

IN BOARD OF SELECTMEN  
TUESDAY, FEBRUARY 13, 2007

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

The statutory requirements as to notice having been complied with, the meeting was convened at 7:34 p.m. in the Lower Town Hall, 322 Concord Road.

**Opening Remarks**

Chairman Keller began the meeting by reminding residents to drive safely due to the pending inclement weather conditions. He announced that the Department of Public Works is prepared for the expected snowstorm tomorrow.

Mr. Keller also reminded everyone that the Annual Town Meeting is approaching. He noted that there is very useful information available on the Town website and the schools' websites regarding the budget and other key topics.

Chairman Keller also encouraged everyone to go to the Lincoln-Sudbury Regional High School website to see the remarks by Superintendent John Ritchie to the parents and community as part of the ongoing response by the school to the January 19, 2007 tragedy.

**Special Public Safety Commendations**

Present: Fire Chief Kenneth MacLean and Police Lieutenant Scott Nix

Chairman Keller stated that it is with sadness due to recent circumstances, but yet with a sincere sense of appreciation, that he welcomes representatives from the Town's public safety personnel to bestow upon them a public commendation for performing promptly and professionally on January 19, 2007 to the needs of the community, under exceedingly stressful circumstances. On behalf of the Town, Chairman Keller thanked all the public safety officials for their exemplary service during that time and the following days.

On behalf of the Fire and Police Departments, Fire Chief Kenneth MacLean and Police Lieutenant Scott Nix accepted the Town's commendation. Both gentlemen expressed gratitude for the honor, and wished it were not for actions related to such a devastating event. Both men stated that their departments are committed to providing professional services to the community every day, and will continue to strive to perform at the highest possible level.

**NStar and Verizon Utility Petition UP#06-04** Present: Christine Cosby, NStar Electric, Chris Parella, Verizon Right of Way Manager

The Board continued its discussion from the December 19, 2006 meeting regarding Utility Petition UP#06-04 from Boston Edison, d/b/a NStar Electric, for underground electric service via an 80' conduit under Cudworth Lane and a 32' conduit under Willis Road to provide electric service to a new subdivision (Kendra Lane) and Verizon New England, Inc. for grant of location only to Kendra Lane.

Town Manager Valente distributed a letter from an abutter, Eamon O'Malley, noting his opposition to the request, since the installation of the conduit and electric cable in November 2006 was performed improperly and illegally. Mr. O'Malley also said that roads and sidewalks were destroyed at that time and remain as safety hazards, since they have not been repaired.

Department of Public Works Director Bill Place reported to Ms. Valente that the Planning Board still has bond money available for this project, which could be accessed if repairs are needed.

Vice-Chairman Drobinski stated that NStar and Verizon have conducted their portions of the work appropriately and should not be penalized for the improprieties of the developer. Therefore, he recommended approving the request and dealing with the developer issues separately.

It was on motion unanimously

VOTED: To approve a grant of location for Utility Petition UP#06-04 from Boston Edison, d/b/a NStar Electric for underground electric service via an 80' conduit under Cudworth Lane and a 32" conduit under Willis Road to provide electric service to a new subdivision (Kendra Lane) and Verizon New England, Inc. for grant of location only to Kendra Lane; and to authorize the Town Manager to obtain from the Department of Public Works Director the costs of repairs needed to the area and to inform the developer that said repairs will need to be completed as soon as weather permits, and to also inform the Planning Board that if said repairs are not completed that money should be taken from the bond to complete the necessary work.

The Board also requested that the Town Manager inform Mr. O'Malley of the Board's decision.

Ralph Tyler, 1 Deacon Lane, commented that he would like to see the Town consider instituting stronger regulatory incentives for overhead work from these companies regarding longstanding repair work in Town, versus just concentrating on underground service.

#### **Senior Tax Work-off Program**

Present: Joe Bausk, Council on Aging Chair, Peg Whittemore, Senior Tax Work-off Coordinator, David Levington, Council on Aging member, Kris Kiesel, Council on Aging Director

Kris Kiesel, Council on Aging Director, provided a brief summary of the Senior Tax Work-off Program. The program was originally intended for residents 60 years of age and older to work for a certain number of hours for Town departments, doing tasks that would otherwise go undone. The original stipend was \$500 for 100 hours of work. The State maximum for this abatement program has recently been raised to \$750.

Ms. Kiesel explained that the percentage of the average tax bill relieved by this abatement has been diminishing in recent years. Ms. Kiesel further stated that, over time, the original number of 100 hours worked has decreased to 84 hours, and she would like to see that restored to 100 hours. In addition, the Council recommends setting up to 50 positions a year to be available for workers as part of this program.

In response to a question from Chairman Keller, Ms. Kiesel clarified that this abatement program runs on a calendar year, since it has tax implications. The abatement is considered income for Federal tax purposes, but not for State taxes.

Vice-Chairman Drobinski stated he supports the requests conceptually and is a proponent for programs that benefit the senior citizens. However, he believes that the Town Manager should retain the flexibility to control these expenditures subject to the overall Town budget constraints from year to year. Chairman Keller agreed that the program should be utilized each year to the maximum, as much as is possible.

Town Manager Valente clarified that the proposed non-override FY08 budget has already incorporated sufficient funds to implement these proposals. She also cautioned that if State funding policies were to change mid-calendar year, any increase of Town funding would have to be delayed until the next fiscal year for approval.

It was on motion unanimously

VOTED: To approve an increase of the abatement for the Senior Tax Work-off Program to the State-permitted maximum, and to establish up to 50 positions, and to increase the minimum wage to \$7.50, to the extent possible each year as determined by the Town Manager, and to authorize the Town Manager to follow the established guidelines as closely as possible for FY09 and beyond.

David Levington, 155 Nobscot Road, complimented the diligent work of the Senior Tax Work-off Coordinator Peg Whittemore in maintaining as viable a program as possible. He thanked the Board for these affirmative votes because he believes they will help to strengthen the program.

**Public Hearing - Verizon Application for Cable Television License**

Present: Jeff Winston, Cable TV Advisory Committee Chair, Peter Bowman, Verizon Vice President of External Affairs, Jim McGrail, Telecommunications Insight Group, Kathleen Troisi, Verizon Transcription Reporter

At 8:14 p.m., Chairman Keller convened the continuation of a public hearing on the Verizon Application for Cable Television License. He also requested that the Board receive a transcription of tonight's discussion as recorded by Ms. Troisi, Verizon's reporter, which Verizon agreed to provide.

Cable TV Advisory Committee Chair Jeff Winston reported that within the last two weeks, Special Counsel Peter Epstein, the Cable Advisory Committee and Verizon have resolved all open issues and finalized a franchise license agreement which satisfies all parties.

Mr. Winston explained that the last concern was resolved with Verizon agreeing to all of the Town's terms. If Verizon cannot reach an agreement with Comcast within six months of the license date, then Verizon will build a parallel network providing live cablecast on their system from the Studio, Town Hall, the Library and three additional sites of the Town's choosing. This is strong incentive for Verizon to reach agreement with Comcast. The guaranteed backup system is that the Town's Access Channels will be carried on both systems.

Mr. McGrail and Mr. Winston expressed confidence that interconnection with Comcast will occur, since Verizon and Comcast have recently signed such an agreement in North Reading.

Mr. McGrail stated that Verizon will try to accommodate channel assignment within the first 30-40 channel-range, supplying two, side-by-side channels. He will keep the Town abreast of these assignments.

In response to a question from Mr. Winston, Mr. McGrail responded that by next spring and summer, there should be visible underground buildout in Town.

Mr. Bowman emphasized that his External Affairs Office for Verizon is committed to providing excellent service to Sudbury and will be assigning a franchise manager to work with the Town Manager or her designee to ensure a smooth transition.

Vice Chairman Drobinski thanked Mr. Winston and the Cable Advisory Committee for the many hours spent negotiating a license which will greatly benefit the citizens of Sudbury.

In response to Chairman Keller's questions regarding the next steps in the process, Mr. Winston responded that this is about the halfway point. Mr. Winston explained that the Cable Advisory Committee

will meet next week and will be developing recommendations on various aspects such as a provider-independent access operation. The Committee will present further proposals to the Board in the upcoming months.

Mr. McGrail presented the documents of the licensing negotiations for the record, which were received by Town Manager Valente on behalf of the Town of Sudbury.

It was on motion unanimously

VOTED: To approve and sign the Final License Agreement, as presented this evening, between the Town of Sudbury and Verizon New England, Inc., in accordance with the regulation of the Department of Telecommunications and Energy 207 CMR 3.02(2) and 207 CMR 2.02, regarding the Verizon New England, Inc. Application for Cable Television License in Sudbury.

Town Manager Valente reinforced that this process went very well for Sudbury because the Town already had an existing license in place and because Mr. Winston and the Cable Advisory Committee invested a tremendous amount of time and energy on the process.

**Annual Town Meeting - Interviews with Petitioners**

Present: Ralph Tyler for The Sudbury Golden Age Passport and the Senior Property Tax Relief Petitions and Sidney Bourne, for Street Acceptance - Frost Farm and Northwood Street Petitioner

Ralph Tyler, 1 Deacon Lane, addressed the Board to explain The Sudbury Golden Age Passport Petition presented for the Annual Town Meeting. This petition proposes that any Sudbury resident age 62 or older be issued a lifetime passport for \$10 for free access to programs, events, concerts or services provided in facilities owned by the Town or where the Town provides 50% or more of the operating costs.

Mr. Tyler strongly advocated that senior citizens fund a very large portion of the Town budget while placing minimal service burdens on the Town. Thus, he believes more programs should be implemented by the Town to attract and retain senior citizens.

Vice-Chairman Drobinski stated he finds this concept intriguing. However, he would need to know more about the financial implications on some of the smaller Town departments. Selectman O'Brien agreed that more financial data is needed to assess whether, in fact, some Town programs would have to be discontinued since there would not be sufficient fees to pay for instructors and materials. Mr. Tyler said he has not yet completed any cost analysis.

Town Manager Valente wondered whether there would actually be any programs which fall within the proposed definition for Town funding of 50% or more of operating costs. She also suggested Mr. Tyler consult with Town Counsel to be sure the petition does not conflict with any bylaws.

Mr. Tyler strongly rejected the suggestion to work on this proposal for a year and bring it to the FY09 Town Meeting. He believes that, if the Town prioritizes this as important, then good decisions can be made quickly and efficiently.

The Board suggested that Mr. Tyler meet with Town Counsel, the Council on Aging, Lincoln-Sudbury Regional High School and the Director of Parks and Recreation to gather feedback on the Town ramifications of the proposal, and to report back to the Board at its next meeting. It was mutually agreed to further discuss the merits of The Sudbury Golden Age Passport Petition at the Board of Selectmen's February 27, 2007 meeting at 9:15 p.m.

Mr. Tyler also discussed the proposed Senior Property Tax Relief petition, which generically asks to provide tax relief to seniors and to petition the General Court for permission to provide such relief. He believes the best way to encourage the State legislature to do something is to do it locally first. Mr. Tyler referenced how Sudbury paved the way for the tax deferral program and hopes that the Town can play a similar leadership role for senior tax relief.

Vice-Chairman Drobinski responded that he fully supports the need for senior tax relief; however, he believes Towns are fighting an uphill battle unless the policies change on Beacon Hill. He said past efforts have shown that the best means to successful results is accomplished by working with the State processes in place and not by going against the system. Selectman O'Brien concurred with this perspective.

Mr. Tyler is committed to bringing this issue the attention it deserves and hopes the Selectmen will join his challenge to create positive change.

Chairman Keller asked Mr. Tyler to share with the Board and Town Counsel, in advance, any motion he might be considering to make at the Annual Town Meeting. The Board also invited Mr. Tyler to present a more specific and detailed Senior Property Tax Relief petition for review at its February 27, 2007 meeting.

Sydney Bourne, 20 Northwood Drive, addressed the Board on behalf of the Frost Farm and Northwood Street Petitioners. The petitioners would like to correct their perceived inequity of residents of Frost Farm and Northwood Condominiums paying real estate taxes for plowing town streets and also having to hire snow removal services for private access roads. Thus, the petitioners would like the Town to assume maintenance for the private access roads.

Vice-Chairman Drobinski and Town Manager Valente clarified that the Town is unable to tend private ways using public funds. The process required to establish the roadways in question as public ways would first have to be completed. This is estimated as a six-month process for completion. It was suggested that the petitioners pursue the appropriate procedures.

The petitioners are directed to research with the Planning Board whether the area in question is an approved subdivision and thus, there is a public way to better determine maintenance status.

Selectman O'Brien cautioned Mr. Bourne that the Board will need to scrutinize such a request very carefully, given the larger ramifications of this issue Town-wide.

### **Minutes**

It was on motion unanimously

VOTED: To approve the regular minutes of January 30, 2007.

### **Town Trust Funds - Unaudited Financial Statements**

It was on motion unanimously

VOTED: To approve, acting as Co-Trustees of Town Trust Funds, and as a matter of record, the unaudited Town Trust Funds Second Quarter FY07 Report dated December 31, 2006, as submitted by the Finance Director/ Treasurer-Collector, Andrea Terkelsen, in her February 7, 2007 request.

**The Sudbury Foundation - Grant**

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a \$3,600 grant from The Sudbury Foundation to the Fire Department Gift Account for the purchase of eight GPS units for Fire Department vehicles, to be expended under the direction of Fire Chief Kenneth MacLean, as requested on February 6, 2007.

**Ambulance Billing Schedule - Revision**

It was on motion unanimously

VOTED: To approve a corrected version of the 2007 ambulance billing schedule, initially approved by the Board of Selectmen on December 19, 2006, as submitted by Fire Chief Kenneth MacLean on January 30, 2007.

**Board of Appeals - Appointment**

It was on motion unanimously

VOTED: To appoint Board of Appeals Associate Nancy G. Rubenstein, 57 Winsor Road, to full Board of Appeals membership to fill a vacancy occasioned by the resignation of Constantine Athanas, for a term to expire April 30, 2011; and to appoint Benjamin D. Stevenson, 601 Peakham Road, as a Board of Appeals Associate/Earth Removal Board member to fill a vacancy occasioned by the resignation of Richard Burpee, for a term to expire April 30, 2007, as requested in a letter by Jeffrey P. Klofft, Board of Appeals Chairman, dated January 26, 2007.

**Sudbury Historical Commission - Appointment Correction**

It was on motion unanimously

VOTED: To rescind the November 9, 2006 appointment of Elizabeth A. Radoski, 358 Old Lancaster Road, to the Sudbury Historical Commission, for a term to expire on April 30, 2008 and to approve the corrected appointment of Elizabeth A. Radoski, 358 Old Lancaster Road, to the Sudbury Historical Commission, for a term to expire on April 30, 2009.

**Board Annual Appointments**

It was on motion unanimously

VOTED: To approve the appointments of Joseph D. Bausk as a paid Special Constable; Kenneth J. MacLean, James Kelly, Arthur Richard, and Earl Midgley as unpaid Special Constables for terms to expire April 30, 2007.

**Committee for the Preservation and Management of Town Documents - Appointment**

It was on motion unanimously

VOTED: To approve the appointment of Rosemary B. Harvell, 301 Hudson Road, in her position as Town Clerk, to the Committee for the Preservation and Management of Town Documents, to fill the vacancy occasioned by the retirement of Barbara A. Siira, for a term to expire on April 30, 2008.

**Sudbury Municipal Housing Trust - Update and Formation**

As the Board's representative to the Interim Trust, Selectman O'Brien reported that the revised draft of the Sudbury Housing Trust has been provided by Housing Specialist Beth Rust for the Board's final review and comments.

Town Manager Valente stated that Town Counsel Paul Kenny worked closely with the Interim Trustees to produce a good, final Trust document, which will serve the Town well for affordable housing projects.

It was on motion unanimously

VOTED: To accept the final Sudbury Housing Trust document as reviewed this evening, which will be voted upon by the Community Housing Committee at its February 14, 2007 meeting, to replace the Interim Municipal Affordable Housing Trust, which will expire on February 15, 2007.

**Articles for 2007 Annual Town Meeting & Ballot Questions**

The Board reviewed the three ballot questions plus the pro and con arguments (Capital Exclusion, Budget Override, and Debt Exclusion), and determined its position on the articles and reports to be accepted for the Annual Town Meeting Warrant.

It was on motion unanimously

VOTED: To approve the operational Override Budget ballot question and to authorize Town Manager Valente to add appropriate language to convey the revisions recommended this evening by Selectman O'Brien.

Selectman O'Brien also recommended today several revisions to the Construction of the Police Station ballot question, which have been incorporated into a revised version by Town Manager Valente. Chairman Keller requested that the phrase regarding the "estimated impact on the tax rate" be deleted.

It was on motion unanimously

VOTED: To approve the Police Station Construction ballot question and to authorize Town Manager Valente to revise the language appropriately as recommended by the Board this evening, subject to the review of Town Counsel.

Upon review of the language for the Capital Exclusion Purchase of the Fire Engine, Chairman Keller requested that the phrase be clarified to include that the "estimated impact on the tax rate will only be for one year, FY08."

It was on motion unanimously

VOTED: To approve the Capital Exclusion Purchase of the Fire Engine ballot question and to authorize Town Manager Valente to revise the language appropriately as recommended by the Board this evening, subject to the review of Town Counsel.

A brief discussion ensued regarding whether the three items could be bundled. It was determined that this would probably not be possible since the items vary in type of applicable exclusion from the limits of Proposition 21/2.

It was also on motion unanimously

VOTED: To place and order the following questions on the Ballot for the March 26, 2007, Annual Town Election as Ballot Question #1 - Budget Override; Ballot Question #2 - Purchase of the Fire Engine; and Ballot Question #3 - Construction of the Police Station, and to approve the summary and *pro and con* arguments therefor subject to review and revisions by Town Counsel, not to effect the intent.

The Board reviewed a revised list dated February 12, 2007, and determined its position on the remaining articles and reports to be accepted for the Annual Town Meeting Warrant.

It was on motion unanimously

VOTED: To accept the positions, as designated on the revised draft listing dated February 12, 2007, for articles submitted for the 2007 Annual Town Meeting Warrant as presented, subject to the following revisions:

- #3 - FY08 Budget - Position- Support both budgets, but noting that the Town should try to allocate funds as presented in the recommended budget of the Finance Committee
- #5 - FY08 Capital Budget - Position- Support
- #6 - Purchase Fire Engine - FY08 Capital Exclusion - Position - Support
- #11 - Stabilization Fund - Position - Support \$50,000 for the override budget only
- #21 - Amend Zoning Bylaw, Art.IX, Section 3259A - Position - RTM since the Board is awaiting an additional communication from the Design Review Board
- #29 - Community Preservation Fund - Sudbury Town Center Project - Position - Support
- #30 - Community Preservation Fund - General Budget and Appropriations - Position - Support
- #32 - Sudbury Golden Age Passport Petition - Position - RTM and use Town Counsel's memo as rationale for pursuing established processes and include data from other towns.
- #33 - Senior Property Tax Relief - Position - RTM and use Town Counsel's memo as rationale for pursuing established processes and include data from other towns.
- #34- Frost Farm and Northwood Street Petition - Position - Oppose - and authorize the Town Manager to request a report be written by Town Counsel incorporating the recommended language by Vice-Chairman Drobinski.

It was on motion unanimously

VOTED: To authorize the Chairman of the Board of Selectmen to work with Town Manager Valente and Town staff to write a report on the Construction of the Police Headquarters to be presented at the 2007 Annual Town Meeting.



**Reports from the Board of Selectmen**

Selectman O'Brien reported that he attended the recent Finance Committee meeting. He thanked the Committee again for the many long hours spent, over several months, reviewing financial reports.

Selectman O'Brien also reported seeing a touching display of sympathy letters from alumni and other schools at Lincoln-Sudbury Regional High School last week.

Selectman O'Brien also reported having received complimentary feedback regarding Sudbury's budget materials contained on the Town's website from Maynard's Board of Selectmen's Chair.

Vice-Chairman Drobinski reinforced how diligently the Finance Committee approaches its overwhelming responsibility of scrutinizing the Town's financial "bottom line" and weighing the many financial needs of the community before making its recommendations.

Chairman Keller reminded everyone again to avail themselves of the abundant financial and budget-related information on the Town's website and at the Goodnow Library.

Chairman Keller also reported that Lincoln-Sudbury Regional High School held a service on February 12, 2007 in memory of James Alenson. There were tributes and performances by the band of which James was a member. He also reminded everyone that the Alenson family continues to need the Town's thoughts and prayers. Chairman Keller reiterated that, when the Alenson family is ready, Sudbury will be there to help them in any way possible.

Chairman Keller also attended a working group of the Lincoln-Sudbury School Committee which is establishing a review panel for safety and other issues related to the tragic event of January 19, 2007. It is his preference that representatives from both the Lincoln and Sudbury Boards of Selectmen be members of this panel. He again encouraged everyone to keep abreast of the information available regarding this event by going to the Lincoln-Sudbury Regional High School website to read Dr. John Ritchie's communications with the community.

Vice-Chairman Drobinski also reported that he and Town Manager Valente attended the Massachusetts Municipal Association Board Meeting and were sworn in by the Lieutenant Governor to their appointments on the Local Government Advisory Committee (LGAC). This was Mr. Drobinski's first opportunity to meet Governor Deval Patrick, whom he found to be quite personable and impressive.

**Reports from the Town Manager**  
**Local Government Advisory Committee**

Town Manager Valente also gave a positive report about attending the Massachusetts Municipal Association Board Meeting and LGAC with Vice-Chairman Drobinski. She, too, found Governor Patrick to be very optimistic. Ms. Valente was pleased to hear the Governor commit to a working partnership with town and school representatives for the benefit of the Commonwealth. The Governor spoke candidly about the State's financial deficits and challenges, but he stressed that a budget will not be balanced by further burdening the cities and towns.

Ms. Valente also reported that the Governor had extended his sympathies to Sudbury during its recent tragedy. On behalf of Sudbury, Vice Chairman Drobinski publicly thanked Governor Patrick directly for his compassionate gesture.

**Police Station**

Town Manager Valente announced that the first of many open houses at the current Police Station will be held February 18, 2007 from 10:00 a.m.- 2:00 p.m. It will be an opportunity for Town residents to familiarize themselves with the many reasons a new Police Station is needed. Children are welcomed and age-appropriate activities are planned. More information is available on the Town website.

**Rail Trail Conversion Advisory Committee (RTCAC)**

Town Manager Valente reported that the Rail Trail Conversion Advisory Committee (RTCAC) meeting scheduled for Thursday, February 15, 2007 has been cancelled due to an inability to fulfill quorum requirements.

There being no further business, the meeting adjourned at 10:25 p.m.

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