

IN BOARD OF SELECTMEN
MONDAY, APRIL 24, 2000

Present: Chairman John C. Drobinski, Kirsten D. Roopenian, Lawrence W. O'Brien, Selectmen.

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

Organization of the Board

It was on motion unanimously

VOTED: To elect Kirsten D. Roopenian as Chairman, Lawrence W. O'Brien as Vice Chairman, and Town Manager Maureen G. Valente as Clerk.

Selectmen Liaison Assignments

Town Manager Valente distributed lists of existing Selectmen liaison assignments and asked that the Board review them in preparation for next week's agenda. Discussion followed.

It was on motion unanimously

VOTED: To tentatively accept the list as presented, with certain changes, for further review on May 8.

The Blue Lion

Present: Thomas Slayton, Manager, The Blue Lion.

(a) The Board was in receipt of a license application for Automatic Amusement Device, dated April 20, 2000, from The Blue Lion, 694-698 Boston Post Road, specifically "The Blue Max Countertop Video", manufactured by Chicago Dynamics. Hours of operation were listed as Monday through Sunday, 11:30 a.m. to midnight.

Mr. Slayton stated the game is a computerized trivia game, to be operated by two people. It will be located in the far right hand corner of the bar. The tables presently in that area will be moved further down the wall. Mr. Slayton stated he had spoken with the Building Inspector who indicated this game would not impede flow of patron traffic if located there.

(b) The Board was in receipt of an application, dated April 20, 2000, from The Blue Lion, 694-698 Boston Post Road, for a jukebox to be added to the existing Entertainment License. The hours of operation were listed as Monday through Sunday.

It was on motion unanimously

VOTED: To approve the Automatic Amusement Device (video game) and Jukebox to be added to the Entertainment Licenses for The Blue Lion, 694-698 Boston Post Road.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of February 3, February 5, the regular and executive sessions of March 29, the regular sessions of April 3, April 4, and April 5, 2000, as drafted.

Council on Aging

It was on motion unanimously

VOTED: To accept \$208.49 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.

Sudbury Foundation Grant – Engineering Dept. Copier

The Board was in receipt of a letter, dated April 3, 2000, from Derry Tanner, Executive Director, The Sudbury Foundation, including a check for \$5,000 in grant money to help the Engineering Department replace their copier. A Canon GP 200S has since been purchased.

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a grant from The Sudbury Foundation in the amount of \$5,000, to be separately accounted for and used to purchase a new copier for the Flynn Building, to be housed in the Engineering Department, and to acknowledge The Sudbury Foundation for the grant.

Chapter 81 Certification

It was on motion unanimously

VOTED: To sign the Chapter 81 Certification of the amount expected to be incurred in FY01 for constructing, maintaining, and policing (25%) municipal streets in Sudbury.

Armstrong Livery

Present: Applicant Lida Armstrong, 379 Concord Road.

The Board was in receipt of the following:

1. Application for License to Operate Taxi and Limousine Vehicles, dated April 6, 2000.
2. Addendum to License, signed by various Sudbury citizens and neighbors, attesting to Ms. Armstrong's character and recommendation for the livery license.
3. Copy of Automobile Registration (Livery), Plate No. LV18427, on a 1999 Black Lincoln Town Car, garaged at 379 Concord Road, VIN 1LNHM81W6XY702226, expiration date July, 2001.
4. Business Auto Endorsement Declaration, Pilgrim Insurance Company, Policy #LMO8117937.

5. Report, dated April 14, 2000, from Peter B. Lembo, Police Chief, stating that Ms. Armstrong's criminal record and driving history have been investigated with no negative results, and there is no reason a taxi license should be denied. A vehicle inspection was also performed.

6. Report, dated April 20, 2000, from John B. Hepting, Building Inspector, stating that a livery business qualifies as a "registered home business" and does not require the action of the Zoning Board of Appeals, and he has no problem with the request for livery license.

Ms. Lida Armstrong stated she does not use her home as an office, no one comes to her home for business, and she subcontracts with area businesses for fares. There is no signage other than the livery plate that would designate her vehicle as a taxi.

After discussion, it was on motion unanimously

VOTED: To grant a Livery and Limousine Service License to Lida Armstrong, d/b/a Armstrong Livery, 379 Concord Road, and to approve the following rates: \$55 to Logan Airport and \$100 to Green Airport.

Firefighter Legislation – H.R. 1168 and H.R. 3155

The Board was in receipt of a request, received April 12, 2000, from Michael C. Dunne, Fire Chief, asking support from the Selectmen in the form of a letter to U.S. Senators and Representative for passage of two bills pending in Congress: the Firefighter Investment and Response Enhancement Act (H.R. 1168) which authorizes a five year/\$5 billion federal grant program to support fire departments, and the Firefighter's Local-Federal Assistance for Management of Emergencies Act (H.R. 3155) which authorizes a one-year \$11 million grant program. Discussion followed.

Town Manager Valente stated many fire departments across the state are in need of additional funding, which these pieces of legislation would provide. Selectman Drobinski inquired if the Town of Sudbury received a response to their request for reimbursement of overtime expenses incurred while assisting the City of Worcester cover their fire stations during the recent firefighter tragedy. Ms. Valente stated reimbursement was indeed received, and those monies were put under the discretion of the Fire Chief.

Selectman O'Brien suggested reference to the Mill Village fire could be included in the letter.

It was on motion unanimously

VOTED: To authorize the Town Manager to draft and sign a letter, on behalf of the Selectmen, to Mass. U.S. Senators and Representative in support of H.R. 1168 and H.R. 3155, as requested by the Fire Chief.

SP00-353, Omnipoint Communications MB Operations LLC – Feeley Park

Present: Peter J. Cooke, Wellman Omnipoint Communications.

At 8:00 p.m. Chairman Roopenian reconvened a Public Hearing for the purpose of continued consideration of Site Plan Application SP00-353 of Omnipoint Communications MC Operations LLC, in accordance with Sudbury Zoning Bylaw Article IX.V.A, to construct a wireless communications facility

consisting of a 100-foot stealth pole with light fixture and including an equipment cabinet and power pedestal on a 5' x 7' pad, replacing existing stanchion at Feeley Park, Raymond Road, Town Property Map L08-012 owned by the Town of Sudbury, zoned Residential and Wireless Overlay District. This hearing was continued from March 29, 2000.

Notice of the Public Hearing was duly posted and advertised in the *Sudbury Town Crier and TAB* on March 9 and 16, 2000. Abutters within 300 feet according to the Assessors were provided written notice by first class mail. The Planning Boards of Acton, Concord, Framingham, Hudson, Lincoln, Marlborough, Maynard, Stow and Wayland were provided notice by first class mail. Additionally, the Sudbury Planning Board and other boards and officials were notified and requested to report to the Selectmen.

The Board was in receipt of the following:

1. Application for Site Plan Special Permit, dated and received February 28, 2000, comprised of the following documents:
 - a. Cover letter, dated February 25, 2000, from Peter J. Cooke, Agent for Omnipoint Communications MB Operations LLC, 50 Vision Boulevard, East Providence, RI 02914, providing a description of the proposed installation, listing special permit criteria and facility and site design criteria.
 - b. Plan, entitled "Omnipoint, Feeley Park, Raymond Road, Sudbury MA 01776, 4DE-B010-E", last revision dated November 29, 1999, drawn by Edward and Kelcey, Boston, Mass., including T-1 (Title Sheet), C-1 (Survey Plan), Z-1 (Partial Site Plan) and Z-2 (Enlarged Site Plan, South Elevation and Details).
 - c. Request dated February 24, 2000, for Waiver from Site Plan Special Permit Rules and Regulations Sections 5.1.4 Construction Detail Plan, 5.1.5 Landscape Plan, 5.2 Coverage, Drainage, and Earth Removal Calculations under Zoning Bylaw Section IX.V.A.5.a, and Additional Plan Details under Zoning Bylaw Section IX.V.A.5.b and Traffic Calculations.
 - d. Wellman Associates, Inc., check #1520, dated February 24, 2000, in the amount of \$300.00 in payment of the application fee.
 - e. Computer generated photograph, labeled 4DE-B010-EA, showing proposed equipment cabinet and proposed 100' monopole at Feeley Park, as well as the lighting that shall be relocated.
 - f. Letter, dated January 21, 2000, from the Town of Sudbury to Omnipoint Communications Services, LLC, notifying them of the Board of Selectmen's vote to award the contract for a wireless communications facility at Feeley Park to Omnipoint Communications.
 - g. Letter, dated February 23, 2000, from Bryan Bakis, Professional Engineer, Omnipoint Communications MB Operations LLC, to the Sudbury Board of Appeals, confirming applicant's compliance with Town of Sudbury Wireless Communication Bylaw and all applicable State and Federal standards for construction and ongoing operations.

h. Proposed rent schedule, submitted as part of RFP response, dated September 17, 1999, from Anne Patrick NY Regional Technical Director, Omnipoint Communications Services, LLC.

i. Five-year Build-Out Plan, dated September 1, 1999, listing Omnipoint's proposed wireless communications sites in Sudbury, with map attached.

2. Revised plans dated April 17, 2000.

3. Memo, dated April 24, 2000, from Peter Cooke, for Omnipoint Communications, forwarding a letter, dated April 21, 2000, concerning Omnipoint's commitment to provide police antenna equipment and stating that a similar letter will be generated for a \$5,000 commitment to Park and Recreation, rather than including it within the lease document, which is now finalized.

4. Report, dated March 14, 2000, from the Fire Chief stating he has no objection to the proposal, and inquiring if the Town would have access to the pole and cabinet for town radio communication needs.

5. Report, dated March 1, 2000, from I. William Place, Town Engineer, stating the application appears to be complete with the exception of various construction details for which the applicant has requested a waiver, and stating further the applicant may have to file with the Board of Appeals to allow work to take place in the flood plain.

6. Report, dated March 7, 2000, from I. William Place, Town Engineer, stating (1) all utilities should be underground, (2) application to the Board of Appeals may be required to construct the light structural foundation in the FEMA flood plain; (3) A Notice of Intent will have to be filed for work within 100 feet of a wetland, (4) detailed construction drawings must be submitted prior to the issuance of a building permit, (5) signature block for the Board of Selectmen, Director of Public Works and Building Inspector should be added to each sheet of the Plan, (6) a portion of the outfield fence will have to be removed as it is in poor condition, and should be replaced before project is completed, and (7) all topsoil removal from site should be the property of the Town of Sudbury.

7. Report, dated March 24, 2000, from Frank Riepe, Chairman, Design Review Board, stating that, due to the lack of a quorum, a vote was not taken on this matter. However, those present posed no objections to the plan. A formal vote will be taken at the Board's next meeting on April 12, 2000.

8. Report from the Board of Health reflecting no comments.

9. Report from the Building Inspector stating he has no issues and recommends approval.

10. Report, dated March 24, 2000, from Patricia Savage, Director, Park and Recreation, noting a typographical error in describing the equipment cabinet in an Omnipoint Communications letter dated February 25, 2000; urging the Selectmen to allocate monies received (rental) for use of Park and Recreation facilities; requesting compensation, either financial or in the form of storage cabinet(s) at a site to be specified by the Park and Recreation Department, in lieu of cabinet space at Feeley Park; and requesting, on behalf of the Parks and Grounds crew, that the gravel entry be kept and the existing double gate be moved along the outfield fence to allow for easier access for field maintenance.

11. Report, dated April 10, 2000, from Jody Kablack, Town Planner, stating several comments and recommendations concerning equipment shelter space for second carrier, size of equipment shelter, rates for sub-lessees, utilities (all should be underground), special permits under wireless communications bylaw and for construction in a flood zone being required, as well as a Water Resource Protection District Special Permit from the Planning Board. Provided these issues are resolved, Ms. Kablack recommends approval.

12. Memo, dated March 28, 2000, from Lt. Ronald J. Nix, Police Department, stating a back-up repeater should be installed for the current radio system, noting a recent 3-day period when the City of Marlborough offered space on their frequency while Sudbury's repeater was being repaired. Lt. Nix provided cost estimates for this, as well as proposed antenna equipment for attachment to Omnipoint's pole, as supplied to him by John Giacomini, Motorola.

Selectman O'Brien clarified there is no issue/conflict with his voting on this issue as it was continued without being discussed with the previous Board.

Mr. Peter Cooke, Omnipoint Communications, stated he was accompanied by two Radio Frequency engineers, should the Board have any technical questions. He briefly recounted events to present and noted the project predominately involves replacement of a light stanchion, which will conceal two locations for wireless communications providers. It will be an unmanned facility, with underground utilities, and accessed by a gravel drive. Mr. Cooke opined monthly maintenance visits by a technician.

Mr. Cooke pointed out changes in the plan since application was first made. He stated an Order of Conditions was approved on April 10, 2000, by the Conservation Commission, as the facilities will be within the 100-foot buffer of wetlands area. Once the Site Plan is definitive, he will return to the Board of Appeals for a Special Permit for work within the flood zone and to the Planning Board for Water Resources Protection Special Permit. He stated further a gate has been added to the Site Plan, as requested by the Conservation Commission, to control access to the wetlands area. In addition, all utilities have been designated for underground installation, and a portion of the fence will be removed and replaced. An outfield gate will be relocated, as requested by Park and Recreation. Lastly, accommodation has been made for future use of a public safety antenna at the top of the pole, as requested by the Fire Chief and Police Chief.

Mr. Cooke presented coverage maps, indicating areas before and after the coverage provided by the site at Feeley Field and other proposed sites in the area. He stated this reflects a five-year plan.

Mr. Cooke stated they have made a commitment to the Police Department to provide and install a whip antenna on top of the pole, and a letter was submitted stating that commitment. In addition, a commitment has been made to Park and Recreation in the amount of \$5,000 for improvements, in lieu of a proposed storage shed. He noted the letter about the Park and Recreation commitment is forthcoming.

Chairman Roopenian expressed appreciation for Omnipoint working with the Police Department to include the whip antenna and required cabling.

Responding to concerns raised in the Town Planner's memo of April 10, 2000, Mr. Cooke stated there was no respondent/second carrier, though there is space for one within the pole. Sub-lessee fees will be determined by the Town. He repeated: All utilities have been designated for underground installation. Omnipoint will seek the special wireless communications permit from the Zoning Board of Appeals as well

as the permit for construction in a flood zone and a Water Resource Protection District Special Permit from the Planning Board.

Selectman O'Brien wanted to know if the whip antenna earmarked for the Police Department could also be used by the Fire Department. Mr. Cooke responded he did not know. Town Manager Valente stated the Town is moving toward a combined dispatch and will look into it. Discussion followed.

Selectman Drobinski asked about a tentative construction schedule. Mr. Cooke opined that, after all permits have been secured, construction could begin in late May or early June, finishing during the summer. He stated they intend to paint the pole chestnut brown to match the existing light poles at the field.

Discussion followed concerning height and direction of the lights.

After discussion, it was on motion unanimously

VOTED: To authorize the Town Manager and Town Counsel to prepare a Draft Decision approving the Omnipoint Communications MC Operations LLC wireless communications facility at Feeley Park, subject to approval of the letter noting commitment to Park and Recreation, and to continue this hearing until May 8 at 8:00 p.m.

Planning Board Vacancy – Joint Election

Present: Jody Kablack, Town Planner; William Keller, Carmine Gentile, Lisa Eggleston, Planning Board; William Cossart; Marianne D'Angelo, 102 Belcher Drive.

The Board of Selectmen and Planning Board met for the purpose of interviewing candidates(s) and electing by roll call vote a member to the Planning Board to serve until the next Annual Town Election, to fill the vacancy occasioned by the resignation of Lawrence W. O'Brien.

It was on motion unanimously

VOTED: To name Town Manager Maureen Valente as Clerk for the purpose of these proceedings.

William Keller stated the Planning Board has received a resignation from member Ron Horton, as he will soon be moving out of Sudbury. While the Planning Board's original intention for this meeting was to fill Mr. O'Brien's vacated position, they would prefer to fill Mr. Horton's position instead. An Application for Appointment, dated April 20, 2000, had been submitted to the Selectmen's office by Marianne D'Angelo, 102 Belcher Drive. Discussion followed.

Applicant Marianne D'Angelo stated she is interested in this position as she worked on the Master Plan and various other projects and wants to see them completed.

Jody Kablack, Town Planner, stated the urgency in appointing a new member is that several special permits will soon be under consideration, and that four voting members of the Planning Board are required. The other vacancy has been publicized and candidates will soon follow.

It was on motion by William Keller unanimously

VOTED: To appoint Marianne D'Angelo, 102 Belcher Drive, to the Planning Board for a term to expire at the effective date of the 2001 Annual Town Election. Roll Call Vote: Selectman Drobinski, aye, Lisa Eggleston, aye, Carmine Gentile, aye, William Keller, aye, Selectman O'Brien, aye, and Chairman Roopenian, aye.

Metropolitan Planning Organization – Municipal Election

The Board was in receipt of the 2000 Ballot for the Municipal Elections to the Metropolitan Planning Organization, dated April 19, 2000, with the election to be held at 4:00 p.m. on May 24, 2000. The Board may vote for one city and one town. Discussion followed.

It was on motion unanimously

VOTED: To vote (absentee) for David B. Cohen, Newton, in the City Category, and Maureen L. Dwinnell, Hopkinton, in the Town Category, for the 2000 Ballot in the Municipal Elections to the Metropolitan Planning Organization, and to authorize Town Manager Maureen Valente to vote on the Board's behalf if she is able to attend the meeting.

Overhead Wiring Connection – Lot #4, Willis Road

Present: Joseph Santangelo, Contractor.

The Board was in receipt of a letter, dated April 21, 2000, from Joseph Santangelo requesting permission for overhead wiring connection from a utility pole across the street to service a new home being built on Lot #4, Willis Road. The wiring will extend directly from the pole to the home, without a support pole.

Mr. Joseph Santangelo, Contractor, briefly described what he intends to accomplish with this connection. Town Manager Valente distributed copies of street maps for the Board to see where this property was located.

Selectman Drobinski stated that, whereas the overhead wiring bylaw was defeated at Town Meeting, the Board would like to encourage underground installation of all utilities where possible. The Board asked Mr. Santangelo if there is any reason why he could not pursue underground installation. He responded there really was no reason, other than digging up the roadway. He opined that Willis Road had been paved within the past few years. Town Manager Valente stated she had spoken with the Director of Public Works who indicated he had no objection to this road being dug up as several other builders have done so. Discussion followed.

Mr. Santangelo stated he had spoken with Art Richard, Wiring Inspector, who had no objection to the overhead connection. He (Mr. Santangelo) has installed the service connection at the roof line. Selectman O'Brien expressed concern for an overhead connection as ice storms in that area always knock out the power. Mr. O'Brien opined the cost of underground installation could be recouped in the cost of these new homes, and opined further the aesthetic value of no outdoor wiring to be important to potential buyers.

It was on motion unanimously

VOTED: To deny the request for overhead wiring connection by Joseph Santangelo for a new home being built on Lot #4, Willis Road, and to require underground installation of utilities.

Youth Summit

Chairman Roopenian stated she had spoken with members of the Youth Commission and reported to the Town Manager they would like to hold a Youth Summit. She noted the absence of a Youth Coordinator and stated discussions with the Youth Commission would help define what the duties of such an individual would be. Ms. Roopenian requested this topic be included in the Board's goal-setting session. Discussion followed.

Juvenile Restitution Program

Selectman O'Brien asked what information the Town Manager was seeking on this matter. She responded she wanted the Board's thoughts on whether this program should be continued, modified, or eliminated. Mr. O'Brien suggested including this topic in discussions regarding the Youth Summit.

Chairman Roopenian suggested including the schools in this discussion as they may have some programs that could be utilized. Fortunately, the Juvenile Restitution Program has not been used much.

June Town Forum

Selectman O'Brien suggested the Conservation Commission and Park and Recreation be allowed time to inform residents of the need for playing fields. He suggested there may be landowners who are not aware of the need who would be interested in working something out. He suggested further this specialized format could be designated for other groups and that committee reports typically featured at Town Forum could be submitted in writing for that Forum alone. Discussion followed.

Audited Financial Statements

Town Manager Valente stated the Town is in very good financial shape. She encouraged the Board to read the reports received and forward any questions to her. She stated these reports have also been sent to the Finance Committee. Discussion followed.

Lincoln-Sudbury Regional High School Exit

Town Manager Valente stated concern has been expressed about safety at the exit farthest east on Lincoln Road. Superintendent Ritchie has verbally requested that the Town correct the line of sight obstructions. Ms. Valente stated she and the Director of Public Works surveyed the area recently. She reported there are many large trees that should be removed, but several are too large for the DPW crews to handle themselves. The DPW Director is putting together an estimate for the tree removal, and other costs associated with this request.

Ms. Valente suggested approaching the Town of Lincoln for suggestions and a financial contribution as there is little money in the budget for tree removal at this time. Chairman Roopenian stated attempts have been made to modify traffic flow, but it is not an option due to bus traffic. Ms. Valente stated the Police Chief does not have enough coverage now to be able to send an officer down to direct traffic.

Selectman Drobinski stated tree removal would require a public hearing, and opined the neighbors may be unhappy to have those trees cut down. He suggested a short-term solution, such as temporary signage, to identify the "blind drive".

Chairman Roopenian suggested that Superintendent Ritchie could provide what he believes are some adequate short-term solutions and what they expect the Town to do. Selectman Drobinski suggested having an engineer determine on whose property the trees are located. Ms. Valente offered to talk to the Town Administrator in Lincoln to bring the situation to his attention as well.

Lower Town Hall

Town Manager Valente stated one of her goals is to have Lower Town Hall utilized more as a meeting facility and determine what it would take to make the necessary improvements. She expressed concern for the many groups who use it for flower shows, tag sales, and other non-meeting events. The Grange was suggested as a possible location for those types of events. She commented that the Council on Aging is concerned about the wear and tear on the Fairbank Senior Center where many meetings are currently being held.

Chairman Roopenian reminded the Board that the entire Town Hall will be included in the facilities study, and permanent changes to Town Hall would not be recommended until then. All current uses are short-term for now. Ms. Valente stated the funding for improvements would not be available for approximately two years, but short term decisions can be made regarding the use of the Hall. She stated she would report back to the Board after her meeting with Grange officials.

Finance Director

Town Manager Valente stated the advertisement for a Finance Director will appear in the next issue of *The Beacon*, as well as on the Town's website. She stated she wanted to get this process started as the summer is a difficult time for hiring.

Montenegro Training Session

Town Manager Valente stated she has an opportunity to participate in a Town Manager training session in the country of Montenegro, similar to the work she did with Slovakia. She stated she would not pursue it until the Assistant Town Manager position was filled. She stated it is not a paid consultancy but her expenses would be paid. She opined the trip to be approximately four-five days in length.

Selectman Drobinski stated it is not necessary to have the Assistant Town Manager on board before considering this project. He stated that, in the past, the Board appointed Janet Silva temporary Executive Secretary when the Town used that form of government. The Board agreed it is an honor to have their Town Manager participate in such a worthwhile effort.

Joint Dinner with Wayland Selectmen

Town Manager Valente asked the Board if they would like to include the Weston Selectmen in the annual dinner with the Wayland Board. The Board welcomed the opportunity to meet with another Board to discuss issues of mutual interest. The dinner is scheduled for May 17 at the Wayside Inn.

Selectmen Goal Setting

Town Manager Valente suggested various dates for the goal setting meeting. Discussion followed. A tentative date was set for Wednesday, May 10, 2000, at 8 a.m. Ms. Valente stated she will research locations and prepare a "pre-goal setting" questionnaire to help Board members organize thoughts and ideas.

Executive Session

At 9:45 p.m. it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss litigation matters. (Chairman Roopenian, aye, Selectman O'Brien, aye, Selectman Drobinski, aye).

Chairman Roopenian announced that public session would not reconvene following Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 10:50 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk