

IN BOARD OF SELECTMEN
THURSDAY, SEPTEMBER 21, 2006

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

The statutory requirements as to notice having been complied with, the meeting was convened at 7:40 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:40 p.m., Chairman Keller opened the Board meeting explaining that due to Primary Election Day having been held on Tuesday, this Board meeting was rescheduled to this Thursday evening session. He thanked Town staff who helped to coordinate proceedings. He reported a good voting turnout.

Chairman Keller also announced that the Sudbury Day event was a great success. The weather was perfect, and he thanked everyone who contributed to the day's offerings. Selectman O'Brien and Town Manager Valente concurred that the day was a wonderful experience for residents. The entertainment options were well received. A popular exhibit was the Children's Identification tent, which was staffed by policemen conducting fingerprinting, DNA sampling and teeth impressions for precautionary safety measures.

Chairman Keller also thanked everyone who participated in the Volunteer Recognition Reception.

Public Hearing: Bullfinch's Restaurant - Sunday Entertainment License Revision

Present: Scott Richardson, Manager, Bullfinch's Restaurant

At 7.45 p.m., Chairman Keller convened the public hearing to approve a revision to the Sunday Entertainment License of Bullfinch's Restaurant, adding a live, blues duet from 5:30 p.m. to 8:30 p.m. to perform through September 2, 2007.

Scott Richardson addressed the Board to provide a brief description of the group as a low-key acoustic blues duet which will compliment other entertainment offered at Bullfinch. The restaurant also hosts a Sunday Jazz Brunch which has been very successful for the past 15 years. Mr. Richardson thanked the Sudbury community for its steady support throughout the restaurant's 27-year residence in Town. In response to Chairman Keller's question regarding patio dining, Mr. Richardson explained that the patio will be open until the end of September. Planning for next year, includes thoughts for landscape designs which disguise Route 20 to add more of a garden atmosphere for patio diners.

Town Manager Valente added that the appropriate legal notices were filed and published on September 8, 2006, and 22 abutters were notified of the request. The Police and Fire Departments have reported no objections to this request, nor were any filed from the abutters.

It was on motion unanimously

VOTED: To approve an additional entertainment segment, a blues duet from 5:30 p.m. to 8:30 p.m., to an existing Sunday Entertainment License of Bullfinch's Restaurant, which will expire on September 2, 2007, as requested by Peggy Richardson, owner of Bullfinch's, in an email dated September 6, 2006.

Town Forum - Council on Aging

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

At 8:30 p.m. Chairman O'Brien convened Town Forum and welcomed Kris Kiesel, Director, and Joe Bausk, Chair of the Council on Aging. Mr. Bausk expressed his gratitude to Ms. Kiesel for her dedicated and strong leadership of the Council in her first two years in the position.

Ms. Kiesel began by thanking Town management for painting the Senior Center space. She has received countless compliments. Town Manager Valente reinforced the importance of maintaining Town buildings which are frequented and as intensely used as the Center.

Ms. Kiesel continued with an enthusiastic presentation highlighting many activities and services provided by the Council.

The Center is sponsoring training programs in emergency preparedness especially geared to seniors and those with medical issues. There will be a free session each month, focusing on how to prepare for an emergency for people and their pets. In January 2007, there will also be a session specifically designed for caregivers to the disabled.

The Center has recently begun gathering a free Emergency Assistance List collecting names of individuals who would like to be checked on and contacted in a variety of situations. Ms. Kiesel encouraged the community to think about who might need or want to be included on the list. Forms are available at the Senior Center, the Police and Fire Stations and from the community social worker. An outreach initiative has also been started which places phone calls to residents 90 years of age and older to see if the Center can assist them in any way.

Council on Aging Board member David Levington has drafted a survey to inquire why people move to Sudbury and why they move away. Many topics are covered such as taxes and the need/desire for senior housing options in Town. The Council's Board has given input to the content of the survey, and Mr. Levington is consulting with a professional survey designer to develop a valid survey instrument. Once this document is produced, Selectman O'Brien requested a sample survey be distributed to the Board of Selectmen.

Sudbury's Council on Aging has been working collaboratively with Wayland's Council on Aging and, in particular, with its Transportation subcommittee. Both towns have a vibrant senior population who are not serviced by any public transportation. Both towns have vans, but Wayland outsources its operation while Sudbury's is serviced by a Town employee. It is hoped the towns can consolidate efforts to maximize and broaden opportunities available. Ms. Kiesel mentioned that the Center should be receiving a new van in December, which was funded from a grant. Mr. Bausk also reported that the Town taxi service is being very well utilized.

Ms. Kiesel announced the receipt of a grant to promote a Healthy Eating/Healthy Living program for older residents. Another grant has also been fully funded for a water aerobics program. The Center is currently seeking a grant consultant, who could work on funding for transportation requests, and the "There's a Dance in the Old Dame Yet," a program for entertainers from age 60-83. A grant-writing student from Framingham State College has volunteered to assist with seeking funds to develop the Center's media capabilities.

Vice-Chairman Drobinski asked if the cable license proposals could include the Center's media needs. Town Manager Valente responded that perhaps this could be considered if all other avenues for funding have been exhausted. Selectman O'Brien also asked if Channel 8 could offer a class on video production to help

provide training. Mr. Bausk responded this had been pursued in the past, and he will look into reinvigorating such a program.

Ms. Kiesel was congratulated by the Board for fulfilling the challenging requirements to receive certification in her field by the Massachusetts Association of Councils on Aging. She demonstrated competence in at least six broad areas of center operations as part of her application portfolio.

Ms. Kiesel invited the Board and community seniors to the Participants Forum on October 31, 2006, at 12 noon. A light lunch is provided and input is solicited to determine additional services the Center can offer next year, as well as a progress report on what was implemented from last year's Forum.

Ms. Kiesel reported that space issues are a concern for the Center and asked if there is hope of acquiring more space soon from the Town. Presently, its space is being used to maximum capacity. On many occasions, registrations must be limited to no more than 55 attendees, maximum room capacity. The ongoing 13-week class on the Middle East has been widely popular, however scheduling space for the program has been difficult. Town Manager Valente responded that the Town is aware of the need for more space and is appreciative of how well everyone has worked together at the Fairbank location. However, given the first priority of building a new Police Station facility, the Fairbank space will be considered in conjunction with a renovation of the Town Hall and Flynn Buildings.

Other upcoming programs offered by the Center include a five-session series on *Major Themes in Piano*, and a two-session program called *Starry Nights* (related to astronomy topics), which will be conducted in collaboration with the Natick Planetarium. On November 6, there will be a free program honoring our veterans, *Remembering Pearl Harbor*.

Ms. Kiesel answered a question from the Board by reporting that two-thirds of Sudbury's seniors have at least one contact a year with the Center. A newly-implemented identification system, My Senior Center, is an Internet-based, statistical data-collection system using scan cards. This system will significantly assist in the compilation of data previously done by hand, which will allow personnel to concentrate their efforts in other meaningful ways. Ms. Kiesel thanked Mark Thompson for the time he spent with the vendor to get this program up and running.

The "Senior Strutters" will be performing an evening performance on November 18 and a matinee on November 19, 2006, at the Curtis Middle School. This year's show is entitled, "*Rehab Rhapsody*."

Ms. Kiesel reminded everyone that open enrollment for the Prescription Advantage Program is from 9/15-11/15/06. There is a one-time \$200 buy-in cost and no other premiums. She encourages everyone to review their plans for possible revisions. The Medicare Part D open enrollment will be in November, and training sessions will be provided as needed. The Center's November newsletter will also include flu vaccine information.

In response to a question from Selectman O'Brien, Ms. Kiesel stated a weekly press release is sent to the cable studio to help promote many of these useful programs on the scroll board. Mr. Jeff Winston, Cable TV Committee Chair, was in attendance and will check on the dissemination of the press release information.

Chairman Keller, along with fellow Board members, thanked the guests for their informative presentation and for the excellent work and services they provide. At 9:15 p.m., he announced the conclusion of the Town Forum.

Goodnow Library Trustee - Resignation

It was on motion unanimously

VOTED: To accept the resignation of Carolyn A. Anderson, 22 Woodmere Drive, a Goodnow Library Trustee, as requested in her letter dated August 30, 2006, and to send a letter of appreciation for her service to the community.

Employees Group Insurance Advisory Committee - Appointment

This item was pulled from tonight's agenda and will be rescheduled for another meeting.

Minutes

It was on motion

VOTED: To approve the regular minutes of August 21, 2006 and the regular and executive session minutes of September 5, 2006.

BayPath Elder Services, Inc. - Grant

It was on motion unanimously

VOTED: To accept on behalf of the Town of Sudbury, a \$1,000 grant from BayPath Elder Services, Inc. as outlined in a letter dated August 7, and awarded to the Sudbury Senior Center to promote *Healthy Eating/Healthy Living* in older residents, to be expended under the direction of the Council on Aging Director, Kristin Kiesel.

Mass. Department of Public Health Ambulance Task Force - Grant

It was on motion unanimously

VOTED: To accept a grant on behalf of the Town of Sudbury, in the amount of \$1,000 from the Mass. Department of Public Health Ambulance Task Force as outlined in a request from Fire Chief MacLean dated September 12, 2006, to be expended under the direction of the Fire Chief.

Democratic Teller Election Officer - Appointment Rescission

It was on motion unanimously

VOTED: To rescind the July 25, 2006 appointment of Election Officer Robert J. Marsh as a Democratic Election Worker and appoint him as an Unenrolled Teller for the 2006-2007 Election Year commencing August 15, 2006, as requested by the Assistant Town Clerk Judith Newton.

Frugal Flower Site Plan - #SP05-381

It was on motion unanimously

VOTED: To endorse and sign Frugal Flower Site Plan #SP05-381, 736 Boston Post Road, Sudbury, as conditions for endorsement have been met, as requested by the Planning Board.

Trust Fund - Expenditures

At the request of Andrea Terkelsen, Treasurer/Collector, in a memo dated September 14, 2006, following is the Town Trust FY07 Beneficiary Requests for Expenditures:

<u>Trust fund</u>	<u>Amount Requested</u>
Forrest Bradshaw Memorial	\$ 140.00
Goodnow Library	\$ 20,000.00
Lydia Raymond	\$ 400.00
Rhodes Memorial	\$ 1,000.00
Annie Thorpe Fund	\$ 0.00
Cherie-Anne Cavanaugh Fund	\$ 2,000.00
Discretionary/Charity	\$ 3,675.00
Raymond Mausoleum	\$ 1,000.00
School Fund	\$ 4,568.59
Sept 11 Memorial	\$ 5,000.00
Town Cemeteries	<u>\$90,000.00</u>
Total	\$127,783.59

It was on motion unanimously

VOTED: To accept, acting as Co-Trustees of Town Trust Funds, FY07 Town Trust Fund expenditures as submitted by the beneficiaries.

Land Interests - 815 Concord Road Realty Trust

Town Manager Valente reviewed for the Board the request of Director of Planning and Community Development Jody Kablack which was also reviewed by Town Counsel. Mr. Kenny is comfortable that the easement language, as drafted, protects the rights appropriately. Town staff checked as to whether the land is conducive for other purposes and it was not due to excessive wetlands.

It was on motion unanimously

VOTED: To accept the following three interests in land located off Concord Road, granted by Allen R. Cail, Trustee of the 815 Concord Road Realty Trust, and shown on the plan of land entitled: "Definitive Subdivision Plan for 'Cail Farm' A Cluster Subdivision in Sudbury, Massachusetts," last revised august 14, 2006, prepared by Starmski & McNairy, Inc.: 1) Quitclaim Deed on approximately 974,545 sf (22.38 a.), shown as "Open Space Parcel A," for conservation purposes with reservation of rights; 2) Easement Deed transferring Grantor's rights reserved to install a well for public water supply purposes and related infrastructure within "Parcel A" to the Town of Sudbury with the provision that the rights with the Water District are properly preserved, acting by its Board of Selectmen; and 3) Drainage Easement located at the southwesterly corner of Lot 1 and subject to Town Counsel providing a memo to verify Article 97 compliance issues.

Conservation Restriction -155 Landham Road

Town Manager Valente explained that it was not possible this evening to fulfill the customary practice of having an appearance or memo from a Conservation Commission representative to accompany this discussion. However, the material provided is thorough and is a required item of the signed Order of Conditions dated August 9, 2006, also reviewed by Town Counsel Paul Kenny.

It was on motion unanimously

VOTED: To approve the Conservation Restriction granted in perpetuity by Rachele M. DePamphilis, on a portion of the property located at 155 Landham Road, consisting of approximately 14,852 s.f. as shown on "Conservation Restriction Plan in Sudbury, MA," by Duran Associates, dated October 15, 2002.

Brandse Dog Hearing Final Report

Town Manager Valente distributed a memo dated September 21, 2006 from Mary McCormack, Administrative Assistant to the Board of Selectmen, reviewing a verbal discussion with Sudbury Dog Officer Betsy DeWallace. Ms. DeWallace reported making several unscheduled inspections of the premises at 82 Old Garrison Road, Sudbury. The Dog Officer described a very secure confinement for the dogs in a well-maintained kennel. The family has been in compliance with the mandates presented by the Board at the March 14, 2006 meeting.

Chairman Keller expressed satisfaction that the issues previously raised have been resolved and that the family showed their willingness to protect the dogs and the community.

It was on motion unanimously

VOTED: To accept the report of the Sudbury Dog Officer and to close and dismiss any further action regarding the Public Hearing of March 14, 2006 concerning the Brandse dogs of 82 Old Garrison Road.

Verizon Application for Cable Television License

Present: Jeff Winston, Cable TV Committee Chair

At 9:30 p.m., Chairman Keller welcomed Cable TV Committee Chair, Jeff Winston, to update the Board on the status of the Verizon Application for Cable Television License. Mr. Winston briefly reviewed the history of the Verizon request from the time they approached the Town to provide cable services to present negotiations.

Special Counsel, Peter Epstein, has worked with Verizon for six months negotiating a generic license which covers 90% of the issues all towns share. This generic template can then be customized to meet Sudbury's needs. The Cable Committee has reviewed several drafts, providing concerns to Verizon for resolution. The Committee has distributed the draft license to Town Counsel and the Board of Selectmen to solicit more feedback to incorporate in upcoming meetings with Verizon.

Mr. Winston explained that most of the Committee's concerns have been resolved but for a few. The most important remaining concerns are the level of funding for local access and channel placement. Selectman O'Brien strongly stated that he would be reluctant to support a license that does not insure the Town retains access to Channel 8 or Channel 9 for public programming. Vice-Chairman Drobinski agreed noting it would constitute a public safety issue for the Town since residents are so accustomed to receiving

critical news and updates from these channels. Mr. Winston said the Committee also supports this position and is comfortable relaying that message to Verizon on behalf of the Board.

Mr. Winston further explained that current operation costs with Comcast are at least \$100,000 a year, which includes many provisions for Comcast to also pay to replace or repair certain items. Comcast exceeds the spending amounts required by the Sudbury license, and Verizon will need to at least match those figures. The Town's access facility must operate at the same level of funding and activity that it maintains now. Mr. Winston explained why this will be increasingly important to the Town as the facility moves to becoming an access corporation by the year 2010 (termination date of the Comcast license) versus its present status as a corporate-run studio. The future costs will be much higher as an access corporation where all costs are retail prices. Thus, it is imperative that this license addresses future contingencies so that cable access is not a financial burden for the Town.

Chairman Keller asked if all of Sudbury will be able to view the public access channels. Mr. Winston responded this issue has been resolved and 100% of Sudbury subscribers will receive the Sudbury Access channels. Mr. Winston also noted that Verizon has reported that the aerial build out, covering 64% of the Town, is almost complete. However, none of the Verizon-reported 28% underground installations are complete and may take anywhere from three to five years to install. The Board questioned why the underground installation would take so long since everything built since 1980 has had conduit provided underground. Mr. Winston will work with the Town Engineering offices to obtain accurate data to share with Verizon. If in fact the percentage of area with underground conduit is higher, then all agreed that Verizon should be willing to make a more aggressive commitment within the license for the installation timeframe.

Another remaining open item is the location of records. Boston will most likely be named as the desired location. The performance bond question of \$50,000 versus \$100,000 is presently on hold.

The Cable Committee had requested receiving an annual itemization of recovered costs to be able to audit the amount of pass-through to protect the residents from error. This has been resolved with the explanation that it is covered by the FRC Form and that once it is regulated, this type of itemization is not necessary since it is covered naturally by competition.

Vice-Chairman Drobinski offered his support of the work completed thus far. However, he asked if the license will address the need for Verizon to comply with the FCC order related to E-9-1-1 services. Further, he emphasized the importance of these public safety-related issues within Sudbury. Mr. Winston responded that the negotiation parties for the cable license are not the ones to address those concerns. Mr. Winston urged the Board to broach these safety concerns by perhaps inviting a Verizon representative to a future Board meeting. He also added that the Cable Committee does post an advisory warning on its website about the troubles still experienced with 911 cellular and/or VOIP Service Providers (VSPs) delivering E9-1-1 services and that battery backup is measured in hours.

The Town Manager and the Board asked Mr. Winston to find out how coverage to new buildings will be handled. The Grange Building will need to be serviced as will the new Police Station. Mr. Winston does not foresee any problems with either location, but he will broach this issue with Verizon and report back to the Board at a later date.

A Sudbury License draft, based upon the Belmont town draft, should be available this week and the Cable Committee hopes to provide another progress report to the Board in the next few months.

At 10:00 p.m., Chairman Keller thanked, on behalf of the Board, Mr. Winston for his report.

Third Annual Fun Run and Walk - Eric J. Drobinski Memorial Foundation

Town Manager Valente distributed a memo, dated September 21, 2006, stating that the Park and Recreation Department and the Police Department have reported no objections to this request. Chairman Keller urged everyone to attend this fun event for a good cause.

It was on motion unanimously

VOTED: To grant permission for the Third Annual Fun Run & Walk, to take place Sunday, September 24, 2006, commencing at 4:00 p.m., starting at Lincoln-Sudbury Regional High School, Lincoln Road, to the following: Water Row, Newbridge Road, Concord Road, to Lincoln-Sudbury Regional High School to raise funds for the Eric J. Drobinski Memorial Foundation.

Reports From the Board of Selectmen

Selectman O'Brien reported that he attended the 50th wedding anniversary celebration for Mr. & Mrs. Joe Bausk at the Fairbank Center last weekend. He also went to the Town Center Committee meeting last week where the Cecil Group presented its report to the Committee. The Committee plans to meet soon with the First Parish Church to discuss plans and the report. He also went to the Emergency Planning Committee meeting on September 19 at the Library. He encouraged everyone to look for more information on the Town website for the League of Women's Voters event on October 28th at Town Hall which will focus on emergency planning issues.

Selectman O'Brien and Town Manager Valente attended The Sudbury Foundation/Grange Site groundbreaking ceremony this morning. Vice-Chairman Drobinski said the preservation of the Grange Building is a great example of how public and private entities can work together for the good of the community. Town Manger Valente congratulated all who have brought this project to fruition.

Vice-Chairman Drobinski congratulated Chairman Keller on his memorable remarks made at the Volunteer Recognition Reception last Saturday. He also reported attending a very productive Rail Trail Conversion Advisory Committee meeting held last Thursday at Town Hall.

Chairman Keller reiterated how important it is not to forget the many volunteers who make Sudbury the great Town it is. He noted that volunteers give their time and effort without compensation, "not because they are not worth it, but because the contribution they make is priceless."

Chairman Keller reported that the Permanent Building Committee meeting on September 19th was very good. The new Police Station plans were presented. He opined that community feedback is important because everyone wants to see this project done correctly so that the new building will effectively and efficiently serve the community for the next 50 years and beyond. The designs allow for future expansion on the site. Town Manager Valente added that conceptual sketches have been updated. Information on the Town's long-term plans to address deficiencies in municipal buildings such as the Police Station will be continually updated on the Town's website.

Chairman Keller also went to a meeting which discussed the 40B affordable housing development on North Road. The subdivision will have eight units, two of which will be designated as affordable. The lottery process is open through October 17th for these affordable units. Anyone who may be a candidate is urged to contact Town offices and view the Town website for more information.

The Chairman also worked on the Lincoln-Sudbury Field Project which will help put artificial turf on the football field and provide a new, year-round track surface. This group is also working to develop a formalized Memorandum of Understanding for the shared use of all athletic resources with the Town's recreational activities. This project is very important in addressing the community's need for recreational space, but the project's biggest challenge is funding. The public will be relied upon to help defray costs. Chairman Keller encouraged the community to make financial contributions to help bring the project to fruition.

Chairman Keller extended wishes for a happy New Year to Sudbury's Jewish residents who will be celebrating their holiday beginning at sundown on September 22. Selectman O'Brien reminded all to drive safely and to be aware of an abundance of foot traffic along Route 20 as people attend synagogue services. Chairman Keller cautioned that conditions could be dark and dangerous, since Jewish tradition calls for the holiday to come on a day of a New Moon, which is actually when there is no moon. The Board urged everyone to travel cautiously.

Reports From the Town Manager

Local Emergency Planning Committee (LEPC)

Town Manager Valente announced that the start-up status application was approved. She thanked the Committee for its work and praised Chairman Richard Simon and Fire Chief Ken MacLean for their dedicated leadership in obtaining this approval and the first grant of \$250. Ms. Valente implored the community to reach out to residents who might have medical backgrounds to ask them to join the LEPC. She urged citizens to contact the Town Manager's Office or the Fire Chief if they have ideas on how to get more medically-trained people to participate. Chairman Keller recommended contacting the Metrowest Free Medical Clinic for volunteers.

Volunteer Recognition Reception at Sudbury Day

Town Manager Valente displayed the address book, with the Town seal on the cover, which was given as an appreciation gift at the Volunteer Recognition Reception held at Sudbury Day on September 16, 2006. She noted that volunteers who were unable to attend the Reception should contact their Chair or the Town Selectmen's Office to receive their gift.

Finance Committee

Town Manager Valente reported the Finance Committee met on September 18, 2006 to begin the year's deliberations regarding instructions for cost centers and revenue projections.

Rail Trail Conversion Advisory Committee (RTCAC)

Town Manager Valente reported the RTCAC met on September 14, 2006 and held a very thorough public meeting, reviewing all the salient issues including sources of funding. The meeting was taped and will be shown soon on Channel 8. Chairman Keller also asked to have it available as a DVD from the Library.

Town Center Project

Town Manager Valente reported the Town Center Committee met on September 20th to a packed audience at Town Hall. Three conceptual sketches were reviewed. Jody Kablack is assembling the

information for the Town website, and the Town Manager will pursue having the meeting available on DVD at the Library.

Solid Waste Management Options Committee Applicants

Town Manager Valente asked the Board if they would like to interview all candidates for the Solid Waste Management Options Committee at the October 3, 2006 Board of Selectmen meeting or if the group should be divided into two sessions. The consensus of the Board was to interview all candidates on October 3, 2006.

Executive Session

At 10:10 p.m., Chairman Keller 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 discretionary funds and land acquisition.

Chairman Keller announced regular session would not reconvene following Executive Session.

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

Attest: _____
Maureen G. Valente
Town Manager-Clerk