

IN BOARD OF SELECTMEN
TUESDAY, FEBRUARY 28, 2006

Present: Chairman Lawrence O'Brien, Selectmen John C. Drobinski and William J. Keller, Jr., and Maureen Valente, Town Manager

The statutory requirements as to notice having been complied with, the meeting was convened at 7:33 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:33 p.m., Chairman O'Brien began the meeting with a review of upcoming events and dates. On Wednesday, March 8, 2006, there will be a Candidates' Night, hosted by the League of Women Voters, at the Goodnow Library at 7:00 p.m. There will be a Town Hall Budget Forum to provide residents the opportunity to discuss and learn about the proposed budget on Monday, March 20, 2006. Election Day will be Monday, March 27, 2006, and Chairman O'Brien encouraged everyone to exercise the right to vote.

Park and Recreation Committee - Jean Lind Proclamation

Present: Dennis Mannone, Park and Recreation Director; Jessica Bendel, Youth Coordinator; and Jean Lind, Former Teen Center Director

At 7:35 p.m., Chairman O'Brien welcomed Dennis Mannone who formally recognized the outstanding job done by Jean Lind, who retired on October 13, 2005. Ms. Lind served the Town as the Teen Center Director for over 20 years. A reception in Ms. Lind's honor was held today at the Goodnow Library. Ms. Lind was introduced and thanked the Town of Sudbury for its recognition and support throughout the years. On behalf of the Town, Chairman O'Brien thanked and congratulated Jean on her retirement and wished her well in her future endeavors. The Chairman also read a proclamation, which declared Tuesday, February 28 2006, as Jean Lind Day in Sudbury.

Verizon Application for Cable Television License

Present: Jeff Winston, Cable TV Committee Chair

At 7:45 p.m., Chairman O'Brien welcomed Cable TV Committee Chair, Jeff Winston, to review and discuss the Issuing Authority Report comprised of the draft letter relative to the Verizon Application for Cable Television License and the draft Final Cable License. Chairman O'Brien noted the Board had a previous discussion on this matter at the January 17, 2006 meeting but had to continue the discussion to tonight.

Selectman Keller commented he thought the report covered many items well. However, he did question Section 6.02, which indicates it still needs "to be drafted." Mr. Winston responded details for Section 6.02 will be completed once negotiations are started in earnest.

In response to a question from Chairman O'Brien regarding the license process, Mr. Winston stated it would be ideal to have the report and letter approved tonight, with the inclusion of a requested deadline for response from Verizon within 30-45 days and then submitted immediately. Once the amended application response is received from Verizon, a public hearing will be scheduled, after which negotiations of the license will commence. Depending on the level of interest and urgency within Verizon to begin business in Sudbury, the process could be complete within a 6-12 month timeframe.

Chairman O'Brien mentioned the Board has asked Town Manger Valente to schedule a future meeting for the discussion of cable-related projects the Board would like to recommend be funded. Mr. Winston extended an invitation to the Board to also attend the Cable TV Committee meetings.

Selectman Drobinski offered his support of the report and draft letter if it includes suggested language provided by Town Counsel to be inserted in Section 3.04, addressing the FCC Order regarding VoIP Service Providers (VSPs) delivering E9-1-1 services. Mr. Winston voiced strong opposition to including this language since he believes it does not relate to cable licensing. Mr. Winston also stated Special Counsel, Peter Epstein, has also recommended that it is not customary to include some of these other, non-cable related issues in the Issuing Authority Report stage of the process.

The Board members each shared their strong desire to inform Verizon from the start of this process by inclusion in the report, the need for Verizon to comply with the FCC order related to E-9-1-1 services and to emphasize to Verizon the importance of these public safety-related issues within Sudbury. Board members are interested in ascertaining Verizon's initial positions and reactions on these vital issues as early in the process as possible. Mr. Winston expressed his disappointment with not having been provided in advance the suggested language drafted by Town Counsel and maintained his recommendation to use this matter as a leverage point later in the negotiation process.

Town Manager Valente provided Mr. Winston with new Verizon contact information to be included in the report, and it was recommended Ms. Valente and Mr. Winston communicate tomorrow regarding review of any required revisions to the documents to be submitted. The deadline for receipt of the Issuing Authority Report is March 6, 2006.

It was on motion unanimously

VOTED: To approve the Issuing Authority Report comprised of the draft letter and draft Final Cable License pursuant to the application of Verizon for a Cable Television License, including the suggested language provided by Town Counsel to be inserted in Section 3.04 of the draft Final Cable License addressing the FCC Order regarding VoIP Service Providers (VSPs) delivering E-9-1-1 services, and to authorize Jeff Winston, Cable TV Committee Chair, to add language providing Verizon with a deadline for responding to this report.

Town Forum - Council on Aging

Present: Joe Bausk, Chair, Council on Aging, Kris Kiesel, Director, Council on Aging

At 8:18 p.m. Chairman O'Brien convened Town Forum and welcomed Kris Kiesel, Director, and Joe Bausk, Chair of the Council on Aging. On her first-year anniversary as the Council on Aging Director, Ms. Kiesel gave an enlightening and enthusiastic presentation highlighting many activities and services provided by the Council.

A Senior Property Tax Options Program will be held on March 3, 2006 at 10:00 a.m. at the Lower Town Hall. Co-hosts will be Maureen Hafner, Director of Assessing, Cynthia Gerry, Assistant Director of Assessing, Peg Whittemore of the Sudbury Senior Community Work Program and staff from the Senior Center. The program will be taped for later broadcast on Channel 8, and handouts for the program will be available on the Town website.

The Council will sponsor a luncheon gala on March 17, 2006 with a St. Patrick's Day inspired menu, and Ms. Kiesel extended an invitation to the Board members.

A major initiative for the Council has been improving transportation services. Ms. Kiesel thanked the Friends of Sudbury for helping to underwrite some of the following services. Ms. Kiesel reported subsidized taxi rides are available to contiguous cities and towns from 6:30 a.m. to 6:30 p.m., seven days a week. The

Council expects the delivery of a new van after July 1, which will be handicapped accessible, with lift capability. The van presently in use has traveled 100,000 miles but will be retained for emergency and backup use.

Ms. Kiesel reported the Council has served 1,190 individuals this past fiscal year, which is 45.7% of the approximated 2,600 residents of Sudbury who are over the age of 60. The Council's volunteer program has also provided over 1,500 rides for seniors and handicapped persons to go to medical appointments throughout the Commonwealth. The Council also instituted a card scan program January 1, 2006 and will be posting a newsletter on the Town website in hopes of expanding its audience. The Council offers many educational programs (some in collaboration with Framingham State College) such as digital photography, computers, and foreign languages. The Council also sponsors informative workshops on critically important issues, such as Medicare Part D, and health-related seminars on such issues as Alzheimer and memory-related topics. Mr. Bausk also elaborated on sports/fitness activities which are available, and mention was made of the increasing popularity of pickle ball.

The Council offers a free soup program once a month, usually followed by a healthy-living seminar. The "Meals on Wheels" program provides about 30 meals a day, five days a week. Programs in collaboration with the school systems are also coordinated a few times a year for intergenerational exposure. Mr. Bausk formally thanked Ms. Kiesel for the excellent job she has done in her first year.

Chairman O'Brien encouraged Ms. Kiesel and Mr. Bausk to pursue getting more of the Council's programs on Channel 8 to benefit more members of the community. In response to a question, Ms. Kiesel stated the Council has a nine-member Board. However, three members will soon be leaving due to term expirations. Mr. Bausk elaborated there is a three-year term limit and volunteers may serve for two terms. The Council encourages interested candidates to pick up an application at the Senior Center before the submission deadline of March 31, 2006.

Town Manager Valente encouraged Ms. Kiesel and Mr. Bausk to pursue funds which may be available from the Suburban Mobility Program for next year since the deadline for this year has passed.

Selectmen Drobinski and Keller, along with Chairman O'Brien, thanked the guests for their informative presentation and for the excellent work and services they provide for Sudbury.

At 8:45 p.m., Chairman O'Brien announced the conclusion of the Town Forum and a short recess for refreshments.

Rail Trail Feasibility RFP

Present: Dick Williamson and Pat Brown, Co-chairs, Rail Trail Conversion Advisory Committee,
Bill Place, Department of Public Works Director

At 8:55 p.m., Chairman O'Brien welcomed Dick Williamson and Pat Brown, Co-chairs, Rail Trail Conversion Advisory Committee (RTCAC) for a discussion on the Rail Trail Feasibility RFP. Approximately 25 or so residents of Sudbury were in attendance for the discussion. Mr. Williamson gave a brief history of the Rail Trail Conversion Advisory Committee from the time members were appointed subsequent to the 2005 Town Meeting. Mr. Williamson referred to display maps provided by the Central Planning Staff of Rail Trails focusing his presentation on the Bruce Freeman Rail Trail. Copies of the Town of Sudbury Notice of Request for Proposal (RFP) "Sudbury Bruce Freeman Rail Trail Environmental and Engineering Assessment, " dated February 28, 2006, were distributed.

Mr. Williamson also reviewed the process for approval including funding and design. Sudbury is at the initial stage of the process with \$25,000 of funds being put forth for the RFP. The Feasibility Study or Assessment will then be followed by the 25% Design stage. Mr. Williamson noted the Committee has held 16 meetings and has contacted many surrounding towns for input and assistance. People have been extremely helpful in providing advice and information regarding design standards and potential environmental issues.

Chairman O'Brien asked Town Manager Valente to review the format of the RFP content. Ms. Valente elaborated it was decided the RFP should be modeled upon the Town Center RFP which has proven to be a successful RFP prototype. Chairman O'Brien also asked Department of Public Works Director, Bill Place, his opinion of the project since he will be involved frequently with Massachusetts Highway Department communications. Mr. Place supports getting the project initiated in order to determine whether to move on to the design step. Mr. Williamson noted it is requested within the RFP for contractors to examine paved as well as alternative surfaces.

Chairman O'Brien welcomed additional questions from Sudbury residents in attendance.

Jim Nigrelli, 51 Penny Meadow Road, stated he has attended many RTCAC meetings. Mr. Nigrelli questioned why no funds are being allocated by the Committee to initiate a two-season habitat study along with an independent wetlands assessment, which was recommended by the Conservation Coordinator, to be performed before the RFP so that information gained from those endeavors might be used for inclusion in the RFP. Mr. Williamson, Mr. Place and Selectman Drobinski each responded that it is common practice to complete the feasibility study first and address many of those issues at a later time during the design phase.

Miner Crary, 1 Hurt Road, questioned why maintenance and policing costs have not been included. The answer provided was that it is not the Town's place to address those issues but rather that of the engineers. Chairman O'Brien also noted the Town Manager would most certainly gather input from the Fire and Police Chiefs regarding costs and equipment needed before the issue was brought to Town Meeting for full funding, since the Town Meeting will be the final decision-making authority. Town Manager Valente added it would be difficult to determine many costs until the Feasibility Study is commenced and completed.

Ray Bachand, 63 Old Framingham Road, asked if horses could be used on the proposed rail trail. Mr. Williamson answered that it will depend on the type of surface which is chosen and whether the eventual design allows space for both equestrian and bicycle paths. Chairman O'Brien clarified the area proposed for the Rail Trail, at this time, is from Rt. 20 north.

Ms. Valente clarified that different parts of the Rail Trail are owned by different entities, and it would be a goal to resolve many of the ownership issues. Ms. Valente also stated the community will have many opportunities to discuss this issue.

Elaine Kneeland, 43 Penny Meadow Road, asked why the document does not address parking issues. Selectman Drobinski and Mr. Williamson stated the RFP specifically notes in Section 6 that the consultants will need to address parking and crossing at light issues.

James Lau, 29 Meadow Drive, expressed his displeasure with the recommendations of the Conservation Coordinator being ignored, especially since they are to be, as stated by Chairman O'Brien, "a key stakeholder." Mr. Lau asked Town Manager Valente and Selectman Drobinski to go on record stating they are comfortable not implementing the suggestions of the Conservation Coordinator.

Selectman Drobinski responded they are not at all disregarding the Conservation Coordinator and Ms. Valente reinforced that a Commission hearing had not been held and a voted position had not yet been taken. However, the Commission had merely held a preliminary discussion. Selectman Drobinski clearly stated the Board of Selectmen has a long history of evaluating all factors in trying to determine what is best for the community. Chairman O'Brien concurred there will be many opportunities for all questions to be satisfactorily answered throughout the process.

Mara Huston, 578 Peakham Road, announced support for the Rail Trail on behalf of herself and her husband, Arthur, who was unable to attend tonight's meeting but who had emailed the Town Manager on February 28th a message of support.

David Levington, 155 Nobscot Road, had sent an email message to the Town Manager on February 24th, but also attended this evening to lend his enthusiastic support for the Rail Trail as a resource, which will benefit citizens of all ages.

At 10:00 p.m., it was on motion unanimously

VOTED: To approve the Town of Sudbury Notice of Request for Proposal (RFP) "Sudbury Bruce Freeman Rail Trail Environmental and Engineering Assessment, " dated February 28, 2006, for advertisement.

The RTCAC plans to present to the Board of Selectmen, after Town Meeting, information on a survey of abutters that was conducted last year.

Minutes

It was on motion unanimously

VOTED: To approve the regular minutes of February 14, 2006, with the revision requested by Selectman Keller to move the second vote on Article 3 for Curbside PAYT Trash Pick-Up from Page 3 to Page 4 following the discussion with the Earth Decade Committee.

Knights of Columbus One-Day Wine and Malt License

The Board considered two requests from the Knights of Columbus. The first request was for a one-day Wine and Malt License to be exercised on March 19, 2006, and the second request was to waive the accompanying \$25 fee. Town Manager Valente clarified a license and insurance liquor liability certificate of coverage are required when an event has an admission charge.

It was on motion unanimously

VOTED: To grant a one-day Wine and Malt License to Francis T. Lyons, representing the Knights of Columbus, 157 Wayside Inn Road, to be exercised on Saturday, March 19, 2006 from 7:00 p.m.-11:00 p.m., at Our Lady of Fatima Church, for a dinner-dance fundraising event.

It was on motion unanimously

VOTED: To not approve a waiver of the \$25 one-day Wine and Malt License fee requested by Francis T. Lyons, representing the Knights of Columbus, 157 Wayside Inn Road, to be exercised on Saturday, March 19, 2006 from 7:00 p.m.-11:00 p.m., at Our Lady of Fatima Church, for a dinner-dance fundraising event.

Noting that many one-day licenses are requested in connection with fund-raising events, the Board expressed its desire to maintain the nominal \$25 license fee established as a consistent policy, which will not be waived.

Sudbury Day Committee and Ponds and Waterways Committee - Resignations

It was on motion unanimously

VOTED: To accept the resignations of Ulli Novick, dated February 17, 2006, as a member of the Sudbury Day Committee; and William S. Leslie, dated February 15, 2006, as a member of the Ponds and Waterways Committee.

Joyce Endee Productions - Special Permit

It was on motion unanimously

VOTED: To grant a special permit for Joyce Endee Productions to hold two juried Arts & Crafts Shows, one on Saturday-Sunday, May 6-7, 2006, and the other on September 10, 2006, at the West Field, Wayside Inn, subject to conditions and permits required by the Fire, Police, Health and Building Departments.

Annual Sudbury Spring Sprint Triathlon

It was on motion unanimously

VOTED: To grant permission for the Annual Sudbury Spring Sprint Triathlon, a swim/bicycle/foot race event on Sunday, May 14, 2006, from 7 a.m. to 10 a.m., utilizing the loop of Fairbank Road, Maynard Road, and Hudson Road for a bicycle race and the loop of Fairbank Road, Butler Place, Willis Lake Drive, Basswood Avenue, Crystal Lake Drive and Hudson Road for a foot race, beginning and ending at the Atkinson Pool, subject to conditions imposed by the Sudbury Police Department, including provision of three paid police details to direct traffic, and the applicant providing for cleanup of any litter used by race participants or staff.

Eagle Scouts - Troop 60

The Board briefly reviewed a letter from Catherine Strahan, dated February 8, 2006, announcing the achievement of the rank of Eagle Scout by Jonathan Edward Kreutz and Justin Ford Hall and asking for a letter of commendation, which will be presented at the Eagle Court of Honor to be held on March 26, 2006.

It was on motion unanimously

VOTED: To sign and send a letter of congratulations to both Jonathan Edward Kreutz, 325 Maynard, Road, Sudbury, and Justin Ford Hall, 40 Ridge Hill Road, Sudbury, on attaining the rank of Eagle Scout.

Town Meeting Warrant

It was on motion unanimously

VOTED: To approve and sign the 2006 Annual Town Meeting Warrant.

Reports From the Board of Selectmen

Selectman Keller offered congratulations to many of the local sports teams who are doing well this season such as the girl's basketball and swim teams and the men's wrestling teams.

Selectman Drobinski extended congratulations to the two former Lincoln Sudbury Regional High School students who participated in the 2006 Winter Olympics, Tyler Jewell and Michelle Gorgone.

Chairman O'Brien reported working with the Co-chairs to prepare for the Budget Forum to be held on March 20th and, once again, encouraged everyone to vote on March 27.

Girl Scouts Gold Awards

Town Manager Valente brought to the Board's attention the achievement of five young Sudbury girls from a local Girl Scout Troop to the rank of Gold Award. A draft letter of commendation was reviewed for a future presentation at the Wayside Inn, which will be attended by Selectman Drobinski.

It was on motion unanimously

VOTED: To sign and send a letter of congratulations to the Sudbury Girl Scouts who have achieved Gold Award status.

Fairbank Community Center Boiler - Contract

Ms. Valente reported the contract award for the boiler and associated work at the Fairbank Community Center is ready for approval.

It was on motion unanimously

VOTED: To approve the award of contract for replacement of the boilers and associated work at the Fairbank Community Center, in accordance with the contract documents, plans, and specifications entitled "Heating System Renovations at the Fairbank Community Center," dated February 8, 2006, prepared by BLW Engineering, Inc., to the low bidder, J.A. Marino Automatic Heating Co., Inc, of Jamaica Plain, MA, pursuant to the bid dated February 23, 2006, in the base amount of \$166,000 together with Alternate 1, Painting, in the amount of \$9,000, and Alternate 2, Lighting, in the amount of \$4,500.

HOPEsudbury Bid Winner

Ms. Valente will work with the Board of Selectmen to finalize a date for the previously-donated HOPE Sudbury breakfast to be held with Beth Rust, the bid winner, and her guests.

Executive Session

At 10:22 p.m., Chairman O'Brien announced the close of the regular meeting and it was on roll call unanimously

VOTED: To go into Executive Session for the purpose of discussing collective bargaining.

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

There being no further business, the meeting adjourned at 10:22 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk