amount of interest, dividends, and capitals gains in the amount of \$1,827.68 to FY99 Raymond Scholarship Recipient Jennifer Gregory.

And further on motion unanimously

VOTED: To authorize belated Raymond Scholarship awards of capital gains in the amount of \$468.45 to FY98 recipient Michael Hwang, and \$223.24 to FY97 recipient Kimberly Hamill.



**Investment Policies.** Ms. Valente stated the suggested wording changes will help clarify, in accounting terms, how monies are to be handled.

After discussion, it was on motion unanimously

VOTED: To amend the Town Trust Fund Investment Policy, Appendix 1, revised 6/7/96, as noted by the Town Treasurer.

Chairman Drobinski suspended the meeting at 8:39 p.m. so that everyone could attend Town Forum.

### **Town Forum – 239<sup>th</sup> Session**

At 8:40 p.m. Chairman John Drobinski convened the 239<sup>th</sup> Session of the Town Forum.

Michael C. Dunne, Fire Chief, presented a retirement resolution to George A. Moore, Jr., who is retiring from the Fire Department after 37 years of service. Sixteen firefighters were also in attendance.

Ted Welte, President, and Gary Cogley, Economic Development Director, MetroWest Chamber of Commerce, presented an activity report highlighting their recent endeavors.

Various representatives of the Town's boards and departments updated the Town on their activities. Reports were presented by Peter Lembo, Police Chief; William Cossart, Water District; Michael Dunne, Fire Chief; Maureen Valente, Finance Director; June Allen, Permanent Landscape Committee; Marilyn MacLean, Historical Commission; David Levington, Goodnow Library Trustees; Lawrence O'Brien, Planning Board; Terri Ackerman, Assistant Town Manager; and John Drobinski, Selectmen. Selectman Roopenian presented a report from the School Committee who was unable to attend. As part of his report, Town Manager Steven Ledoux announced that Ted Dalicandro was hired as the new Youth Coordinator.

Reports concluded at 9:37 p.m. Chairman Drobinski declared Town Forum closed. Refreshments were served.

In addition to a taped recording, this Town Forum was televised over the local Cable network. Copies of the videotape are available for a period of one year by contacting the Selectmen's Office.

### **Utility Pole – 409 Lincoln Road**

Present: Rick Olstein, Creative Development Associates.

The Board acknowledged receipt of a letter, undated, from Rick Olstein, Creative Development Associates, requesting installation of a utility pole on private property at 409 Lincoln Road and to bring utility wires overhead to it from a pole across the street. A plan accompanied the request, showing both existing and proposed dwellings, existing and proposed utility poles, and showing precise location of underground cable, electric and telephone wires going from the proposed pole to the new dwelling.

Town Manager Ledoux distributed a memo from the Wiring Inspector and the Building Inspector, dated June 28, 1999, recommending the Board deny the overhead installation. Reading from the memo, he stated that utility wires strung over Lincoln Road at this location (at the beginning of the road) would be

highly conspicuous and unattractive. The inspectors further recommend that the road be bored underneath to bring the wires across, eliminating the need for a new pole and opening the newly paved road.

Rick Olstein, Creative Development Associates, explained that their intent is to go behind an existing tree and a tree to the right of it so that it would be inconspicuous, and that the pole will be placed behind a stone wall to further recess it onto his property. He stated that boring beneath the road would not be cost effective, and that he has permission from Boston Edison to place the pole, pending approval. Chairman Drobinski asked what the boring costs would be. Mr. Olstein stated he did not know, but added that there is a high-pressure gas line in that area.

The Board expressed surprise at the recommended denial, as there are existing poles on the road. Selectman Clark stated that it has been an unwritten policy to allow overhead wiring if poles already exist.

Mr. Olstein stated that the previous residence had wiring running from the house to the existing pole, crossing the road, and noted that all he wants to do is add the span pole on the opposite side of the road. He stated his intent to run the utilities underground from the pole to the house.

Chairman Drobinski asked if Mr. Olstein could still build if the Board continues this matter. Mr. Olstein stated he has the water and gas installation scheduled. Mr. Drobinski stated the underground lines could be installed, with a stub aboveground, while clarification from the Building Department is obtained.

After discussion, it was on motion unanimously

VOTED: To continue this matter until the goal-setting meeting on July 7, 1999.

#### **Cable Television Committee – Cablevision and RCN**

Present: Jacob Kuykendall, Chairman, Cable Television Committee; Members: Margaret Fredrickson, Martin Greenstein, Hans Lopater, Mark Thompson, and Jeffrey Winston.

The Board met with the Cable Television Committee to discuss the progress report on the franchise agreements with Cablevision and RCN, and to discuss any problems or issues to be resolved in completing these agreements. The Board was in receipt of a Draft Cable Television License (RCN), dated June 15, 1999, for their review.

Jacob Kuykendall, Chairman, introduced the committee members present, and stated they would like to discuss the proposed agreement with RCN. He stated that while internet access is becoming an integral part of service from cable providers, the Cable Television Committee can only negotiate the cable television portion of the contract. He stated that both RCN and Cablevision have cable modem technology, which he opined will be obsolete in five years, half of a ten-year contract. He stated that the best the committee can do is to issue the license and hope the cable company comes through with as much service as possible.

Mr. Kuykendall suggested they establish a planning committee to provide fiber optics to all households in Town, financed by bond funding over a 30-year period. He opined the cost for underground installation would be \$10 - \$15 per household. He distributed a memo, dated June 24, 1999, outlining a Master Plan for a fiber optic network serving Sudbury.

Mr. Kuykendall stated the deadline to renew Cablevision's license is April 1, 2000, and they could issue the license for RCN within 60 days.

Hans Lopater stated that, according to State law, all the Committee is entitled to do is to negotiate a license for cable television, and nothing else. Mr. Kuykendall suggested the long-term planning efforts for fiber optics be accomplished as a separate task with outside expert assistance.

Selectman Clark suggested cutting the term to five years, in order to take advantage of rapidly changing technology.

Chairman Drobinski asked if there is any way to get RCN or Cablevision to include internet services in their package to the Town. Mr. Kuykendall opined the cable companies will charge exorbitant fees to provide these services, and this would not be attractive to cable customers at this time.

Selectman Roopenian stated that new housing developments are being fitted with conduit suitable for fiber optics technology.

Mr. Lopater stated the long-term fiber optics plan involves the Selectmen, and a vote at Town Meeting, and opined that it would not be democratic because it would increase residents' tax base and not everyone in Town is interested in this type of service. He stated, as an example, that people who do not use the landfill simply do not purchase the sticker and there is no other assessment.

Mr. Lopater stated that the present task is to speed up the work being done to finalize plans with RCN and Cablevision. He expressed his concern about efforts of the past two years. He opined Media One is not interested in Sudbury because it (Sudbury) is too small to be considered a priority. He stated that Cablevision is pretty much an automatic renewal. He stated further that the Cable Committee is in urgent need of expert legal advice in contract preparation.

Mr. Lopater opined that both RCN and Cablevision will have fiber optic technology in Sudbury within a 24-month period, but added that those communities with valid contracts will naturally be at the top of the list. He expressed concern that much time has been lost toward securing the licenses.

Selectman Clark suggested contract language that would allow for new technology to be introduced or reviewed during the contract period.

Mr. Kuykendall stated the contract should be for a term appropriate for the available technology and leave it up to the supplier to choose.

Mr. Lopater stated that a foundation for the basic services must be set up before additional services can be considered. He opined that RCN (Residential Communication Network) is more interested in selling telephone service.

Chairman Drobinski suggested that the Committee structure the best possible deal with both RCN and Cablevision with the hope that some of the other issues might be resolved along the way. He further suggested that the Cable Television Committee work with the Master Plan Committee on the fiber optics issues as a separate task.

Martin Greenstein stated he is acquainted with four lawyers who have expertise in dealing with cable television issues, one of whom worked with contracting for Hudson's and Framingham's services. He stated he would like to see some funds budgeted for the Committee to seek out and hire specialized legal assistance. He stated a summary should be prepared which would include precisely what the Town wanted or needs in

the way of services. He suggested publicizing the Committee's efforts and needs, and opined that an entrepreneurial individual could install the fiber optics at lower cost to the Town than the cable companies. He suggested hiring a consultant to look into the costs of providing fiber optics to homes.

Jeffrey Winston opined that RCN and Cablevision will compete on how high a high-speed internet access they can provide. He stated that, in the past few years, Cablevision has done things they were not necessarily required to do, but that doing those things simply made sense. He suggested that, in renewing Cablevision's license, the Committee should avoid the mistakes made in 1985. He suggested further that they be certain to ask for everything the Town wants in cable access because nothing will be assumed.

Selectman Clark asked how many towns around Sudbury has Cablevision and suggested working in a cooperative effort. Mr. Winston stated that Cablevision is licensed in Hudson, Maynard, Acton, Stow, and Framingham, plus those towns in the Nashoba System. Margaret Fredrickson stated that as Sudbury was one of the last communities to get cable, it is one of the last to renew, making a cooperative effort impossible. Mr. Winston suggested learning what other towns included in their licenses in order to build the best contract Sudbury can.

Selectman Roopenian asked about the lawyer recently hired, and if the Committee is indeed unhappy with his performance, and asked if the specialty lawyers would be more informed as to what other towns are doing. Mr. Winston stated that a specialty lawyer would serve more as a consultant than legal representation.

Mr. Lopater stated the Committee should concentrate on getting the best deal for the Town, including negotiable items such as local access and internet for Town departments.

Chairman Drobinski suggested the Committee work on the contracts and get together with the Master Planning Committee on the long-term items.

Selectman Clark asked about funding a consultant. Mr. Winston suggested the Committee interview a couple of people, find out what they will do and what their fee would be, and come back with a solid request. Town Manager Ledoux suggested passing the consultant costs on to the cable provider. Mr. Winston responded there were certain items that could be passed back.

Margaret Fredrickson stated that providers will have a different configuration for community television. She stated the issue becomes more complicated with two providers. She suggested each company pay an amount to the Town, which is transferred to a non-profit administrative entity like a trust. She stated most communities tax the cable provider 5% of the revenues. Mr. Winston stated the 5% is mandated by statute but that the tax can be negotiated to a lower percentage, and stated further it sometimes includes home shopping revenues. Ms. Fredrickson advised using caution and expertise in writing that portion of the license. Mr. Lopater advised that, even if a non-profit entity were created, volunteers would still be needed to run it. He estimated the 5% revenue amount to be \$75,000 which would have to support a studio and staff, who should not be made Town employees.

Mr. Greenstein suggested that the Town install the fiber optics technology into the public buildings themselves and not through a cable provider, and suggested further that it might provide the backbone of future services. He opined that it could be a cost savings. He stated further that there are a lot of private companies who would be interested in such a project. He suggested hiring an engineer for only a week and see what can be learned.

Mark Thompson stated that having the cable provider install the internet access makes the provider responsible for its maintenance and repair, and all the Town has to do is tap into it.

Mr. Greenstein stated that there is no guarantee RCN will be financially successful in Sudbury, that their cable could be laid and later they might leave town, leaving the equipment with no one to maintain it.

The Board thanked the Committee for its time and efforts.

**Continued Dog Hearing – Zelamsky/Cordaro vs. McCart**

Present: Patti McCart, 67 Oakwood Avenue.

At 10:55 p.m. Chairman Drobinski reconvened a Public Hearing, continued from June 14, 1999, for the purpose of reviewing the Zelamsky and Cordaro complaint against the dogs owned by Patti and Robert McCart, 67 Oakwood Avenue.

The Board was in receipt of a report, dated June 15, 1999, from Paula Adelson, Assistant Dog Officer, stating that the dogs known as Meeko and Digger bit Mr. Paul Regansburger, 22 Beechwood Avenue, on December 12, 1998, and were subsequently quarantined from December 14 – 21, 1998. Quarantine Orders were included with the report.

Chairman Drobinski stated there have been no recent complaints since the Board's last meeting, and asked Ms. McCart what her plans were to avoid problems in the future.

Patti McCart expressed her belief that the dogs simply had to adjust to being confined in the pen and not keep trying to get out. She stated she was very surprised at the last meeting that there were so many complaints as she had received only one phone call. She stated that she phoned the Dog Officer and asked that she please be informed if any additional complaints come in. She stated that just a few days ago she reprimanded two neighbor boys teasing the dogs through the fence, causing the dogs to bark.

Ms. McCart stated that the dogs got out one more time, but that she was home and able to get them back inside. Selectman Roopenian asked what was at the base of the fence to prevent the dogs from digging. Ms. McCart responded that rocks and 2x4 boards were installed at the base, but added that ideally a small concrete wall would be better. She stated that the dogs are much happier not being tied inside the pen.

Ms. McCart stated there are two more mini-pinschers in the neighborhood that are Mollie's puppies, and that it is virtually impossible to tell them all apart. She stated she advised those owners to notify her if their dogs get out.

Ms. McCart stated that someone said one of the dogs bit someone, but that it was not reported until two days after it was to have happened. She wondered why that person did not come to her to tell her it happened, and that, as a dog owner, she wants to know when her dogs hurt someone.

Selectman Clark opined that a good faith effort has been shown by the McCarts to control their dogs. Chairman Drobinski suggested continuing the hearing for 60 days, and if there are no reasonable, justifiable complaints, then the hearing will be closed. He advised Ms. McCart to maintain control over the dogs, and to be sensitive to their neighbors. Selectman Roopenian reminded her that the Town of Sudbury has a 24-hour leash law.

It was on motion unanimously

VOTED: To continue the hearing for 60 days, and if no reasonable, justifiable complaints are received, the hearing will be closed.

### **Minutes**

It was on motion unanimously

VOTED: To approve the executive session minutes of June 14, 1999, as drafted, and regular session of June 14, 1999, as amended.

### **Council on Aging Donations**

It was on motion unanimously

VOTED: To accept \$129.10 in miscellaneous donations to be deposited into the Van Donation Account, and to authorize the Council on Aging to expend said funds for the purpose of operating and maintaining the Council on Aging vans.

### **Ambulance Gift Account**

It was on motion unanimously

VOTED: To accept a \$5 donation from Phyllis Houghton, 55 Hudson Road, to be deposited into the Ambulance Gift Account and expended under the direction of the Fire Chief; said donation made in recognition of the heroic work done locally and nationally by firefighters.

### **New Fire Engine – Greenwood Fire Apparatus, Inc.**

On behalf of the Fire Department, it was on motion unanimously

VOTED: To approve the purchase of a new Quint-style fire vehicle from Greenwood Fire Apparatus, Inc. of North Attleboro, MA, in the amount of \$477,880, trading in Engine 4 (\$20,000) and Ladder 1 (\$100).

### **Insurance Contracts – FY00**

It was on motion unanimously

VOTED: To approve a contract for FY00 with Massachusetts Interlocal Insurance Association for Property/Casualty and Liability Insurance package at a premium of \$46,890; Workers Compensation Insurance at a premium of \$19,921; and Police and Fire Accident Insurance at a premium of \$18,298.

### **Peter Noyes School – Vidbels Olde Tyme Circus**

Selectman Roopenian reminded the Board of last year's downpour during the circus, leaving the field full of puddles. She stated that a deposit was unnecessary; that the field can be restored to its original

condition after the circus by SERF. She stated further she would speak to the SERF officers to ask for volunteers to help pick up the litter.

After discussion it was on motion unanimously

VOTED: To grant a special permit for the Sudbury Education Resource Fund, Inc. (SERF) to sponsor Vidbels Olde Tyme Circus at the Peter Noyes School field on August 11, 1999, as requested in a communication dated June 16, 1999, from SERF President Eileen Glovsky, subject to approval by the Sudbury School Committee, Police Chief, Fire Chief, Building Inspector and Board of Health.

**Cable Television Committee – Jeffrey Winston**

It was on motion unanimously

VOTED: To reappoint Jeffrey Winston to the Cable Television Committee, for a term to expire on April 30, 2000.

**Livery and Limousine License – Mark Papas, 78 Dudley Road**

It was on motion unanimously

VOTED: To renew Livery and Limousine License of Mark Papas, All Sports Limousine, 78 Dudley Road, in accordance with application dated June 20, 1999, and to approve rates unchanged from the previous application, subject to approval of individual driver license and satisfactory inspection of vehicle by the Police Department.

**Livery and Limousine License – AAA Limousine, 39 Union Avenue**

It was on motion unanimously

VOTED: To renew Livery and Limousine License of AAA Limousine, Inc., 39 Union Avenue, in accordance with application dated June 9, 1999, and to approve rate schedule set forth therein, subject to approval of individual driver licenses and satisfactory inspection of vehicles by the Police Department.

**“Town of Sudbury Permitting Processes” – League of Women Voters**

Selectman Clark commented that it was an excellent document but suggested a few changes to clarify vague points, which she provided for forwarding to the League of Women Voters.

Selectman Roopenian stated that a glossary of terms would be extremely helpful, especially for a layperson reading the document.

Further comments should be sent to the Town Manager for forwarding to the League of Women Voters.

**Omnipoint – Feeley Field**

Present: Peter Cooke, Omnipoint.

Town Manager Ledoux reminded the Board that the Town had received a request to issue an RFP to place a wireless communications facility at Feeley Field. He stated further that the Park and Recreation Commission was in favor of the project as it would provide much-needed revenues, and that the Conservation Commission expressed concern over wetlands issues with regard to placement of the control building. Mr. Ledoux asked the Board for their position on this matter.

Selectman Clark stated that the light poles at Feeley Field have been in place since 1985. She stated further that Park and Recreation had erroneously stated that all improvements to Feeley Field had been made as a result of Town Meeting articles. She reminded the Board that the first project of The Friends of Sudbury Park and Recreation, a group charged with fundraising to improve Sudbury's recreational facilities, was to secure lighting for Feeley Field in 1984. Ms. Clark stated that Raytheon Company also created the Frank Feeley Memorial Award, in addition to their contribution. She stated that, because these fundraising efforts were accomplished outside the purview of Town Meeting, the abutters were never notified.

Chairman Drobinski wondered why no one complained until now. Ms. Clark opined the complaints are spurred by the prospect of a monopole being installed. Mr. Drobinski expressed doubt that the tower could be seen from the neighborhood.

Selectman Roopenian stated that the concern over the lights vs. the monopole are separate issues. She stated the lights are on only during the summer, and expressed concern that people are complaining about youngsters participating in a wholesome activity like baseball. She stated that when she was at the field recently she walked back to the softball field where it was completely black, and that near the street by the tennis courts, she could not see the lights through the trees. She opined that, during the summer when the trees are leafed out, the lights are not a serious issue. She stated further that the monopole would bring in some revenue to the Town, which should not be ignored.

Selectman Clark stated that Omnipoint is interested in attaching a light to their monopole, at the same height as the existing lights, and stated further that the bylaw prohibits lights on monopoles. Peter Cooke stated that Omnipoint would abide by the bylaw and that the light was an attempt to blend the monopole into the existing scenario.

Chairman Drobinski asked Mr. Cooke if he had spoken with Conservation regarding the wetlands issue. Mr. Cooke responded that anything they do would be subject to the permitting process. Chairman Drobinski stated he was ambivalent about whether a monopole at that location would be detrimental to the Town.

Selectman Clark asked Mr. Cooke whose tower Omnipoint was located on at Nobscot Mountain. He stated he did not know because he was not involved in placing that facility and that there are three towers at that site. Chairman Drobinski asked Mr. Cooke to research it and inform Selectman Clark.

Chairman Drobinski asked what is the typical lifecycle of a tower. Mr. Cooke stated the lease term to be four or five years with an option to renew.

Mr. Cooke asked how long it would be before a decision was made on whether or not an RFP would be issued. Chairman Drobinski stated he did not know, as the Park and Recreation issue was a surprise and needs to be resolved before the Board can proceed. Mr. Cooke stated that, without an RFP, no wireless provider will begin to provide solutions/answers, incurring expenses that would be lost if the RFP is never issued. Chairman Drobinski suggested writing the RFP with a condition stating that the Town has the right to reject any and all bids, aborting the project if residents' concerns are not satisfactorily resolved.



Selectman Roopenian opined that an RFP is basically a business plan and it would allow more information to be provided to the Town. She opined that waiting is merely wasting time.

After discussion, it was on motion unanimously

VOTED: To direct Town Counsel to draft a Request for Proposals for a wireless communications facility at Feeley Field.

#### **Hop Brook Ponds Weed Harvesting – Liability Insurance**

Town Manager Ledoux stated that the Hop Brook Protection Association (HBPA) is planning to harvest weeds in the pond system of Hop Brook this summer, borrowing a harvester from Great Meadows. He stated further that the attorneys from Fish and Wildlife want the HBPA to carry a \$1 million liability policy, and asked if the Town should contract directly with Great Meadows or name the HBPA on the Town's present liability policy. He stated he preferred the latter.

Mr. Ledoux stated that the HBPA has hired an operator who meets Fish and Wildlife's requirements. Chairman Drobinski suggested adding the HBPA as an additional insured, and only for the duration of the project.

After discussion, it was on motion unanimously

VOTED: To direct the Town Manager to arrange for the Hop Brook Protection Association to be listed as an additional insured with the Town's liability policy, for the duration of the harvesting project in the Hop Brook Ponds.

#### **Fourth of July Road Race – Featherland**

The Board met to discuss the request of Graham Taylor for permission to place two signs advertising the July 4<sup>th</sup> Road Race at Featherland Park. In his letter of June 24, 1999, Mr. Taylor stated the race has been in existence for 30 years and that increasing its publicity is a service to Town residents. He stated he would remove the signs immediately after the race.

It was on motion unanimously

VOTED: To grant permission to Graham Taylor, organizer for Sudbury's Fourth of July Road Race, to place two signs publicizing the race on Concord Road at Featherland Park, with the condition that they be removed immediately following the race.

#### **Selectmen Reports**

*Selectman Roopenian* stated she attended two Master Plan meetings recently. Discussion topics included regional and local perspective, and inviting area professionals to Longfellow Forums to discuss shared solutions, which dovetails with the Sudbury Foundation grant recently received.

*Chairman Drobinski* stated that the Lincoln-Sudbury School Committee is looking for input from the Selectmen in reviewing the L-S agreement. Selectman Roopenian commented that their Board should be an odd number, to provide a tie-breaking vote, if necessary.

*Chairman Drobinski* stated that there is some confusion regarding the Pay-Per-Throw program and suggested some publicity informing residents of all particulars.

There being no further business to come before the Board, the meeting adjourned at 11:45 p.m.

Attest: \_\_\_\_\_  
Steven L. Ledoux  
Town Manager-Clerk