

**IN BOARD OF SELECTMEN  
TUESDAY, JANUARY 17, 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 7:30 p.m. in the Lower Town Hall, 322 Concord Road.

**Opening Remarks**

At 7:34 p.m., Chairman O'Brien convened the meeting with a reminder that it is election season. Presently, there are 16 open seats. Interested parties can inquire regarding the process and obtain applications by contacting the Town Clerk's Office.

Chairman O'Brien also encouraged the community to return the Town Census forms, which were recently mailed to residents. These forms are very important for the information provided and helps update numerous Town and election records.

Given the extreme weather conditions of late, Chairman O'Brien also encouraged the residents of Sudbury to take the time to check on the wellbeing of neighbors and area hydrants to ensure public safety.

**Earth Removal Board/Board of Appeals - Appointment**

Present: Jonas D.L.McCray, 76 Washington Drive, Sudbury

At 7:45 p.m., the Board welcomed Mr. McCray and considered the January 6, 2006 request of Stephen M. Richmond, Chairman, Board of Appeals, to appoint Mr. McCray as an Earth Removal Board Member/Board of Appeals Associate. Mr. McCray provided a summary of his background and qualifications for the position. Mr. McCray, a three-year resident of Sudbury has had experience with real estate and land-use issues throughout his career as a practicing attorney in Connecticut and Massachusetts. If appointed, his goal would be to balance the individual rights of property owners while protecting the integrity of Sudbury and assessing the projects and issues brought to the Zoning Board of Appeals (ZBA). He believes it is important to sustain what makes Sudbury special and to be cautious not to overdevelop the Town.

Selectman Drobinski asked Mr. McCray about his experience regarding wireless and telecom issues which could be a great asset to the ZBA. The Board also cautioned Mr. McCray that many of the issues that come before the ZBA, such as Chapter 40B developments, can be very emotionally charged and asked how he would handle those situations. Mr. McCray responded he is confident he will be able to maintain his professionalism and objectivity in such circumstances. If a 40B project has been properly analyzed, designed within the statutes, and fits within the proposed area of Town, Mr. McCray is open to the benefits such developments can bring to Sudbury. He referenced such a project was completed rather successfully on Route 20.

Mr. McCray concluded by stating it is very important to him to be able to contribute to the community in which he lives and believes he has the energy and enthusiasm for this effort.

It was on motion unanimously

VOTED: To appoint Jonas D.L. McCray, 76 Washington Drive, Sudbury, as Earth Removal Board/Board of Appeals Associate for a term to expire on April 30, 2007, as requested by Chairman Stephen M. Richmond in a memo dated January 6, 2006.

**Verizon Application for Cable Television License**

Present: Jeff Winston, Cable TV Chair, Peter Boers, Martin Greenstein, Linda Wade, Cable TV Committee Members

At 7:58 p.m., Chairman O'Brien welcomed the Cable TV Committee Members and Chair, Jeff Winston, to review and discuss the Issuing Authority Report and Draft Letter Relative to the Verizon Application for Cable Television License. Mr. Winston explained that the report and draft letter is the Committee's response to Verizon's initial application. Special Counsel, Peter Epstein, has drafted many sections of the document as part of his review process. The existing Comcast contract has been used as a template to provide Verizon with similar provisions by which to perform.

Selectman Drobinski broached the matter of Enhanced 911 and Reverse 911, an area of public safety concern as more residents move to wireless telecommunications. Mr. Winston responded wireless Internet access is not part of cable television. However, the Committee suggests requiring a contribution in the form of an annual payment which could be used for these kinds of issues.

Selectman Keller suggested it would be helpful in assessing the process to review copies of communications and correspondence between the Committee Chair and Special Counsel Peter Epstein. Mr. Winston agreed to provide letter and email copies of relevance to the Board of Selectman.

Chairman O'Brien expressed his satisfaction with the draft letter to Verizon but requested that Goodnow Library be added to the schools in item number 4 regarding free Internet access. Chairman O'Brien also questioned whether the \$70,000 annual payment for personnel would be a cash payment which could then be applied as the Town saw fit. Mr. Winston stated that these funds could be used for cable-related purposes. Selectman Keller asked whether some funds could be designated for the general Town fund. Mr. Winston stated that there are very strict guidelines for use of funds as a result of the Telecom Act of 1996 which must be followed. There are license fees, however, which are paid into the Cable Revolving Fund which the Town can use as it wishes. Chairman Winston assured the Board his Committee is not lacking for cable-related activities and projects upon which to spend the funds such as a part-time program director or more coverage of all Town committee meetings. As for the studio, Mr. Winston noted the studio is presently run by Comcast. However, the Cable TV Committee does have some input on what and how the money is spent for the needs of the Town.

To date, Verizon has signed only one other cable license agreement, with the city of Woburn, and Town Manager Valente was asked to contact Woburn officials to ascertain agreement details and how Woburn handled the Enhanced 911 issue. Chairman O'Brien suggested a discussion at a future meeting could be related to the process of determining priorities for allocation of cable funds.

Selectman Drobinski requested this conversation be continued which will allow Ms. Valente adequate time to discuss relevant matters and gather input from key Town public safety personnel.

It was on motion unanimously

VOTED: To conclude tonight's review of the Issuing Authority Report and draft letter relative to the Verizon Application for Cable Television License and to reconvene at the February 28, 2006, Board of Selectmen meeting at 7:45 p.m. for further discussion.

**Town Forum**

Present: Wayne Walker, Assistant Town Manager, Bill Place, D.P.W. Director, Sue Petersen, Finance Director, Barbara Siira, Town Clerk, Jim Kelly, Building Inspector, Peter Fagden, Police Chief, and Ken MacLean, Fire Chief

At 8:53 p.m., Chairman O'Brien convened Town Forum to hear reports given by Town Department Heads.

**Assistant Town Manager**, Wayne Walker reviewed many activities completed in the past year and other initiatives which are underway in 2006. He reported many Town staff had attended an excellent professional development seminar on the Five Star Method of Customer Service and hopes to be able to enroll an additional 30 participants from various Town Departments for future seminars. Along with Police Chief Fagden, Mr. Walker also completed a ten-week course, upon the recommendation of Town Manager Valente, related to critical management principals for senior administrators. The program was extremely beneficial and plans are for two more senior department heads to also participate in the course. Mr. Walker further reported that the Town's health and benefit rates remain very competitive since it is a self-funded, self-insured plan, and rates are based on the experiences of only its members. In the coming year, there are plans to also research wellness programs and other components which could help lower future costs.

**D.P.W. Director**, Bill Place reported he received a complimentary call from the Town of Wayland inquiring about the salt shed which was recently completed for \$369,000. Wayland was quite impressed with Sudbury's structure and was surprised the project had been completed at such a low cost. The Department of Public Works continues to complete paving at a few intersections and has been working on field maintenance issues as well. Mr. Place is also very involved in discussions and preparations for the restoration of the Sherman Bridge. In addition, he is preparing to meet with the Finance Committee next week regarding budget issues. Town Manager Valente noted that the Department of Public Works is the only Town department with a negative constant dollar spending pattern over the period 1987-2004, and has experienced many cutbacks and a loss of six personnel since 1990. However, the Department has continued to provide increased services to an ever-growing community with tremendous financial constraints related to safe equipment and proper vehicles. Ms. Valente encouraged everyone to consider these factors when reviewing budget allocations.

**Finance Director**, Sue Petersen reported the Accounting Department completed the audit in October, which went well, and the Department is now engrossed in the budget season. Ms. Petersen noted that if many of the Capital Improvement Articles are passed it would alleviate a tremendous amount of work for Finance staff. Ms. Petersen also shared information from Mark Thompson noting the main server in the library had been replaced, Internet access was provided to the Flynn Building, a new generator was installed in the Flynn Building, which will allow all Town departments to maintain Internet access in the event of a disruption of service, technical support has been provided to the Senior Center, and work was coordinated with the Police Department to install an electronic fingerprint system. The Treasurer's Office sent out tax bills and have been working diligently to reconcile old motor vehicle and personal property accounts. Kudos were given for the tremendous results reaped by these tax collections which recovered \$120,000 in FY04, \$395,000 in FY05, and \$415,000 already for FY06.

**Town Clerk** Barbara Siira distributed a handout which highlighted the accomplishments of her office which included working on eleven petitions for the November 2006 ballot, certification of vital records, registration of 500 dogs (last day for registration is 3/31/06 after which there will be a \$25 fee), preparing for the Annual Town Election on March 27, 2006 (last day to take out papers is 2/3/06, last day to submit nomination papers is 2/6/06, last day to withdraw papers is 2/22/06, and last day to register to vote is 3/7/06),

and mailed census to 6100 households. Further, she announced there is presently one opening on the Sudbury Public School Committee.

Ms. Siira recently attended a League of Woman Voters meeting, at which she provided information on running for office. She also attended a forum in Framingham on same-day voter registration as well as the Help America Vote Act of 2002 (HAVA) requirements for accessible voting equipment. This equipment will cost \$1000, per election, per machine to program. The State will pay for the machine programming for State elections, but each Town must pay for local elections. A reminder was given of the Town Meeting dates which are April 3, 4, and 5, 2006 and the State Election is November 7, 2006. At the conclusion of Ms. Siira's report, she emphasized and encouraged all citizens of Sudbury to return their census forms, go to Town Meetings and to vote.

**Building Inspector** Jim Kelly announced the most important news from the Building Department is that Jack Hepting is retiring after 15 years, and his expertise will be greatly missed. The Department has had a very busy year overseeing 200 new units of housing, the Mahoney Farms project, a few subdivisions, and the three Chapter 40B proposals. Jim anticipates these projects will keep them busy throughout the coming summer. Mr. Kelly reviewed a few capital budget items which he hopes to be able to complete this year such as replacing two garage doors at the Town Hall, replacing the boilers at Fairbanks, upgrading the fire alarm system in the Flynn Building, and some much-needed painting projects. Mr. Kelly discussed the unpredictability of utility costs within the budget this year due to expected increases. He has pursued communications with Keyspan Energy as to how to cut usage costs, such as receiving a rebate for the replacement of seven windows in the Flynn Building. Mr. Kelly also oversaw inspections on 31 new homes, 18 teardowns, 353 remodels/additions and 22 swimming pools. Wood stove permits also keep his department very busy.

**Police Chief** Peter Fagden reported that for the first time in 2½ years, the Police Department has been fully staffed. The Chief has been able to assign one officer as a traffic enforcement officer from 5:30 a.m. to 2:00 p.m. to help traffic concerns during the school commuting hours. He hopes to add a second officer to handle the neighborhoods after 2:00 p.m. The Department has been able to resolve radio problems it had experienced and, with the Board's help, has been able to install a repeater in the schools. The Department has been using electronic signboards to notify the public of highway safety alerts, construction alerts and, if needed, Amber Alerts. At the direction of the Town Manager, Reverse 911 has been operational since September 2005. The Department has also pursued grants. One successful proposal provided funds for the life scan fingerprinting system which is now operational. A second grant provided funds for speed monitoring equipment. The Department has assigned three officers to the Rapid Response Unit and has been researching voice recognition mobile computers for the cruisers.

**Fire Chief** Ken MacLean reported a new fire alarm truck has been purchased in FY06 and is in service. The Chief's car was replaced in July and an older fire vehicle (bucket truck) was moved to the Department of Public Works. Funds have been obtained to replace the floor in Station 3 in April 2006, which should be completed by the end of the fiscal year. The Department was successful in obtaining grants totaling \$90,000 which helped to obtain a portable lighting plant, a generator, two pumps, a small pick-up truck, security gear, and some public education. The run volume for ambulances and fire trucks is up 4% for calendar year 2005 over 2004. The Department has also been very busy performing inspections, enforcing compliance of the new sprinkler laws.

In September, Chief MacLean attended a two-day course on proper installations of child safety seats and has provided this information as a service to the Town. He is also very involved with the interview process for a new Assistant Fire Chief. New Burning Permit Fees were effective January 15, 2006, and the rates charged by the billing company for ambulance service has been raised to market rates. In addition, the

Department has fielded many questions regarding a new law which will phase in between 3/31/06 and 12/31/06 requiring of all homes to have a carbon monoxide monitor.

Selectman Drobinski asked whether the Department has encountered any high voltage issues resulting from an accident of a hybrid car. Chief MacLean noted there have been no incidents yet, and the Department has had a little training on this subject. However, with the increase in hybrid car sales, the Chief anticipates there will be a need for more training in the future. Chief MacLean concluded his report with a strong recommendation to replace the Captain's vehicle as part of this year's budget funding.

Chairman O'Brien thanked all Department Heads for their reports and concluded the Town Forum.

**Conservation Restriction**

Present: Debbie Dineen, Conservation Coordinator

Chairman O'Brien introduced Debbie Dineen, Conservation Coordinator, to discuss a proposed conservation restriction on portions of Tantamouse Trail and Skyview Lane. This area was one of the first developments built under flexible zoning bylaws which allowed the development to fit better into the land. A mechanism is needed to prohibit owners from back cutting more trees to increase their yards and to maintain undisturbed as much vegetation and grading as possible.

It was on motion unanimously

VOTED: To approve and sign a Conservation Restriction, as requested by the Conservation Commission, granted by Sky Rock LLC and Ledge Hill LLC, Joseph A. Maillet, Member on portions of Lot 13 Tantamouse Trail and Lot 9, Parcel B, Lot 12, Lot 13, and Lot 14 Skyview Lane, as shown on "Plan of Easement in Sudbury, Mass., by Thomas Land Surveyors & Engineering Consultants, Inc., dated April 4, 2002.

**Public Hearing - Bosse Sports & Health Club, LLC.**

Present: Joshua Fox, Attorney, Bosse Sports; Dick Bosse, Owner, Bosse Sports; Marco Cosentino, Manager, Bosse Sports

At 10:33 p.m., Chairman O'Brien convened the public hearing for Bosse Sports and announced the representatives from Bosse Sports have resolved all issues broached at the Board of Selectman January 3, 2006, meeting with Town Manager Valente and Town Counsel, Paul Kenny. The Board encouraged Bosse Sports to continue the great relationship they have developed with Town officials, the Public Safety personnel and Board of Health as they coordinate future events at their facility. Mr. Bosse thanked the Board for its support and restated his intentions to promote Sudbury as well as its profit and non-profit organizations through the Bosse Sports events and activities.

In accordance with MGL c138, consideration of an application from Bosse Sports & Health Club, LLC, d/b/a Bosse Sports & Health Club, Dick J. Bosse, Manager, 141 Boston Post Road, it was on motion unanimously

VOTED: To amend the description of the licensed premises to include service within all enclosed areas and the existing rear patio area, but excluding the following areas: locker rooms, fitness rooms, natatorium, tennis courts, and other areas used for active fitness activities. Notwithstanding the foregoing (a) for private functions not to exceed 150 attendees, which events will not exceed more than 10 per calendar year, the premises shall also include the tennis courts and golf bubble, provided the Board of Selectmen's Office is notified at least three days in advance of the day of the function, which notification shall provide a general

description of the function, and (b) during tennis tournaments not to exceed 15 event days per calendar year, in addition to the foregoing, the premises shall include outdoor tents no greater in dimension than 75' x 150' on the east lawn and 20' x 115' over and adjacent to the existing rear patio, and other areas of the health and fitness club, provided such tournaments are approved by the Board of Selectmen in advance. There are five exits on the south side and two on the east side of the building. There is one exit on the south side and one exit on the north side of the golf bubble, and

In accordance with Chapter 140, s 181, it was further

VOTED: To approve a License to conduct a Champions Cup Tennis Tournament from April 27-30, 2006, subject to notification of Board of Health Director, Building Inspector and Police and Fire Chiefs.

### **Minutes**

It was on motion unanimously

VOTED: To approve the minutes of January 3, 2006.

### **Mount Pleasant Cemetery Association Gift and Transfer of Assets**

Pursuant to the vote of the 1987 Annual Town Meeting under Article 9 and to finalize the transfer of assets of the Mount Pleasant Cemetery Association to the Town, it was on motion unanimously

VOTED: To accept as a gift the real estate of the Mount Pleasant Cemetery Association by deed executed by the Directors, Webster Cutting, Jr., John C. Cutting, and Robert A. Noyes, last signed on January 10, 2005; said land shown on "Plan of Land in Sudbury, Massachusetts Showing Land of Mt. Pleasant Cemetery Association," dated December 24, 1991, prepared by the Town of Sudbury Engineering Department.

### **Summerfields Subdivision - Drainage Easement**

It was on motion unanimously

VOTED: To accept the Drainage Easement on the area of Lot 19, denoted as "Drain Easement," granted by Richard J. Tinsley and Pamela L. Bendock, V.M.D., 6 Meachen Rd., Sudbury, in connection with the Summerfields Subdivision off Marlboro Road shown on "Definitive Subdivision Plan of Summerfields at Sudbury, Mass." dated April 29, 1996, last revised November 20, 1996, by Thomas Land Surveyors & Engineering Consultants, Inc., recorded with the Middlesex South Registry of Deeds as Plan No. 1269 of 1996.

### **Summerfields Subdivision - Drainage and Utility Easements**

It was on motion unanimously

VOTED: To accept the Drainage Easements, granted by John Gregory Longtine and Petra Balicki-Longtine, Trustees of the Longtine Realty Trust, 53 Meachen Rd., Sudbury, in connection with Lot 14A in the Summerfields Subdivision off Marlboro Road and shown as "Record Drain Easement" on a plan entitled "Plan of Land in Sudbury, Mass." dated October 4, 1997, by Thomas Land Surveyors & Engineering Consultants, and referencing "Drain Easement" and "Drain Ease" on Lot 14 shown on "Definitive Subdivision Plan of Summerfields at Sudbury, Mass." dated April 29, 1996, last revised November 20, 1996,

by Thomas Land Surveyors & Engineering Consultants, Inc., recorded with the Middlesex South Registry of Deeds as Plan No. 1269 of 1996; and further

VOTED: To accept the Utility Easement, granted by John Gregory Longtine and Petra Balicki-Longtine, Trustees of the Longtine Realty Trust, 53 Meachen Rd., Sudbury, in connection with Lot 14A in the Summerfields Subdivision off Marlboro Road and shown as "Record Utility Ease" on a plan entitled "Plan of Land in Sudbury, Mass." dated October 4, 1997, by Thomas Land Surveyors & Engineering Consultants, and referencing "Utility Ease" on Lot 14 shown on "Definitive Subdivision Plan of Summerfields at Sudbury, Mass." dated April 29, 1996, last revised November 20, 1996, by Thomas Land Surveyors & Engineering Consultants, Inc., recorded with the Middlesex South Registry of Deeds as Plan No. 1269 of 1996.

### **Ordering of Articles for 2006 Annual Town Meeting Warrant**

It was on motion unanimously

VOTED: To approve as presented the Ordering of Articles for 2006 Annual Town Meeting Warrant.

### **Reports from The Board of Selectmen**

Selectman Drobinski reported having viewed an excellent show on Sunday, January 15, 2006, on Channel 2, *Raising Cain*, which featured the experiences of adolescents from Lincoln-Sudbury High School. Selectman Keller also thought the show was an excellent portrayal of teenage-life experiences and transitions to adulthood. Chairman O'Brien suggested asking Channel 8 to rebroadcast the show and to pursue obtaining an archival tape.

Chairman O'Brien reported having attended a Conservation Commission meeting last week with Town Manager Valente to support the request of D.P.W. Director Bill Place to continue developing a walkway on Willis Road. Chairman O'Brien also presented a letter of commendation on behalf of the Board to Owen Boyle at the Eagle Court of Honor on January 9, 2006. Chairman O'Brien also attended the D.A.R.E graduation at Loring and will be attending future ceremonies at Haynes, Nixon and Noyes Schools.

Chairman O'Brien announced Budget Hearings for the Town Manager's Budget Request will be held on Thursday, January 19, 2006, and will be shown live on Channel 8.

### **Reports from the Town Manager**

Town Manager Valente announced she hopes all Town Department Heads will attend the Budget Hearings to exhibit to the Finance Committee the importance of the Town Budget

Town Manager Valente reviewed the Cost Avoidance and Revenue Enhancement (C.A.R.E.) program prepared by Ms. Valente and her Senior Management Team. The report highlights many of the cost-saving steps taken already by Town staff and many promising ideas to be pursued in the future. Impressively noted by Ms. Valente was cost savings for programs already initiated could, over a five-year period, recover almost three million dollars.

Selectmen Drobinski and Keller thought the report was fantastic and suggested the schools consider undertaking such a program as well. Chairman O'Brien recommended adding to the report the year in which the initiatives were begun.

It was on motion unanimously

VOTED: To formally endorse the Cost Avoidance and Revenue Enhancement (C.A.R.E.) efforts by Town Government as reported and presented by Town Manager Valente.

Ms. Valente also presented the Board a request from the Sudbury Public Schools that the Board of Selectmen endorse a proposal of the Acton Public and Acton-Boxborough Regional Schools regarding modification of the formula for Chapter 70 aid to provide a minimum of \$2000 per student for all students in Massachusetts. Many surrounding towns have supported Acton's proposal. Acton is a town with very comparable demographics to Sudbury and the Sudbury School Committee would like support for this proposal from the Board.

It was on motion unanimously

VOTED: To support the School Committee's support of the Acton Public and Acton-Boxborough Regional Schools proposal to the Joint Committee for Education asking for the modification of the formula for Chapter 70 aid to provide a minimum of \$2000 per student for all students in Massachusetts.

Ms. Valente also reported on attending the Massachusetts Municipal Association (MMA) Annual Business Meeting on January 14, 2006, at the Hynes Convention Center, where she accepted an Innovations Award on behalf of Sudbury and also gave a presentation.

#### **Burning Permit Revolving Fund**

Ms. Valente presented to the Board an email request, dated January 17, 2006, from Fire Chief Ken MacLean asking for approval and establishment of a Burning Permit Revolving Fund for the Fire Department with a spending cap of \$12,000 for the remainder of FY06.

It was on motion unanimously

VOTED: To approve and establish a Burning Permit Revolving Fund with a spending cap of \$12,000 for the remainder of FY06 to be expended under the direction of the Town Manager and assigned by her to Fire Chief Kenneth J. MacLean.

There being no further business, the meeting adjourned at 11:15 p.m.

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