

IN BOARD OF SELECTMEN
TUESDAY, AUGUST 14, 2007

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

The statutory requirements as to notice having been complied with, the meeting was convened at 7:37 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:37 p.m., Chairman Drobinski opened the meeting and reminded the community to be cautious when driving due to the many construction projects underway in Town. He also welcomed Selectman Keller back from his vacation, and Town Manager Valente back from her management conference and vacation.

Cable Advisory TV Committee - Creation of a Public Access Corporation

Present: Jeff Winston, Cable TV Advisory Committee Chair and Committee members

At 8:00 p.m., Chairman Drobinski welcomed Cable TV Advisory Committee Chair Jeff Winston for a discussion regarding conversion from the Comcast-run Public/Government/Access operation to an independent, non-profit Access Corporation (AC). This conversion is necessary as a result of the approval and implementation of the Verizon Application for Cable Television License.

Cable TV Advisory Committee Chair Jeff Winston introduced several members of the Committee. Vice-Chairman O'Brien asked for an update regarding the interconnection agreement between Comcast and Verizon, since he believes this is an impediment to Verizon customers being able to view the access channels. Mr. O'Brien has experienced this first-hand, and he is aware of a few other resident complaints. He believes that Verizon misrepresents to new customers that the access channel would be immediately operational. On behalf of the Town and as a customer, he would like this resolved immediately. Mr. Winston responded that Verizon and Comcast need to finalize monetary negotiations for use of Comcast's fiber network in Town by Verizon. Mr. Winston also asked Mr. O'Brien to apprise him of the names and details of the other disappointed residents so that he can share this critical feedback with the appropriate parties. Mr. Winston suggested that the Board send a letter to both companies expressing its desire to expedite this process and be online as soon as possible. The Board strongly expressed that an in-person meeting may be needed to break the stalemate.

Mr. Winston continued to state that the Committee believes it is in the Town's best interest to convert from the Comcast-run Public/Government/Access operation to an independent, non-profit Access Corporation (AC). He emphasized that the quality and quantity of Access services provided to Sudbury will remain unchanged with the conversion. Present services will continue to be provided by the same personnel, using the same equipment. He further stated that new opportunities may arise to provide new services and generate more interest within the community. In response to a question from Vice-Chairman O'Brien, Mr. Winston reported that currently the Town receives approximately \$110,000 from Comcast for cable-related activities. The majority of this money funds personnel salaries and benefits.

The Cable TV Advisory Committee has consulted with other cities and towns and with Special Counsel, Peter Epstein, during its process to elicit price estimates and to develop draft documents for the services needed to operate an Access Corporation. Mr. Winston provided the Board with copies of the following draft documents for review and discussion: a revised "Q & A" sheet; a set of by-laws for the Access Corporation; a proposed Agreement between the Town and the Access Corporation, which details the

services and support that the AC will provide to the Town, and how the Town will direct Verizon and Comcast to fund the AC; and a proposed Amendment to the current Comcast license studio buyout clause.

Mr. Winston next explained subsequent action steps needed to transition to an independent AC: to incorporate the Selectmen's input this evening into the draft documents and overall plan, to consult with Town and Special Counsels to resolve remaining Town Agreement issues, the Committee, on behalf of the Town, to officially negotiate the Amendment with Comcast, to officially form the Access Corporation, and to have the Town sign the Agreement and sign and exercise the Comcast Amendment and direct Comcast and Verizon to pay access funding to the Access Corporation (Comcast will continue to operate the studio for 45-60 more days until initial Verizon funding is received). The goal is that by early November the Access Corporation will take over the operation of Public and Governmental Access in Sudbury.

Selectman Keller asked Mr. Winston to further clarify how the deciding body would be comprised. Mr. Winston reported that the Committee has proposed that the Access Corporation Board of Directors be comprised of five members. Three Cable TV Advisory Committee members, Mr. Winston, Marty Greenstein and Peter Boers, will form the core of that Board, along with Sudbury resident and video engineer, Terry Lockhart. The fifth slot can go to a Selectman, if desired. The Committee also recommends that all Cable TV Advisory Committee members resign, with the exception of Mr. Winston, upon the successful transfer of the Access-related functions to the Access Corporation. Mr. Winston will continue to act as an ombudsman for resident complaints and will work to complete the 2010 Comcast license renewal. Special Counsel Epstein has determined that there is no conflict of interest as long as Mr. Winston recuses himself from anything related to the Access Corporation. Mr. Keller opined that he would need to further evaluate whether an independent AC or a Town-run operation would better serve the needs of Sudbury. Mr. Keller also said that, if an AC were formed, he is inclined to believe that the Selectmen should appoint, or approve appointments of, the AC Board of Directors for limited terms. Selectman Keller stated that the approved documents must protect Sudbury's citizens for the future as well as for today.

Mr. Winston highlighted that most towns prefer to be separated from this operation so as to avoid any perceptions of censorship, and to eliminate any liability for the Town for anything done by the Access Corporation. The AC would carry its own insurance.

Mr. Winston stated that the draft documents have been scrutinized by Mr. Epstein, who believes that all parties can work together to finalize productive and fair documents. The Committee hopes that the Board will authorize Mr. Kenny to work with Mr. Epstein and Mr. Winston to resolve the remaining technical Town Agreement issues. The Committee would also like the Board's input regarding whether a Selectman would like to be appointed to the AC Board, and whether and when the Selectmen would like to meet with the AC each year.

Chairman Drobinski agreed with Mr. Keller that further deliberation as to which operational option is best for the Town is needed. He asked Mr. Winston if there is a definitive deadline to finalize this process. Mr. Winston responded that the negotiations with Comcast need to happen sooner rather than later, if a conversion is expected before the end of this year.

The Board briefly discussed with Town Manager Valente budget options for the cable-related funds in either revolving or enterprise funds. Vice-Chairman O'Brien asked Mr. Winston to provide the Town Manager and Board with the Committee's AC budget estimates so that a comparison analysis with a Town-run operation can be compiled.

Chairman Drobinski reiterated that the Board has a lot of information to review, compile and synthesize prior to reaching a decision as to what is best for the Town from all legal and financial perspectives. He said

that this is a priority for the Board. However, the Board needs to consult with Town Counsel Kenny and Special Counsel Epstein and the Cable TV Committee to be sure all issues are fully researched. In particular, Town Counsel will be asked to elaborate regarding liability and indemnification issues.

Committee member Margaret Fredrickson told the Board she believes that access communications must be handled very carefully within a society. She stated that a democracy must never deny its citizens a way of communicating freely. Thus, she believes it is imperative that the access communications be established as a separate and independent entity from the local government. She concluded her remarks by asking the Board to consider that, in this case, it is more important to be independent than to be efficient and economical.

Mr. Winston stated that the Committee has worked long and hard to present these draft documents to the Board, and that the members are eager to begin work on this next phase. He again asked the Board to consider sending a letter to Comcast expressing the Town's inclination to convert to an Access Corporation before the end of the year, and the desire to broadcast the Telethon on Verizon and Comcast. The Committee believes that such a letter will expedite Comcast and Verizon to finalize the terms of their interconnection agreement.

Selectman Keller stated his preference that if an AC were established that all meetings be open to the public. Mr. Winston responded that the Committee agrees and intended that to already be expressed within the draft bylaws presented this evening.

It was on motion unanimously

VOTED: To authorize the Town Manager, to instruct Town Counsel to work with the Cable TV Advisory Committee and Special Counsel to finalize the Agreement, and to authorize the Town Manager, on behalf of the Board of Selectmen, to draft and send an appropriate letter to Comcast expressing Sudbury's intention to transfer to an alternative operation from the present Comcast-run Town studio before the end of the year, and the Town's desire to broadcast the Telethon on both Verizon and Comcast, and Sudbury's insistence that Verizon and Comcast finalize the interconnection agreement immediately.

At 9:09 p.m., Chairman Drobinski thanked Mr. Winston and the Cable TV Committee for the information provided, and he concluded this discussion.

Town Forum - Veterans' Agent

Present: Peter Harvell, Veterans' Agent

At 9:10 p.m., Chairman Drobinski convened Town Forum and welcomed Veterans' Agent Peter Harvell to the meeting. Mr. Harvell reported on the many ways Sudbury assists veterans in various capacities. The Town recently provided \$2000 for burial costs of a World War II indigent veteran who died in a hospice. The Veterans' Affairs administration reimburses the Town for 75% of these burial expenses.

Mr. Harvell noted that a Sudbury resident, John Green of Butler Road, is currently serving the country in Iraq. Mr. Harvell reported that resources are available to send to active service military personnel, including helmet suspension safety equipment. He asked that residents contact him with the names of any active service people who might appreciate receiving care packages. Mr. Harvell announced that Lincoln-Sudbury Regional High School recently collected items which will be sent to overseas troops. He further noted Massachusetts' long-standing tradition of being the only State in the country to provide a "Welcome Home Bonus" of \$500 if one has served outside the U.S., and \$1000 if one has served in combat areas such as Iraq and Afghanistan.

Mr. Harvell also reported that the VFW Food Drive was a tremendous success. Approximately 450 - 700 boxes of care packages were sent to the troops. Mr. Harvell thanked Sudbury Farms for its generous support of this program. He also noted that Sudbury's VFW Post 8771 has doubled in population in recent years, and it has been responsible for significant local charity work. The Military Family Support Group and the VFW will sponsor another Food Drive during the Veterans' Day weekend. Packages of items collected will be sent to the troops in early 2008 to alleviate post-holiday depression.

Mr. Harvell also works with veterans to obtain federal funds through the "Aid and Attendance" Program, which can provide up to \$1800 a month for cooking, cleaning and personal hygiene assistance. Mr. Harvell stressed that this is an underutilized program because forms can be laborious for elderly veterans to complete. As the Town's Veterans' Agent, he can help simplify the process for a veteran and his/her family. He emphasized that it is critically important for a veteran, or their family, to provide copies of discharge (DD214) papers for consideration in this program, for prescription drugs or to obtain a burial flag. If anyone knows someone who may qualify for these programs, please contact Mr. Harvell.

Mr. Harvell concluded his presentation by explaining the criteria for membership in, and differences between, the American Legion and the Veterans of Foreign Wars Associations.

Town Forum - Memorial Day Committee

Mr. Harvell next provided the Board with a summary of the 2007 Memorial Day Town activities. He reported that events were well attended. The Grand Marshall for this year's parade was Charlie Pepper, who was honored for his leadership of the VFW's charitable works and its increase in membership. Mr. Harvell thanked the Sudbury Militia, the Native American Council, the Military Support Group and the local Scout troops for their dedicated participation in the day's events. Mr. Harvell noted that an effort was made this year to review the names of every soldier from Sudbury whose life was sacrificed while serving their country.

Mr. Harvell also reported that Hosmer House highlighted the works of local artist, Edward Golner, during the Memorial Day weekend. The exhibit was well received. Mr. Harvell thanked the Department of Public Works and the many volunteers who worked tirelessly to prepare the cemeteries so beautifully.

In closing, Mr. Harvell encouraged the community to become more actively involved in the Town's Memorial Day Parade and activities to honor the men and women who have served our country. He asked that residents support these activities each year, and to contact him if interested in volunteering with future planning and preparations.

At 9:25 p.m., Chairman Drobinski thanked Mr. Harvell for his presentations and concluded Town Forum.

Earth Decade Committee - Green Issues and FY08 Goals

Present: Carol Hannauer, Richard Vanderslice, Peg Whittemore, Eric Richard, Beth Brykman and Jan Silva, members of the Earth Decade Committee

At 9:25 p.m., the Board welcomed the Earth Decade Committee (EDC) to discuss "green" issues. Ms. Hannauer noted the Town's commitment to environmental issues. She recognized that new initiatives must be cautiously implemented, especially when historic buildings and landmarks are involved. On behalf of the Committee, Ms. Hannauer encouraged the Town to formalize its commitment to global warming and the environment by signing the U.S. Mayors' Climate Protection Agreement and joining the International Council for Local Environmental Initiatives (ICLEI) and the Cities for Climate Protection (CCP) campaign as part of the Town's ongoing sustainability plan.

Mr. Richard echoed Ms. Hannauer's sentiments, noting that the Town is in a great position to pursue many initiatives, which could be financially fruitful. He reported that the modest efforts made by the Town to promote donations to the New England Wind Tunnel from January to April of 2007, resulted in approximately \$50,000 for the Town to use towards "green" sources. These results are encouraging as confirmation of the economic benefit available to the Town by such pursuits. Mr. Richard would like to see a more concentrated effort made to secure such funds and other grant monies. The Committee believes that it can assist the Town in researching such opportunities regarding viable options and programs as designated and instructed by the Board. The Committee recommended that an official Town committee be established with the mission of advising the Board on environmental Town issues such as: educational programs to raise awareness, mandatory purchasing guidelines for Energy Star products or recycled paper for Town operations, establishing a Renewable Portfolio Standard for the Town, developing a Climate Action Plan, consulting with other Town committees and boards, and investigating funding and grant sources.

Mr. Richard explained that signing the U.S. Mayors' Climate Protection Agreement would be a symbolic gesture of Sudbury's support, since there is nothing binding in the Agreement language. He also briefly reviewed potential benefits to the Town by joining the International Council for Local Environmental Initiatives (ICLEI) and the Cities for Climate Protection (CCP) campaign, noting that a Town energy audit could be completed. Mr. Richard stated that the Department of Environmental Protection offers specific grant programs through the CCP to fund personnel to complete the energy audits for towns.

Chairman Drobinski agreed that such programs can be very lucrative for towns to pursue. He confirmed the Board's commitment to these issues, noting that they have been added to the Selectmen's goals this year. He also reported that at a recent Massachusetts Municipal Association (MMA) meeting, it was noted that several cities in the Commonwealth were able to save tens of millions of dollars through participation with Environmental Protection Agency (EPA) programs. Chairman Drobinski would like to see Sudbury also take advantage of such funding opportunities made available by the EPA in the future.

Ms. Hannauer mentioned the unattractive white pipes at the transfer station, and she recommended that the Town work with Wayland to develop ways to recover and use these methane gases for a fee. Chairman Drobinski responded that the white pipes were installed at the transfer station as a temporary solution to prevent a dangerous situation from developing for the Town due to a recent methane gas problem. He reported that Department of Public Works Director Bill Place is monitoring the situation.

Town Manager Valente stated that she would welcome the opportunity for the Town to work with the Committee to identify applicable programs and projects. She noted that the Committee could possibly research more economical vehicles to be used by Town officials and compile a Town vehicle fleet analysis. Mr. Richard responded that the Committee would welcome this work and could synthesize as much or as little information as requested by the Town.

Peg Whittemore, EDC member, told the Board that the Committee recognizes all that the Town has accomplished thus far related to "green issues." She stated she hopes the Town will elicit the EDC's assistance for future endeavors.

Mr. Richard stated that raising awareness within the community is critical to future success. He said the Committee plans to run a series of articles in the *Sudbury Town Crier* each week in an effort to better educate the public.

Vice-Chairman O'Brien asked Town Manager Valente to compile information from Department Heads regarding activities that have been completed and are planned for going "green." He suggested that

the Committee could help obtain information and quotes for the Department of Public Works on who sources biodiesel.

Ms. Hannauer asked if a regular meeting could be scheduled with the Town Manager to prioritize efforts. Chairman Drobinski stated that the Board endorses a contact person representing the EDC to work with the Town Manager and Town staff to coordinate future activities.

The Board also recommended that the EDC be showcased during a future half-hour *Town Hall Matters* segment. Vice-Chairman O'Brien also recommended that the Committee contact the Budget Review Task Force to determine if suggestions could be helpful in fulfilling that mission as well.

It was on motion unanimously

VOTED: To endorse and sign the U.S. Mayors' Climate Protection Agreement, as an expression of the Town's ongoing sustainability plan.

Minutes

Town Manager Valente reported that the draft regular session minutes of July 31, 2007 should be amended to report that the Board appointed Paul Pakos, 231 Nobscot Road, as an at-large member of the Budget Review Task Force Committee, for a term to expire not more than two years from the date of appointment.

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of July 24, 2007, and to amend the regular minutes of July 31, 2007, to report that the Board appointed Paul Pakos, 231 Nobscot Road, as an at-large member of the Budget Review Task Force Committee, for a term to expire not more than two years from the date of appointment.

Conservation Commission and Rail Trail Conversion Advisory Committee - Resignation

It was on motion unanimously

VOTED: To accept the resignations of Rebecca R. Corkin, 179 Nobscot Road, as a Conservation Commissioner and as the Conservation Commission designee to the Rail Trail Conversion Advisory Committee, as requested in an email message dated August 1, 2007, and to send a letter of appreciation for her service to the community.

Wayland-Sudbury Septage Facility Committee - Resignation

It was on motion unanimously

VOTED: To accept the resignation of Edward W. Pickering, 780 Concord Road, as a member of the Wayland-Sudbury Septage Facility Committee, as requested in his email letter dated August 1, 2007, and to send a letter of appreciation for his service to the community.

Democratic and Republican Election Officers -Appointments

It was on motion unanimously

VOTED: To appoint the entire slate of Election Officers, as attached, for a one-year period commencing August 15, 2007, as recommended by the Democratic and Republican Town Committee Chairmen and the Sudbury Town Clerk.

Ponds and Waterways Committee - Appointment

It was on motion unanimously

VOTED: To appoint Edward W. Pickering, 780 Concord Road, as a Conservation Commission designee to the Ponds and Waterways Committee, for a term to expire April 30, 2010, filling a vacancy occasioned by the resignation of Mark C. Ensign, as requested in an email message from Debbie Dineen, Conservation Coordinator, dated July 24, 2007.

Rail Trail Conversion Advisory Committee - Appointment

It was on motion unanimously

VOTED: To appoint Christopher D. McClure, 35 Pennymeadow Road, as a Conservation Commission designee to the Rail Trail Conversion Advisory Committee, for an indefinite term, filling a vacancy occasioned by the resignation of Rebecca R. Corkin, as requested in an email message from Debbie Dineen, Conservation Coordinator, dated July 24, 2007.

Highway Department Vehicles - Award of Purchase

It was on motion unanimously

VOTED: Pursuant to ATM07/Art.5 FY08 Capital Budget, to approve the award for the purchase of the following Highway Department vehicles: 2008 - 7300 International 4 x 2, six-wheeler at a net cost of \$84,782; 2008 - 7500 International 4 x 8, eight-wheeler at a net cost of \$128,648, said sums to be financed over a five-year period at an interest rate of 4.52%; and further, to authorize the Town Manager to execute all documents related thereto.

Budget Review Task Force - Increase At-Large Memberships

Town Manager Valente reviewed the names of members already appointed by the Board. Vice-Chairman O'Brien explained that since so many qualified individuals applied for these positions it might benefit the Task Force and the Town to increase the membership of citizen participation. The Finance Committee Subcommittee Co-chairs, Bob Jacobson and Martha Ragonese, have also endorsed increasing the membership.

It was on motion unanimously

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VOTED: To increase the at-large membership of the Budget Review Task Force Committee from seven to nine members and to appoint four new members.

It was also on motion unanimously

VOTED: To appoint four new at-large members, Tammie Dufault, 278 Old Sudbury Road, Karen Massey,

16 Cakebread Drive, Sabino Merra, 111 Woodside Road, and Paul Fuhrman, 14 Henry's Mill Lane, to the Budget Review Task Force Committee, for terms to expire not more than two years from the date of appointment.

It was also on motion unanimously

VOTED: To appoint the following four representatives from the Finance Committee to the Budget Review Task Force Committee, for terms to expire not more than two years from the date of appointment: Robert N. Jacobson, William E. Kneeland, Jr., Martha M. Ragones, and Ralph F. Verni, and to also appoint Vice-Chairman Lawrence W. O'Brien as the Board of Selectmen designee to the Committee, for a term to expire not more than two years from the date of appointment.

Conflict of Interest Designations - Updating

Town Manager Valente briefly explained the need to approve previously designated individuals on an annual basis. She also provided clarification to Selectman Keller's question regarding the Board of Assessors.

It was on motion unanimously

VOTED: To approve a revision of the Town's Conflict of Interest Designations, in accordance with Chapter 268A of the Massachusetts General Laws, for persons employed, elected or appointed to and performing the duties set forth in a listing dated July 13, 2007, classifying such persons as Regular or Special Employees of the Town of Sudbury.

Special Election and Ballot Question for Construction of Police Station

Town Manager Valente reviewed the need for a special October election to fill a vacant seat in the House of Representatives. The primary will be held September 4, 2007. She reported that the average cost to the Town for an election is between \$8,000 and \$10,000. She also reported that the need for construction of a new Police Station received two-thirds support at the Annual Town Meeting. Thus, as a Town cost-saving measure it has been proposed to add the new Police Station issue as a ballot question for the October election. The Board agreed that a new Police Station is needed and that this proposal will save money. The Board also emphasized that the public will need to be educated about the ballot question in advance of the election.

Town Manager Valente announced that the Town Clerk's Office will be open extra hours from 9:00 a.m. to 8:00 p.m. on August 15th to accommodate voter registration for the primary. Selectman Keller reviewed the procedures for changing party designations.

It was on motion unanimously

VOTED: To hold a Special Election on October 16, 2007, pursuant to Chapter 52 of the Acts of 2007, an act authorizing the Town of Sudbury to extend the election date for approving a debt exclusion vote, and to place the Ballot Question - Construction of the Police Station - on the ballot for said election.

Reports From the Board of Selectmen

Selectman Keller reported having enjoyed his recent vacation to Bermuda. He urged residents to visit the Lincoln-Sudbury Regional High School (L-SRHS) Community Field to view the new facility to be used this

fall. He announced that the facility has the same artificial turf as used by the New England Patriots at Foxboro Stadium.

Vice-Chairman O'Brien reported that he was contacted by the Wayside Inn Development Director to assist with the application process for a grant from the National Endowment for the Arts. In July, he also met with the development group representing the Wayland Town Center project. Mr. O'Brien also reported that the Budget Review Task Force will meet in late August or early September.

Chairman Drobinski reported that the Red Hatters group of St. Anselm's Church will not be selling alcoholic beverages at its upcoming event. Thus, the group does not need to be granted a liquor license exception. He also reported that the recent Massachusetts Municipal Association (MMA) meeting provided valuable information regarding greenhouse gas issues and cost-saving EPA opportunities, which he will share with the Town Manager at a later date.

Reports from the Town Manager

Town Manager Valente thanked Assistant Town Manager Wayne Walker for covering her responsibilities while she attended a two-week executive education conference in Virginia and on vacation for one week. The conference was attended by city managers from the United States and abroad. Ms. Valente reported that the conference was excellent and provided her with many ideas, which she is anxious to share with senior management.

Town Manager Valente also reported receiving a letter from Goodnow Library Director William Talentino thanking the Town, the Department of Public Works and the Open Space and Recreation Committee for the great jobs they do in providing a top-notch appearance for, and around, the Library.

Executive Session

At 10:20 p.m., Chairman Drobinski 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 and land acquisition.

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

There being no further business, the meeting adjourned at 10:20 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk