

IN BOARD OF SELECTMEN
TUESDAY, FEBRUARY 25, 2003

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

Opening Remarks

Chairman O'Brien encouraged residents to educate themselves about the upcoming Town Elections and, in particular, the positions that are being sought by more than one individual. He announced the League of Women Voters is hosting its annual Candidates' Night on Wednesday, March 12, 2003, at 7 p.m. at the Goodnow Library. This is an opportunity for citizens to meet the people running for public office.

Chairman O'Brien again reminded residents to be cognizant of people behind high snow piles and to exercise increased caution on roadways.

Chairman O'Brien complimented the Department of Public Works on their outstanding performance in clearing roadways during the recent Presidents' Day snowstorm. He also noted the efforts of the Police and Fire Departments in helping to keep that event relatively accident-free.

On behalf of the entire Board, Chairman O'Brien extended sincere sympathies to the families of persons who perished in the recent fire tragedy in Providence, Rhode Island. He expressed sympathy to the family of Rebecca Shaw, a Lincoln-Sudbury graduate, who was among the victims.

Utility Petition #03-01 – Dudley Road/Pine Hill Lane

Present: Christopher Parella, Right of Way Manager, Verizon.

The Board reviewed the following information: (1) letter, dated December 23, 2002, from Boston Edison Company, requesting permission to place approximately 40 feet of conduit in Dudley Road from Pole NO. 62/17 to provide underground service to a new subdivision on Pine Hill Lane; (2) Boston Edison work order #1240354, dated December 17, 2002, depicting location of proposed installation; (3) Verizon petition plan showing location of proposed underground telephone service; (4) report, dated January 9, 2003, from the Town Engineer, stating he has no objection to this petition, and noting that a street opening permit is required from the Department of Public Works; and (5) report, dated January 9, 2003, from the Electrical Inspector, stating he has no problem with this petition.

Mr. Christopher Parella, representing Verizon, stated Boston Edison initiated the petition, who in turn notified other utilities of the opportunity to install utilities while the trench was opened. He noted that all utilities are allowed to be in the same trench, but utilities must each use their own conduit. Every effort will be made to coordinate the installation so the trench is not open a long time. Mr. Parella stated that, in this particular case, the developer will be installing the utilities and not the utility companies themselves.

It was on motion unanimously

VOTED: To approve Utility Petition #03-01 and grant permission to Boston Edison, Verizon and AT&T to construct a location for a line of conduit under Dudley Road, on the easterly sideline, approximately 275.6 feet southeast of the intersection with Tippling Rock Road at existing Pole No. 62/17, place approximately 40 feet of conduit in a westerly direction to the entrance of Pine Hill Lane, to provide underground service to a new subdivision on Pine Hill Lane, as shown on Boston Edison Plan entitled "Plan of: DUDLEY RD, SUDBURY Showing: PROPOSED CONDUIT LOCATION", dated December 17, 2002, and Verizon

Petition entitled "SUDBURY Conduit under Dudley Road to feed New Subdivision on Pine Hill Lane", dated January 10, 2003.

Town Trust Fund Donations – FY03 Second Quarter Report

Present: Kerry A. Speidel, Finance Director/Treasurer-Collector and Co-Trustee of Town Donations; and Fred Pryor, Investment Advisory Committee.

Ms. Kerry Speidel, Finance Director/Town Treasurer and Co-Trustee of Town Donations, briefly reviewed the trust fund activity as presented in her report, dated February 3, 2003, accompanied by the Second Quarter Financial Report. She stated interest earnings are somewhat lower than last year, and noted that disbursements from some trust funds, such as the Raymond Scholarship, are out of interest earnings and will therefore be lower.

It is noted that these figures/statements are unaudited and subject to change upon completion of the FY2003 independent audit.

It was on motion unanimously

VOTED: Acting as Co-Trustees of Town Donations, to accept the FY2003 Second Quarter Financial Statement, as presented, subject to independent audit.

Investment Advisory Committee

Present: Kerry A. Speidel, Finance Director/Treasurer-Collector and Co-Trustee of Town Donations; and Fred Pryor, Investment Advisory Committee.

The Board reviewed a report, dated February 12, 2003, from Kerry Speidel, Finance Director/Treasurer-Collector, submitting recommendations on the reinvestment of four (4) securities which will be maturing in the next few weeks. Mr. Fred Pryor, Investment Advisory Committee, briefly reviewed each of the recommendations. He stated the Committee will meet again in May to re-examine investment opportunities, should interest rates begin to climb.

Selectman Drobinski complimented the Investment Advisory Committee for their abilities in managing the Trust Fund portfolio.

It was on motion unanimously

VOTED: To approve the investment recommendations presented by the Investment Advisory Committee in the Finance Director's report of February 12, 2003.

FY01 and FY02 Town Audits – Powers and Sullivan

Present: Kerry A. Speidel, Finance Director/Treasurer-Collector; Richard Sullivan, CPA, and Kenneth Costa, Auditor, Powers & Sullivan.

The Board was in receipt of the following information: (1) Report on General Purpose Financial Statements for Fiscal Year ended June 30, 2002, prepared by Powers and Sullivan; (2) Reports on Federal Award Programs for Fiscal Year ended June 30, 2002, prepared by Powers & Sullivan; (3) FY2002

Management Letter, dated June 30, 2002, prepared by Powers & Sullivan; (4) Memo, dated February 5, 2003, from the Finance Director/Treasurer-Collector, responding to the FY2002 Management Letter, noting specific actions for auditor recommendations. Also received were 1) Report on General Purpose Financial Statements for Fiscal Year ended June 30, 2001; and 2) Management Letter, June 30, 2001.

Town Manager Valente stated Powers & Sullivan will present Town Audits of the Town's finances for FY01 and FY02, including Management Letters, dated January 7, 2002 and September 27, 2002, respectively. She noted such a presentation has not been made to the Board of Selectmen for several years.

Mr. Richard Sullivan, Powers & Sullivan, briefly explained the reports his firm prepared following the audit of the Town's finances. He stated the Town is in better shape than most due to other Towns' dependence on state aid, as well as Sudbury having a high rate of collection on tax bills.

Responding to a question from Selectman Roopenian, Town Manager Valente stated it is good financial management practice to perform an annual audit. There are state and federal regulations that must be adhered to, as well as standards for entities such as Moody's, required if the Town wishes to issue any bonding. An audit reveals errors or areas where improvement is needed. Mr. Sullivan concurred with Ms. Valente, and stated further that a good CPA firm will look at the design of the financial structures, budgets, debit/credit procedures, collection procedures and other facets of financial management.

Referring to the Management Letter, Mr. Sullivan stated these are primarily "housekeeping" issues which will help keep finances in a more ordered structure. He briefly outlined some procedures that could be modified in order to track finances more accurately.

The Board thanked Mr. Sullivan and Mr. Costa for their presentation and complimented them on the ease of understanding the reports. The Board also thanked Ms. Speidel and the Town accounting staff for their hard work in maintaining such excellent standards.

Amended Cable Television Renewal License

Present: Jeff Winston, Chairman, Cable Television Committee.

The Board reviewed the Amendments to the Town of Sudbury Cable Television Renewal License, effective date February 25, 2003, providing the Town exclusive use of two additional fiber-optic strands and a 100mb/s data network using said strands, and an increase of time to 180 days to determine the amount of the annual direct payment and allocation of unspent access funds.

The Town Manager reported notice requirements had been complied with as follows: 1) the Notice and Report on the Request for Amendments, and copy of License were placed on file with the Town Clerk on January 8, 2003; 2) Notice was published in the *Sudbury Town Crier* on January 9, 2003; 3) Notice was cablecast for the period January 10 - February 14, 2003; and the public comment period closed on February 14, 2003. No comments were received by the Selectmen's Office.

Mr. Jeff Winston, Chairman, Cable Television Committee, briefly explained that the additional benefit of two (2) fiber-optic strands and the data network are primarily due to decreased costs. He stated the actual costs of installation decreased by the time the construction got underway, allowing for increased benefit. Mr. Winston stated further the Committee felt it wise to get the additional benefits in writing as part

of the License. He reported Comcast is now the correct name [following the merger with AT&T Broadband] and the name AT&T Broadband should be deleted.

It was on motion unanimously

VOTED: The public comment period having ended on February 14, 2003, to sign an amended Cable Television Renewal License, dated November 6, 2000, granted to Cablevision of Massachusetts, Inc., now Comcast of Massachusetts III, first amended November 19, 2001, and further amended February 25, 2003, as summarized below:

1. To add the provision that, at no cost to the town, the Licensee is providing the Town with exclusive use of two (2) additional fiber-optic strands, and a 100Mb/s data network using these strands; and
2. To allow the Town more time (180 days, instead of 30 days) to decide the amount of the annual direct payment and allocation of unspent access funds.

The Board signed the amended license.

Town Forum

At 8:30 p.m. Chairman O'Brien convened Town Forum, during which reports from the Cable Television Committee, Earth Removal Board and Permanent Landscape Committee were presented.

Jeff Winston, Chairman, **Cable Television Committee**, briefly updated the Board on the Committee's activities and cable television issues in general. He stated the Committee has increased in size, and is working to train more individuals in using the equipment so that more Town board and committee meetings can be filmed for broadcast on local access cable.

June Allen, **Permanent Landscape Committee**, stated things went well this year, and that the Committee has new volunteers. She expressed interest in working with the Lincoln-Sudbury Regional High School Committee on new landscaping once some of the construction has been completed. Ms. Allen also expressed concern for the lack of new trees being planted to replace trees lost to disease and age, and opined the value of a tree farm in Town.

Melinda Berman, **Earth Removal Board**, reported on two current petitions on Lincoln Lane to remove earth/sand. Abutters to new homes are contesting the removal of seemingly excessive amounts of dirt in two locations, alleging a permit to remove dirt was never sought. Ms. Berman stated there have been drainage issues due to the topographical changes from earth removal. She stated the abutters are concerned that topographical changes will affect the private wells.

Reports concluded at 9:00 p.m. Refreshments were served.

Utility Petition #02-03 – Goodnow Road

Present: Peter Crabtree, Acquisition Manager, Northland Residential Corporation.

The Board reviewed the following information: (1) petition, dated October 31, 2002, from Boston Edison and Verizon, requesting permission to relocate three poles on Goodnow Road; (2) letter, dated February 20, 2003, from JoAnne O'Leary, Community Relations Representative, NStar (Boston Edison),

stating the Town must pay for underground installation as NStar would have to pass those expenses on to consumers; (3) letter, dated February 20, 2003, from Peter Crabtree, Acquisition Manager, Northland Residential Corporation, stating Northland carefully engineered road improvements along Goodnow Road, with the assurance from utility companies that overhead utilities could be upgraded without interfering with existing trees, and worked hard to maintain the country character of Goodnow Road, and Northland does not see the need to install utilities underground; and (4) report, dated February 21, 2003, from the Town Engineer/DPW Director, stating the poles in question were installed in 1932 and should be replaced, noting the relocation of poles will improve the width of Goodnow Road, that Pole 58/10 should be relocated immediately as it is within the traveled way, and recommending the Board grant permission for pole relocation. This matter was previously considered on November 19, December 3, December 17, 2002 and January 7, 2003.

Town Manager Valente briefly reviewed the reports received to date. She stated that because this was an ANR (Approval Not Required) development, the developer was not required to go through the normal subdivision review process. If it had, the issue of underground utility installation would have been discussed during the review process.

Mr. Peter Crabtree, Acquisition Manager, Northland Residential Corporation, stated no trees would need to come down as overhead installation could be upgraded without interfering with the trees. He reported the DPW Director had expressed concern for a tree with possible root damage on a recent site visit, and recommended its removal. Mr. Crabtree stated further a large tree with a V-shaped trunk may present a problem, but he expressed the belief that the wiring can be accomplished without harming or removing the tree.

Selectman Drobinski expressed disappointment that NStar is well aware of the Town's bylaw regarding underground installation of utilities, noting that this development was still a subdivision. He suggested approving the petition with the caveat that the V-shaped tree be saved, even if it requires the wiring to go back and forth across the road to avoid interference.

Responding to a question from Chairman O'Brien, Town Manager Valente opined removal of any tree would have to be assessed by the Tree Warden, as this petition deals only with the relocation of utility poles.

It was on motion unanimously

VOTED: To approve Utility Petition #02-03 of Boston Edison Co., d/b/a NStar Electric, and Verizon New England, Inc. for relocation of three poles within the public way on the westerly side of Goodnow Road, to accommodate street widening, as shown on "Plan of: GOODNOW RD, SUDBURY Showing PROPOSED POLE RELOCATION", dated July 17, 2002, work Order #1199037, with the understanding that utility upgrade shall not interfere with the V-shaped tree.

Minutes

It was on motion unanimously

VOTED: To approve minutes of the regular and executive sessions of February 11, 2003, as drafted.

D.A.R.E. Program Donation

It was on motion unanimously

VOTED: To accept a donation of \$150 from Mr. and Mrs. Stephen Pace, 65 Peakham Road, for deposit into the D.A.R.E. Program Account, to authorize expenditure for said purpose, and to send a letter of appreciation.

Council on Aging Donation

It was on motion unanimously

VOTED: To accept a donation of \$359 from the Friends of the Council on Aging to be expended by the Council on Aging toward the purchase of a new stove for the Fairbank Community Center, to authorize expenditure for said purpose and to send a letter of appreciation.

Donation of Typewriter to Selectmen's Office

It was on motion unanimously

VOTED: To accept the donation of an IBM Selectric typewriter given to the Selectmen's Office by Mr. and Mrs. Richard Vanderslice and to send a letter of appreciation.

Joyce Endee Productions – Arts & Crafts Shows

It was on motion unanimously

VOTED: To grant a special permit for Joyce Endee Productions to hold two juried Arts & Crafts Shows, one on Sunday, May 4, and one on Sunday, September 7, 2003, at the West Field, Wayside Inn, subject to conditions and permits required by the Fire, Police, Health and Building Departments.

Daniel Stevens – Health Coverage during Military Assignment

It was on motion unanimously

VOTED: To authorize the Personnel Office to maintain the enrollment of employee Daniel Stevens on the Town's group health insurance plan at the active employee rate for the duration of his active duty military assignment.

Town Meeting Action

Raymond Road – The Board reviewed a memo, dated February 4, 2003, from Town Counsel, stating the Town acquired title to these parcels in December of 2002, which were included in the layout of Raymond Road in 1994 and the Order of Taking in August of 1994. Therefore, the layout was effective and does not need to be repeated. Town Counsel advised that Raymond Road should be deleted from the street acceptance article proposed for the 2003 Annual Town Meeting.

It was on motion unanimously

VOTED: To amend the Street Acceptance Article for the 2003 Annual Town Meeting and the Board's vote of January 7, 2003 by deleting the layout of Raymond Road from the Framingham town line northerly, a distance of 631 feet, more or less.

Scenic Roads Bylaw – Chairman O'Brien expressed concern this matter had not been fully explored due to the somewhat hectic schedule of the previous meeting, stating it deserved full attention of the Board. The Board again reviewed the February 7 memo from I. William Place, DPW Director/Town Engineer, in which he expressed various concerns, the list of specific roads designated, and the Warrant Report from the Planning Board and Historical Commission Report. Town Manager Valente opined that the town may want to delve into the specifics of the bylaw more fully before making a final decision.

Discussion followed with regard to how roads were selected for designation, noting the bylaw was approved at Town Meeting in 1978, without a specific list of streets. The proposed streets appear on the 1830 and 1875 maps of the Town of Sudbury and share characteristics such as stone walls, scenic views, tree canopies and old homes. It was clarified that this bylaw does not prevent road projects, just requires Planning Board review for projects that require tree and/or stone wall removal, initiating careful consideration when a roadway project may threaten the scenic values of that roadway. Town Manager Valente described it as a philosophical issue, and of personal preference as well. Mr. Place's concerns are mainly of public safety and ability to correct safety concerns. Ms. Valente opined some of these streets will be difficult to widen and maintain over time, and additional approvals may hamper the maintenance.

After discussion, the Board agreed to stay with its original vote to SUPPORT Article 48 – Scenic Roads, with the understanding that this bylaw simply designates the specific streets.

Article 7 – Capital Budget --- Town Manager Valente stated these funds are earmarked for the purchase of an air exchange system for the Fire Stations 2 and 3, which will aid in filtering harmful air within the engine bays. Otherwise, toxic fumes remain within the internal atmosphere for an undetermined length of time, with the potential to cause harmful side effects over time.

It was on motion unanimously

VOTED: To SUPPORT Article 7 – Capital Budget.

Article 6 – Pool Enterprise Fund – Town Manager Valente briefly explained the budget under this article has been changed so that all special programs using the pool will be run through a revolving fund, reducing appropriation needs from the enterprise fund.

It was on motion unanimously

VOTED: To SUPPORT Article 6 – Pool Enterprise Fund.

Update on Hazardous Materials and Sprinkler Systems

In view of the recent fire tragedy in Providence, Rhode Island, Town Manager Valente reviewed the following information: annual inspection of restaurants in Sudbury takes place as part of their annual license renewal, and most restaurants in Sudbury are equipped with a sprinkler system. The fire lieutenants rotate on buildings they inspect so that the same person does not inspect the same place all the time. She stated the

Fire Chief agreed to recheck Sky Restaurant to be sure there were no flammable materials and insure that the sprinkler system was functioning properly.

There being no further business, the meeting adjourned at 10:07 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk