

IN BOARD OF SELECTMEN  
TUESDAY, MAY 17, 2005

Present: Chairman Lawrence W. O'Brien, Selectmen William J. Keller, Jr., and John C. Drobinski.

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 O'Brien stated the offices of the Selectmen and Town Manager moved over to the Flynn Building over the weekend. He asked residents to be patient with requests while staff is getting settled in their new offices.

On behalf of the Board, Chairman O'Brien extended congratulations to Joe and Jackie Bausk for being honored as Citizens of the Year by The Grange, and to Stephen Meyer, honoree from the U.S. Department of Fish and Wildlife as recipient of the Governor Francis W. Sargent Award.

Chairman O'Brien announced the Summer 2005 Concert Series sponsored by the Park and Recreation Department. He stated information on dates and times would be available on the Town website.

Selectman Keller announced that commencement exercises for Lincoln-Sudbury Regional High School seniors would be at Featherland Park on Thursday, June 2.

Town Manager Valente reminded citizens of upcoming Memorial Day activities sponsored by the American Legion and asked that all residents remember the veterans of armed forces.

**Trust Fund Statements – Fourth Quarter FY04, First, Second and Third Quarters FY05**

Present: Andrea Terkelsen, Town Treasurer-Collector, Co-Trustee of Town Donations.

Ms. Andrew Terkelsen, Town Treasurer-Collector and Co-Trustee of Town Donations, reviewed Trust Fund Financial Statements for the fourth quarter of FY04 and the first three quarters of FY05.

Ms. Terkelsen stated authorization is needed for a disbursement of \$1,148.00 from the Raymond Scholarship which would be paid out to this year's recipient after successful completion of freshman year, as requested by Lincoln-Sudbury Regional High School on behalf of its scholarship committee.

It was on motion unanimously

VOTED: Acting as Co-Trustees of Town Donations, to accept Trust Fund Statements for the fourth quarter of FY2004 and the first, second and third quarters of FY2005, as prepared by Co-Trustee Andrea Terkelsen, Town Treasurer-Collector.

It was also on motion unanimously

VOTED: Acting as Co-Trustees of Town Donations, to approve the award and disbursement of \$1,148.00 from the George J. Raymond Scholarship Fund to Jonathan Kurland, 2004-2005 recipient, in accordance with a request dated May 5, 2005.

**Rail Trail Conversion Advisory Committee**

Present: Miner Crary, 1 Hunt Road; Douglas Kolodny, 80 Austin Road; Lisa Nigrelli, 51 Pennymeadow Road.

The Board reviewed a request dated April 27, 2005, from Deborah Dineen, Conservation Coordinator, stating she would like to have her appointment to the Rail Trail Conversion Advisory Committee changed to "ex-officio" in order to participate on an as-needed basis when environmental expertise is needed.

It was on motion unanimously

VOTED: To change the appointment of Deborah Dineen on the Rail Trail Conversion Advisory Committee to Ex-Officio status, from that of regular member, at her request.

Town Manager Valente stated there was a fourth candidate, Sigrid Pickering, for the open positions on the committee, and stated Ms. Pickering was unable to attend tonight's meeting. Ms. Valente reminded the Board of Ms. Pickering's previous Town service, suggesting an interview was unnecessary.

In order to shorten interview time, Chairman O'Brien asked candidates Miner Crary, Douglas Kolodny and Lisa Nigrelli to come forward to be interviewed as a group. Each candidate gave a brief introduction of themselves and their desire to serve on this committee.

Selectman Drobinski: What is in the best interest of the Town? M. Crary – to generate the most use at the lowest cost; L. Nigrelli – what is in the Town's best interest is questionable, but the rail trail being developed was a good idea as well as conserving trees, wildlife, etc. in the process; D. Kolodny – expressed concern about how it would be protected, noting recent sighting of coyote on Peakham Road, as well as potential costs and lighting.

Selectman Keller: Would you be able to balance your personal concerns with the mission statement of this committee? L. Nigrelli – favors an unpaved trail if there is to be one but at this time has no real opinion, citing the need for more facts and desire to hear opinions from other people, both abutters and non-abutters. D. Kolodny – as a non-abutter he is more concerned with what is in the best interest for whole community, looking on a trail more as a safe passage to downtown without driving a vehicle. M. Crary – believes the issue should be given fair consideration by all members and not special interest groups, such as cyclists.

When asked by Chairman O'Brien whether they had read the mission statement for this group, Ms. Nigrelli and Mr. Crary stated they had; Mr. Kolodny had not read it.

When asked what they felt the major issues were, Mr. Kolodny responded cost and whether it was safe for children and the environment. Ms. Nigrelli stated she wanted it to be a safe trail for all users.

Chairman O'Brien asked if an unpaved trail would exclude high speed cyclists, and parents with children in strollers or pulling wagons. Ms. Nigrelli responded some individuals may be excluded whether the trail is paved or unpaved. Mr. Crary stated some users may stay away from the trail to avoid the cyclists, if it were paved. Mr. Kolodny stated the purpose is not to get cyclists off the road but to create something for the greatest number of people. He suggested placing concrete barriers at regular intervals along the trail would hinder high speed cyclists.

Chairman O'Brien summarized the candidates' comments as none having major objections to a trail being developed, but that there were issues to be addressed. Mr. Crary opined it would be better to do nothing if the trail could not be developed sensibly. Ms. Nigrelli concurred with Mr. Crary. Mr. Kolodny opined that if something is not done soon, the opportunity to develop the trail may be lost.

Selectman Drobinski asked each candidate if they believed in the principle of "the greater good" – yes or no – even if they personally did not agree with it. Mr. Crary stated it was difficult to answer yes or no. Ms. Nigrelli and Mr. Kolodny responded they believed in the principle.

Chairman O'Brien stated the deliberation and appointment would occur later in the evening's agenda and that candidates were welcome to sit through the rest of the meeting if they wished. Otherwise, they would be notified if they had been appointed or not. The Board thanked the candidates for their time and willingness to serve.

At 10:25 p.m. Chairman O'Brien opened a discussion for the purpose of deliberating on the candidates and appointment of two to the Rail Trail Conversion Advisory Committee. The Board expressed its collective opinion in seeking out individuals with open minds and ability to see all sides of an issue. In addition to the recent candidates, it also considered individuals previously interviewed but not appointed when the committee was created.

After discussion, it was on motion unanimously

VOTED: To appoint Elizabeth Foley and Sigrid Pickering to the Rail Trail Conversion Advisory Committee, each for an indefinite term.

**Site Plan SP05-379: Sprint Spectrum LLP, 16 North Road**

Present: Peter Giard and Warren Kelleher, Atlantic Western Consulting, Inc.; Jody Kablack, Town Planner.

At 8:21 p.m. Chairman O'Brien reconvened a Public Hearing for continued consideration of the application of Sprint Spectrum LLP, d/b/a Sprint PCS, for approval of minor Site Plan 05-379, to expand the existing SpectraSite facility for wireless communications on property located in the Research District, 16 North Road. This matter was previously heard on May 3, 2005.

As requested by the Board at a previous meeting, Mr. Peter Giard, Atlantic Western Consulting, Inc., submitted coverage maps showing present coverage area provided by Sprint PCS and potential coverage following the proposed installation. He identified the areas currently serviced by Sprint PCS as well as those locations that are presently in the application process. He further explained the variation in colors on the maps referred to the strength of the signal as it got further away from its correlating wireless facility. The frequency carries a finite amount of data, whether it be photo, email or phone transmission.

Mr. Giard submitted photo simulations of what various facilities look like, some with the sheath and some not. He opined the addition of the sheath, or cover, creates more of a safety hazard than it improves appearance. He was referring to a recent incident where pieces of the sheath on another tower were breaking off in high wind. Mr. Giard recommended the Board approve the proposed installation without a sheath over the antennae.

Chairman O'Brien asked about the potential to provide public safety communication equipment, noting there are areas within the new high school building where police radio does not work well. Mr. Giard responded he had not spoken to either the Police or Fire Chiefs yet, but he understood that the cost of installing equipment on a cell tower would range from \$10,000 in parts and labor up to \$55,000. Since the Town was looking for assistance in a location other than a cell tower, he suggested the Town consult with his RF engineer to identify the problem and then cost out a solution. Town Manager Valente opined the Police Chief has already had some work done in the way of design and resolution, and that the Town would be looking for someone to do the actual installation of whatever the solution would be.

Town Planner Jody Kablack stated electric power would be accessed through manholes already on the site and that no additional utilities required installation. She stated the applicant has also agreed not to put the fencing into the exterior drive or path area, and suggested that action be included as a condition of the Decision.

With regard to the jersey barrier, Mr. Giard stated Verizon holds the lease for the propane tank area and opined Sprint PCS has no authority to do anything with it. He suggested the applicant secure a letter of consent from the Water District to place the barrier on Water District property, outside of the leased area, to protect the propane tank. Mr. Warren Kelleher, Atlantic Western Consulting, Inc., stated he had spoken with Bill Place, Town Engineer, who indicated such a plan would be acceptable to the Town. Town Manager Valente stated the Town had researched the original permit and discovered the application was submitted by Suburban Propane. She recommended the Fire Chief contact the Water District for its cooperation in resolving this safety issue to the Chief's satisfaction.

It was on motion unanimously

VOTED: To direct the Town Manager to instruct Town staff to prepare a Draft Decision, incorporating comments this evening, the proposed installation to feature a flush mount installation as presented in photos and explanation, said Decision to be reviewed on June 21, 2005 at 8:45 p.m.

### **Town Forum**

At 8:47 p.m. Chairman O'Brien convened Town Forum, during which time reports were presented by the Board of Health, Permanent Landscape Committee, Cable Television Committee, Council on Aging, and Septage Committee.

Lynne Geitz presented the **Board of Health** report. She reviewed Hazardous Waste Day (October), when electronics, household paints, and other products were collected at the Peter Noyes School, ongoing septic inspections, massage therapy applications and inspections of premises.

Clay and June Allen updated the Board on the activities of the **Permanent Landscape Committee**. Ms. Allen stated over 20 barrels and half barrels have been planted and expressed thanks to Cavicchio Nurseries for donating the plants. She stated the committee has a difficult time meeting as the Tree Warden and DPW staff go home in the afternoon and two members work during the day. She also expressed thanks to Deborah Kruskal for helping with the NStar replanting on Stock Farm Road and Pelham Island Road. In closing, Ms. Allen stated work on the September 11<sup>th</sup> Memorial Garden would begin in the next two weeks.

Jeff Winston, **Cable Television Committee**, reviewed recent activities. He stated the new high school is completely wired for cable access and broadcast, and reviewed a variety of town events that are currently broadcast. Mr. Winston encouraged residents to contact the Cable Television Committee if they

have issues with Comcast. He announced that persons interested in learning how to film meetings should contact the Cable Coordinator Lynne Puorro.

Kristin Kiesel, Director, presented the report for the **Council on Aging**. Recent activities include blood pressure clinic, participants forum, development of a tax benefits booklet, meals program, fix-it program, a variety of trips and classes, and the work program. She opined the tax deferral program is confusing to some people. Ms. Kiesel stated the Senior Center is currently experimenting with meal choices, including more salads, etc., and will initiate a questionnaire to gather feedback. She stated they are looking into the costs of installing a bocce court and pickle ball court at the Community Center. In closing, she summarized by stating the Senior Center activities simply need more space as the participation is increasing.

The **Septage Committee** report was presented by Robert Gottberg. He indicated there was a good chance the facility would break even this year and would retire the existing debt in 1.5 years. He stated the facility is currently processing a lot of septage, up to 20,000 gallons daily, and 40,000 gallons in the equalization tank. The need for denitrification still presents a problem, as it causes the existing permit from DEP to not be renewed. The Septage Committee has developed an in-house method of resolution which is less costly than from an outside source, which could be as much as \$800,000. Mr. Gottberg stated the denitrification needs to take place right at the discharge point at the plant, before entering the wells. He stated the facility could be subjected to a \$1,000/day fine if it is not in compliance by year end.

Reports concluded at 9:40 p.m. Refreshments were served.

#### **NStar – Replanting of Stock Farm Road and Pelham Island Road**

Present: Stan Kaplan, 98 Victoria Road.

Town Manager Valente stated that, as NStar workers recently went on strike, it was unlikely management would be able to attend tonight's meeting.

Ms. Valente distributed draft planting plans developed by Weston Nurseries in Hopkinton. She stated it was her understanding that a "wall effect" created by evergreens was preferred by the neighborhood as it would most closely resemble what was removed. In addition, NStar will provide an additional six evergreens to screen the substation itself, set back from the road.

Chairman O'Brien opined that both streets were discussed at a recent meeting, and stated he was pleased to see a draft plan for each street.

Ms. Valente stated a watering plan would be provided by Weston Nurseries. Weston Nurseries would be providing the plants, with a one-year guarantee.

Ms. Valente suggested that, as time was critical to being able to plant in the spring, the Board may opt to rely on Bill Place, DPW Director, Deborah Dineen, Conservation Coordinator, and Deborah Kruskal, Permanent Landscape Committee, to make the final decision on the plant species planting plan. She offered to be the point person on this matter.

Mr. Stan Kaplan, 98 Victoria Road, stated the neighborhood is insisting on spring planting. He expressed concern that a delay could push the planting to the fall, and later something else may delay it again. He also asked about the height of the trees at planting, not at maturity. Chairman O'Brien stated the

largest available stock should be considered. Mr. Kaplan also expressed concern there was no planting plan for the south side of Pelham Island Road.

After discussion, it was on motion unanimously

VOTED: To authorize the Town Manager, in consultation with Bill Place, Deborah Dineen, Deborah Kruskal and other appropriate staff to finalize plantings with NStar, including the south side of Pelham Island Road.

### **Minutes**

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive session of May 3, 2005, as drafted.

### **Mass. Exec. Office of Public Safety**

It was on motion unanimously

VOTED: To accept a grant in the amount of \$31,000 from the Mass. Exec. Office of Public Safety and to authorize its expenditure by the Fire Chief for its intended purpose of purchasing various firefighter equipment.

### **Park and Recreation Maynard Road Field Development (Cutting)**

It was on motion unanimously

VOTED: To approve a contract award to Argus Construction Corporation, Bedford, MA, in the amount of \$755,000 for construction of a synthetic turf field and associated work at the Park and Recreation Maynard Road field (former Cutting property); and to accept a donation from the Friends of Park and Recreation in the amount of \$120,000, to supplement the public funding of the construction costs, with any unused portion of the donation to be returned to the Friends of Park and Recreation; and to authorize expenditure of this donation for the stated purpose, provided that the Town Accountant has certified adequate funds have been received by the Town for the project.

### **Hawker and Pedler License – VeeBop's Ice Cream**

It was on motion unanimously

VOTED: To approve the renewal of a Hawker and Pedler License for VeeBop's Ice Cream & More, owned by Valerie B. Maher, 33 Gates Avenue, Hudson, MA with Valerie B. Maher and Mary C. Gallagher as operators, for a 12-month period expiring June 30, 2006, subject to all requirements of the Police Department.

### **Special Constables – Appointment**

It was on motion unanimously

VOTED: To reappoint Special Constables for terms to expire April 30, 2006, as follows:

Kenneth J. MacLean	(non-paid)
James F. Kelly	(non-paid)
Earl D. Midgley	(non-paid)
Arthur J. Richard	(non-paid)
Joseph D. Bausk	(paid)

**Metropolitan Area Planning Council – Election to MPO**

Town Manager Valente asked the Board to review the ballot for the Municipal Elections to the Boston Region Metropolitan Planning Organization, which would be supervised by the Metropolitan Area Planning Council and the MBTA Advisory Board.

After discussion, it was on motion unanimously

VOTED: To cast the official vote of the Town of Sudbury for the full slate as presented, specifically City of Newton/David Cohen, Mayor, and Town of Hopkinton/F. Eric Sonnett, Chair, Board of Selectmen.

**Frost Farm Village Association**

The Board reviewed a communication, dated April 14, 2005, from the Frost Farm Village Association, Board of Trustees, enumerating various concerns, including a large snow removal bill from this past winter. The Association is requesting assistance in this matter from the Town, asking for plowing, sanding and street sweeping services, as well as catch basin maintenance.

Town Manager Valente reported that she had consulted with Paul Kenny, Town Counsel, on this matter, and it was his opinion that the Town should not agree to this request.

It was on motion unanimously

VOTED: To instruct the Town Manager to respond to the Frost Farm Village Association that, per advice of Town Counsel, the Board of Selectmen cannot take any action on the request until all litigation has concluded.

**Executive Session**

At 10:40 p.m. it was on roll call

VOTED: To go into Executive Session for the purpose of discussing collective bargaining and land negotiation matters.

Chairman O'Brien stated regular session would not reconvene following Executive Session.

There being no further business to come before the Board, the meeting adjourned at 11:05 p.m.

Attest: \_\_\_\_\_  
Maureen G. Valente  
Town Manager-Clerk