

IN BOARD OF SELECTMEN
TUESDAY, JULY 15, 2003

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

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

Opening Remarks

Chairman Roopenian cautioned motorists to be aware of ongoing paving and highway projects, walkway construction and repair, and painting of crosswalks in town. She also asked motorists to be watchful for more cyclists and pedestrians during the summer months. Ms. Roopenian advised new drivers to pay close attention to speed limits and other motoring regulations.

Chairman Roopenian stated that, while there is presently no water ban, residents should employ conservation techniques in their water usage, as the summer is only half over.

Town Forum

At 7:35 p.m. Chairman Roopenian convened Town Forum, during which reports from the Town Clerk, Assistant Town Manager, Police Chief, Fire Chief, Building Inspector, DPW Director/Town Engineer, Veteran's Agent and Memorial Day Committee were presented.

Ms. Barbara Siira, **Town Clerk**, updated the Board on activities in the Town Clerk's office, including census and vital statistics, dog licensing, election and Town Meeting follow-up tasks, automating hand written records, and upgrading voting machines. She stated Town Bylaws will be posted on the Town's website once the Attorney General's office approves them. There will be four elections in FY04: Presidential Primary, Annual Town Election, State Primary and Presidential Election. Ms. Siira praised her staff for their continued professionalism and hard work in meeting challenges presented.

Wayne Walker, **Assistant Town Manager**, briefly reviewed personnel changes. He stated he has been attending seminars sponsored by the Mass. Municipal Personnel Association, where he learned about human resource audits. He stated great strides have been made toward updating Town personnel policies and practices. He will be preparing a list of recommendations for an update of the employee handbook. Mr. Walker stated due to the ongoing financial situation, a quasi-hiring freeze has been in place since last year, and all vacant positions must be absolutely critical before they are filled. The Town received 39 resumes for the position in Accounting, and interviews are proceeding. Mr. Walker announced 2003 Sudbury Day will be held on Saturday, September 20, 2003.

Peter Lembo, **Police Chief**, stated that, due to retirement and attrition, approximately one-third of the police force has been replaced in the past year and a half, and declared the staff to be excellent and well qualified. While the DARE program was not funded by the State, they are able to continue to offer the program due to private donations. He stated the station has a new telephone system, completing a communications upgrade. Aside from an increase in speeding, there is very little crime in Sudbury. Lastly, he stated the present police station is much too small, and larger facilities are needed.

Michael Dunne, **Fire Chief**, stated the Fire Department has a full staff as of July 1. He stated the department carried over some budget money from the previous fiscal year and can now make some minor repairs and upgrades. There has been a lot of grant activity: \$1,500 received for a regional LEPC; \$34,000

applied for equipment, and the receipt of two defibrillators through a third grant. One defibrillator will be in his vehicle, and the other will be placed at the Fairbank Community Center at the swimming pool. Chief Dunne stated further the regional district was the recipient of \$250,000, which will be used to upgrade equipment needed in emergency and hazardous materials situations. The bulk of this equipment will be housed in Shrewsbury, approximately 30 minutes away. He closed by stating that, while the new equipment is wonderful, there were no funds to provide training on how to use such equipment.

I. William Place, **Town Engineer/DPW Director**, updated the Board on activities in the Department of Public Works. He stated staff is currently busy painting and re-stripping crosswalks, working on paving projects and walkway construction. He opined it takes one person approximately two months to do all the painting of crosswalks in Town. There are currently 19 people on staff; staff take vacation during the summer. Heritage Park was recently cleaned up, due to the efforts of inmates from the County correctional facility. Work is also progressing on the Haskell Field parking lot. All guard rails have been replaced in the Town. Mr. Place stated they have moved into the new DPW building with only a few minor facilities glitches to deal with.

Jim Kelly, **Building Inspector**, stated there have been 448 building permits this year, with 44 being new homes, 19 teardowns, and 12 swimming pool installations. His office collected \$490,000 in building permit fees, \$45,000 in plumbing permit fees, and \$45,000 in wiring permit fees. He stated his office has resolved a billing issue with Keyspan Gas Co., which stemmed from a change in meters at the Fairbank Community Center, which incorrectly recorded double the actual usage. This was rectified in June, saving an estimated \$32,000 annually. Mr. Kelly stated the septic system for Town Hall and the Loring Parsonage were upgraded, and the outside of Town Hall painted. Lastly, he stated the inspections at both the high school construction and Carriage Lane development have been favorable.

Ms. Mary Jane Hillery, Veterans' Agent, presented highlights of her duties, and reported she has been actively working with people at the Senior Center and putting information into the Senior Bulletin. Ms. Hillery stated plans are underway for the 50th anniversary for the Korean Conflict, including a dinner dance on September 6. She stated she is available via phone answering machine from 9 a.m. to 9 p.m. daily, as she never wants anyone to think a question or concern is unimportant.

Ms. Hillery also presented the report for the Memorial Day Committee. She stated that even with the rain, the speeches and comments were well received in Lower Town Hall. She noted this is the 27th year for the Memorial Day Essay contest, and this year's winner, Hannah Holden, read her essay that day. Ms. Hillery stated she works with Native Americans at the King Philip Memorial so that all groups are represented. Lastly, she expressed praise for the efforts of Winnie Grinnell who makes sure flags are on all veteran graves for Memorial Day activities.

Reports concluded at 8:50 p.m.

Pay Per Throw Committee

Present: Geoffrey Howell, Pay Per Throw Committee.

The Board reviewed the Pay Per Throw Curbside Proposal, prepared by the Pay Per Throw Committee, presenting its findings on the matter of curbside collection.

Mr. Geoffrey Howell briefly presented the history of the Pay As You Throw (PAYT) system, beginning in 1998. The program has proved to be a success, with almost a 50% reduction in solid waste per

sticker holder at the transfer station. The reduction is attributed to increased recycling of paper, cardboard and other items. A concern is now that the percentage of individuals using the transfer station has decreased (now at 21%), ostensibly due to increase in use of private haulers, location of the transfer station, and the inconvenience of recycling.

Mr. Howell cited two reasons for recommending a curbside Pay As You Throw program. The committee believes there would be environmental benefits by enhancing recycling. Sudbury's recycling rate is good, but could be better. There also see economic advantages. Currently, 79% of the residents are using some type of private hauler to dispose of their trash. The average cost of using a private hauler is approximately \$400 per year. Currently, the average cost for a family of four using bags with Pay As You Throw (\$1.50 per 30-gallon bag) at the transfer station is approximately \$150 per year. Mr. Howell estimated if the Town converted everyone to a curbside, Pay As You Throw program, costs could be reduced to approximately \$100 per household annually.

The report presents two basic choices in how to fund a curbside PAYT program, an Enterprise Fund or through the tax levy. Mr. Howell expressed concern that structuring the program through an Enterprise Fund would doom the program as he believes a minimum of 2,000 households are needed and that might be difficult. The tax levy approach would mean all households could participate, guaranteeing a high level of participation and reducing the need to bill households a user fee.

Mr. Howell noted the committee anticipated the transfer station would be closed under their proposal. Town Manager Valente opined some residents may prefer to use the transfer station, even if a curbside program is implemented.

I. William Place, DPW Director, stated the program would require a full time person at approximately \$40,000, from an administrative standpoint. He wondered how it would impact the use of the transfer station, with the potential for closing it if revenues are not level with expenses. Mr. Howell responded that it is difficult to say how the transfer station would be affected, and opined the expertise of a consultant would be helpful in that regard. He continued by stating there may be some services a private hauler cannot offer, such as hazardous waste collection.

Selectman O'Brien asked how 100% of households could be enrolled in this program, compared to the 80/20 split right now. Mr. Howell responded the cost and convenience to residents would be the major deciding factors. Any resident would still have the option to contract with a private hauler. Mr. O'Brien expressed concern that, if a curbside program were instituted and then failed, the Town may face greatly increased fees at a later date. Mr. Howell responded the Request for Proposal (RFP) would require a certain number of households or the contract would end, eliminating liability for the Town. He continued to state price increases can happen now, whether to the residents or to the Town.

Selectman O'Brien recalled Mr. Howell's earlier comment on residents questioning whether recyclables actually get recycled, and wondered how to make sure it happens. Mr. Howell stated the Town can impose conditions on the private hauler to make sure they do what they have contracted to do, and, in addition, the Board of Health can also impose conditions. Currently, haulers are required to report recycling amounts (by tonnage) so that the Town can apply for State grants. The RFP can also be tailored to include specific recycling items.

Selectman O'Brien opined the Pay As You Throw program at the Transfer Station to be at a competitive disadvantage as a new resident may be inundated with information from private haulers. Mr. Howell acknowledged getting information out on the current Pay As You Throw program requires consistent

effort, requiring more time than a volunteer group can devote, and a possible burden to Town staff. He stated the location of the transfer station, which, from a zoning perspective, is good, but noted it is out of the way for some residents. Mr. O'Brien suggested posting pertinent information on the Town website.

Responding to a question from Selectman Drobinski, Town Manager Valente stated, if the funding were to be supported by the tax levy, an appropriation would have to be voted at Town Meeting, and an override requested.

Selectman Drobinski opined that officially closing down the transfer station may attract the attention of DEP to look at the entire operation. He noted there is an outstanding issue with the cap on the landfill. He suggested Town Counsel look into the Town's environmental liability.

Chairman Roopenian expressed concern for the Town taking ownership of a program that could fail, without having a backup plan. Residents will have expectations of service and then seek responsibility for failure. Mr. Howell agreed there is currently not another Town that has taken an entirely private hauling program and brought it in-house. He continued that most curbside programs are already operating on a municipal level, then the Pay As You Throw system is introduced as a cost-cutting measure.

Town Manager Valente reminded the Board a consultant may be available only if grant funds are received. If such funding is received, it is possible that an article could be ready for presentation at the 2004 Annual Town Meeting.

Town Manager Valente expressed concern for building this cost into the tax levy in a climate where taxes are already at a very high level. In answer to a question about the size of a use fee, she opined the maximum fee for any service can only be to recover costs. Mr. Howell stated that many communities build the fixed costs into the annual fee, and use the revenue from the sale of bags to cover any variable fees.

Selectman O'Brien expressed concern that, once a program is implemented, it may be difficult to get out of it easily. He suggested getting more information to residents about recycling and the existing trash collection. He opined people who have businesses in other communities may take their household trash to be picked up by their corporate hauler.

Peter Glass, 523 Hudson Road, agreed that more information on the transfer station would be good, but opined there is a limit to the number of people who can actually use it, due to limited hours of operation and space allocation. He opined having too few places to purchase bags could cause failure. He described it as an equity issue, where people who generate a lot of trash should pay to dispose of that trash.

Peg Whittemore, 24 Taylor Road, wondered why reports indicate that this fee would be tax deductible. Town Manager Valente opined that general property taxes are deductible, user fees are not.

Dev Glaser, 5 Winter Street, stated it may be a physical hardship for some residents to get their trash to the curb. She prefers the transfer station as her street and driveway were very icy all winter long. She stated it is easier to put the trash into her car in the garage. The only way to retrieve her mail was via her car as walking the driveway was too dangerous. She continued by stating that narrow streets offer no space for placing the bags.

The Board thanked the Committee for their hard work in gathering the information, and encouraged the Town Manager to work with the Committee for continued analysis.

Ambulance Purchase – Greenwood Fire Apparatus, Inc.

It was on motion unanimously

VOTED: To approve a contract with Greenwood Fire Apparatus, Inc., of North Attleboro, MA for purchase of a 2003 Horton Ambulance at a cost of \$138,587, and to authorize the trade-in of a 1993 Road Rescue vehicle for the amount of \$10,000, resulting in a net cost of \$128,587, contingent upon approval by Town Counsel.

Utility Petition #03-04 Raymond Road – Verizon New England, Inc.

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

This matter was continued from June 9, 2003. The Board reviewed the following new information: (1) eight photographs showing specific detail of existing conditions with regard to poles and pedestals, location of said poles and pedestals and proximity to homes in the area; and (2) schematic plan (copy of Assessor's Plans) showing existing conditions (and relationship of each property and their respective telephone service).

Mr. Christopher Parella, Verizon Right-of-Way Manager, briefly described the photographs submitted for the Board's review. He stated that poles 27 through 30 do indeed exist along Raymond Road, though they are hidden in the trees and shrubbery.

Mr. Parella briefly reviewed the discussion highlights, including the high maintenance factor of cable in this area. He showed the Board a sample of the cable, approximately 2 inches in diameter, currently buried in the ground. Fiber cable is approximately the thickness of a pencil. Verizon currently does not have the capability to install and connect fiber cable.

Selectman O'Brien opined there to be no reason to deny the petition, given the fact that no additional poles will be installed, service reliability should be improved and maintenance issues reduced. However, he reiterated the Board's concern with "double poles" in Town, and suggested asking for increased effort from Verizon and other utilities in resolving that issue.

Jay Atlas, 49 Raymond Road, asked if overhead wire will be installed past Pole 30. Mr. Parella responded Pole 30 is the last pole on Raymond Road so no additional cable can be placed, and no new poles will be added.

David Epstein, 66 Raymond Road, stated his cable television and electricity have periodically gone out in his 25 years of residence, but the phone has never been affected. He encouraged the Board to require all utilities to go underground, as that area is one of a few where one's line of sight is not impeded by utility structures. Chairman Roopenian acknowledged that ideally all utilities should be underground, but at this time Verizon is attempting to rectify a maintenance issue. At some future date, all utilities may be installed underground in such a way that the high water table will not affect service or maintenance. Selectman Drobinski asked if the break is on Raymond Road when the electric service is interrupted. Mr. Epstein responded it is always because a pole or transformer elsewhere has been involved.

Mr. Parella stated the buried cable would most likely be abandoned, and not dug up. The overhead cable would be installed and appropriately connected. If underground utilities can be successfully installed and maintained at a later date, the old cable can be retrieved once the area has been opened.

It was on motion

VOTED: To approve Utility Petition #03-04 of Verizon New England Inc. for a permit to cut and maintain overhead wires and cables, to be used by the petitioner, along and across Raymond Road on the easterly sideline, beginning with Pole No. 6 and continuing southerly to Pole No. 30, as shown on plan sketch entitled, "Municipality: SUDBURY Attachment to Existing Joint-Owned Utility Poles – Waiver of Bylaw", Verizon Petition Number: 9AA33D, dated 5/26/03, and to grant special permission therefor under Sudbury Bylaw Article XX.3.E, waiving the requirements of the Prohibition and Regulation of Overhead Utilities Bylaw, all subject to the following conditions: that no new poles be installed on either public or private property as a result of this petition; that all existing underground connections to residences remain as underground connections; that any street crossings for residential connections be underground and not overhead, and made by boring beneath the pavement, not by cutting the pavement; that Verizon move its lines onto any new poles on Raymond Road to reduce the "double pole" situation prior to commencement of work; and that if, in the future, other utilities are converted to underground installations, Verizon must do the same with its lines along Raymond Road. (Chairman Roopenian and Selectman O'Brien, aye; Selectman Drobinski, abstain).

Hop Brook Protection Association – Letter to Officials

The Board reviewed a draft letter composed by the Town Manager's office, inviting DEP and EPA officials to meet with the Board of Selectmen to address the issue of the overdue permit of the Marlborough Easterly Waste Treatment Facility. The draft letter very briefly lists events to date, explaining the issue and politely invites officials to a Board meeting to discuss the matter. The Board approved the letter and later signed it.

Executive Session

At 10:26 p.m. it was on roll call

VOTED: To go into Executive Session for the purpose of discussing a waiver of the age requirement for a transfer station sticker due to hardship.

Chairman Roopenian stated that regular session would not reconvene following Executive Session.

There being no further business, the meeting adjourned at 10:30 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk