

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, MARCH 10, 2009

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

The statutory requirements as to notice having been complied with, the meeting was convened at 7:05 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:05 p.m., Chairman O'Brien opened the meeting and announced that he will be excusing himself from the meeting for about an hour to attend his daughter's basketball playoff game.

He reminded the community that this was the last day to register to vote and that the Town Clerk's Office was open until 8:00 p.m. to accommodate those who are not registered and who wish to vote in the Annual Town Election on March 30th and Town Meeting which will open April 6.

There are three contested races: Sudbury Public Schools, L-SRHS Committee and Board of Health. Learn more about the candidates at the League of Women Voters Candidates Night at the Goodnow Library, Thursday March 12 at 7:30 p.m. The school candidates will participate. However, the Board of Health candidates, both medical practitioners, will not attend because both have medical obligations that evening.

Finally, dog owners were reminded that they have until March 31st to register their pets before incurring a late penalty.

Intermunicipal Agreement – Park and Recreation Director

Town Manager Valente described the lengthy process involved in drafting this unique agreement between the Towns of Wayland and Sudbury to share the services of a Park and Recreation Director. The details have been worked on for several months between Sudbury's Human Resources Dir. Wayne Walker and his Wayland counterpart John Senchyshyn. There were also many meetings between the Boards of Selectmen of both towns as well as the Park and Recreation Commissions. Sudbury's Park and Recreation Director's position has been open since the departure of Dennis Mannone and the Wayland director was seeking additional hours. The decision was eventually made to offer the position to Nancy McShea who will split a 40-hr. week, averaging 20 hrs. between each town. Ms. Valente stated that July 1, 2009, will be the start date for Nancy with the Town of Sudbury. However, in the interim, the Town will try to purchase hours from her between now and July 1 to help current staff which is stretched thin while coming into a very busy time of year. This will also help to transition Nancy into the position. Ms. Valente opined that bringing Nancy on board in this capacity will eliminate the need to lay off one person from the Park and Recreation Department.

Chairman O'Brien asked the question that will be on several minds: what will this do to the budget and how much will be saved. Town Manager Valente estimates that it will save the Town approximately \$40,000 as well as one position. Chairman O'Brien introduced Nancy and asked to share her background and credentials. He stated he hopes this Agreement with Wayland will be a good example for other Towns who might be interested in adopting such a practice.

Ms. McShea shared that she has worked for Town of Wayland since June of 2005 and prior to that was with Acton for 7 years. She has a background in Phys Ed teaching, a Masters in Sports Studies and has worked with Sudbury's Park and Recreation Dept. on a number of occasions so they are not strangers.

Selectman Keller asked about how she sees splitting her hours. She envisions spending full days as opposed to splitting days and wasting time commuting back and forth. Nancy stated that at the conclusion of each month she will see that there is an equal amount of hours; how it breaks down will depend on what is happening in each Town. It will be a "trial and error" schedule for a while to see what works best. She shared that she is excited with the opportunity, is professionally looking forward to the challenge, and hopes to see this collaboration become a model for other communities.

It was on motion unanimously

Voted: Under the provisions provided in M.G.L. ch. 40, sec. 4A, to sign an "Intermunicipal Agreement" between the towns of Wayland, MA and Sudbury, MA to employ the services of the Wayland Recreation Director who will devote all of her efforts to the Town of Sudbury Recreation Department, programs and facilities for an average of 20 hours each week, all terms of which are outlined in said Agreement dated March 10, 2009.

At 7:30 p. m., Chairman O'Brien turned Chairmanship of the meeting over to Vice Chairman Keller.

Citizen Petition

Mr. Keller acknowledged a Citizen's Petition from Robert Haarde, 37 Belcher Drive, who is a member of the Budget Review Task Force (BRTF). Mr. Haarde commended the Board of Selectmen for this excellent cost-saving action to better sustain the finances of the Town. He pointed out that this effort was well underway before the BRTF recommended such an effort as a cost savings to the community.

Reports From the Board of Selectmen

Selectman Drobinski announced that he attended an Agricultural Commission meeting last week. While there, he met potential commissioner Pam Lupo who will be coming before the Board for appointment in the near future. The Commission has several exciting events and ideas planned over the next few months, which he will run by the Town Manager and bring to the Board.

Mr. Drobinski further reported that there have been Executive Session meetings addressing contract negotiations and health insurance issues. These will continue until a workable solution is reached.

Selectman Bill Keller concurred, saying these have been hard-working sessions, addressing the structural deficit and health insurance issues, and have included both School systems. He further observed that many communities are dealing with major financial problems with some calling on employees to take a salary freeze for one year. In fact, the City of Quincy's Fire Union is pro-actively doing something to help save the jobs of their younger staff members by accepting a one-year wage freeze; Fall River's Fire Department, on the other hand, is facing major layoffs.

Bill Keller wanted to commend the Sudbury Fire Department on their quick response to neighborhood situation which he personally witnessed. His next door neighbor experienced an electrical problem which was very unnerving as she was alone at the time. The Fire Department's arrival and handling of the situation was quick and professional as they dealt with an electrical box problem. They worked also to calm the homeowner until NStar arrived to address the issue.

Town Manager Valente announced that she would like to give credit to both Public Safety departments. She stated that far too often not enough is said about all that both departments do as far as of their daily

routines: it's not always about a fire or a crime. Often, it's not until something happens in our own neighborhood that we are really aware of how much else occurs every day.

Reports from Town Manager
Police Chief – Update

Ms. Valente reported that Police Chief Peter Fadgen officially left his position as of March 8. It was fitting that the Board declared March 6 as “Pete Fadgen Day” and it was a great tribute. Many of the staff wore yellow stars in honor of the occasion. She commended her staff for working without a budget and putting on a great reception. She expressed further appreciation to Sudbury Farms for stepping forward and providing platters for the occasion, which helped immensely to make the reception such a success. She announced that she appointed Lt. Richard Glavin as Interim Police Chief. She is confident that he and Lt. Scott Nix will handle the Police Dept. well and that the Town will be in very capable hands – yet another credit to Pete Fadgen for bringing these people along so well.

Citizens Academy

Town Manager Valente reported that she and Town Moderator Myron Fox were guest speakers at the recent “Citizens Academy” – explaining the inner workings of Town Meeting, and what it takes to put it all together. It was a great group of people who had wonderful questions. The “Citizens Academy” sessions have all been recorded and will be available on local programming, starting today.

Town Meeting

Ms. Valente stated that there may be a postponement of discussion and vote on the FY10 Budget Article at Town Meeting, possibly continuing such discussion to Monday, May 4 at 7:30 p.m.

Septage Committee

Regarding the Septage Committee, a proposal has been made for Sudbury to take over and perform an integrated financial management. However, this does not include the ability for Sudbury to issue debt, which is an issue for Wayland. As yet, there has been no response to the proposal. There is also a question about the need to raise \$450,000 in bonding for capital equipment, which would be split between both towns.

Stimulus Funds

Ms. Valente reported that the first round of stimulus disbursements has been announced, and there were no MetroWest communities named.

Haskell Field

The walking track and the Boundless Playground were both developed through private funds. All out-of-pocket expenses were donated, although the DPW helped with the installation.

MetroWest Public Health

Town Manager Valente announced that she and Chairman O'Brien plan to attend a meeting on March 17 to explore the potential for regionalization and other collaborative approaches to providing health services in the MetroWest area and the possibility of securing federal and other funding at the regional level.

Transportation Improvement Program (TIP)

Ms. Valente reported that the projects submitted this year are the same. DPW Director Bill Place and Planning Director Jody Kablack have worked diligently on these in the past and have ordered them as follows: 1) Rt. 20 and Landham Rd. Intersection; 2) Rt. 20 and Horse Pond Road Intersection; 3) Bruce

Freeman Rail Trail (Phase 2d); 4) Rt. 20 and Wayside Inn Road and 5) Bruce Freeman Rail Trail (Phase 2E) - the CSX-owned portion.

Selectmen Bill Keller and John Drobinski agree with the priorities as set, and Ms. Valente reported that these TIP projects are due to be submitted next week.

Sudbury's Credit Rating

Town Manager Valente commented on a recent news article which reported on the credit ratings of several local communities. Sudbury was listed as AA1 by Moody's, a second source; however, Sudbury has been rated AAA by Standard & Poor's for several years. This is their highest rating and allows Sudbury the best borrowing rates, which in turn saves a great deal of money over time.

Raytheon Company – Minor Site Plan Approval

Present: Jody Kablack, Director of Planning and Community Development

At 7:45 p.m., Vice Chairman Keller introduced Jody Kablack, Director of Planning and Community Development who presented the Raytheon Co. Minor Site Plan (SP#09-001) for a wastewater treatment facility upgrade, mandated by the Massachusetts DEP for property located at 528 Boston Post Road, Assessor's Map K07-0013, zoned Limited Industrial District (LID #1). She stated that all issues regarding the application had been addressed.

It was on motion

VOTED: To sign the Raytheon Company Minor Site Plan (SP#09-001) for a wastewater treatment facility upgrade, mandated by the Massachusetts DEP, for property located at 528 Boston Post Road, Assessor's Map K07-0013, zoned Limited Industrial District (LID #1).

Public Hearing: MetroPCS Massachusetts, LLC – Minor Site Plan Application

Present: Atty. Scott Lacy, Prince, Lobel, Glovsky & Tye and Jody Kablack, Director of Planning and Community Development

At 8:00 p.m., Vice Chairman Keller opened the Public Hearing regarding a Minor Site Plan application (SP#09-003), submitted by MetroPCS Massachusetts LLC to install and operate three panel antennas for wireless communications entirely within a proposed church steeple of property located at 251 Old Sudbury Road, Assessors Map H09, Lot 0053, owned by Sudbury Methodist Church, zoned Single Residential A.

Director of Planning and Community Development Jody Kablack noted that the hearing was duly advertised in the *Sudbury Town Crier* on February 19 and 26, 2009, and abutters were duly notified. She briefly reviewed file materials, including: an Application for Site Plan Approval dated February 6, 2008, including Site Plan prepared by Aerial Spectrum, Inc., dated November 14, 2008, revised November 18, 2008, consisting of 5 sheets; supplemental memo from Scott Lacy, Prince, Lobel, Glovsky & Tye, dated February 6, 2009; Radio Frequency Affidavit, Propagation Maps, and Emissions Report, and FCC License; a memo from Debbie Dineen, Conservation Coordinator, dated February 11, 2009, stating that the proposal is outside any wetland jurisdictional area, but also noting three issues for further comment: (1) the footprint of the building is not accurate, as an addition has been added on the rear of the building; (2) an additional 160 sq. ft. of impervious surface will be added by this proposal, therefore some improvement to stormwater management conditions should be proposed; and (3) questioning the reasoning for the setback from a school in the bylaw; an email message from Jim Kelly, Building Inspector, dated February 20, 2009, stating that the property is within an Historic District and subject to a Certificate of Appropriateness from the Historic

Districts Commission, and recommending that a second carrier be approved as part of this initial application; a memo from the Design Review Board, dated February 12, 2009, approving this application; and a memo from Ms. Kablack dated March 6, 2009, noting comments and recommendations. She noted that the facility will consist of three wireless antenna mounted within the steeple and equipment cabinets installed within an 11' x 17' fenced-in area located behind the church. The height of the steeple will remain at its existing 82'. The antenna will be located at approximately 75'.

Scott Lacy representing Prince, Lobel, Glovsky & Tye stated the Church steeple will be replaced with one looking exactly the same with cable down the steeple out the back to the radio equipment. He stated that issues addressed in the Conservation Coordinator's memo have been corrected, including a reduction in the impervious surface.

Vice Chairman asked Mr. Lacy if MetroPCS was a new entity; it was confirmed that they are relatively new, having been established in 2006 with towers in many abutting communities. Mr. Lacy shared that there are many new Sudbury subscribers within the past month. They will be a new competitor in the area.

Mr. Keller also asked about the purpose of the setback. Mr. Lacy stated it's really about how it impacts the carrier and should result in fewer dropped calls. Mr. Keller opined that these days there are more complaints about dropped calls than there are about the number of towers. Mr. Lacy further stated that traffic to the tower will be minimal – one or two vehicles a month – and there will be no signage except on the cabinets, which are behind the fence.

Selectman Drobinski asked about a backup generator and was told that there is none. However, there is a backup battery which lasts a few hours.

Mr. Lacy was questioned about the possibility of a co-locator on the new installation. He stated they do not have a problem with that – only about how it would co-locate. He stated it would depend on the areas of gaps in coverage. Ms. Kablack confirmed that it is the Town's desire to have new facilities outfitted to provide co-locations to minimize the number of towers yet provide adequate coverage.

Ms. Kablack confirmed that most carriers use the cabinet format; and they can designate whatever size is appropriate for a co-locator. Then, as the need arises, if there is sufficient room for a co-locator, it only needs to be agreed upon between the carrier and the Church. If a carrier cannot fit in, and there needs to be a redesign within the modification, the carrier would have to come back before the Board of Selectmen.

Bill Cooper, a Trustee of the United Methodist Church, spoke and confirmed the Church's approval of an additional carrier if it can be worked out.

Atty. Lacy brought up the question of Town needs regarding public safety. Ms. Kablack stated that there is a the need for additional carriers and the need to designate new areas. The bylaw is now 11 years old and there were only five sites initially selected. The Town now finds itself needing to perform an updated study to identify those areas. The past four or five new carriers have voluntarily contributed \$2,500 each toward funding these space studies and to help as well with the upgrades and the equipment needs of the Public Works, Fire and Police Departments. Atty. Lacy stated that his client would be happy to contribute a similar donation to such a fund for these proposed projects. Selectman Keller commended Atty. Lacy for his client's generous donation to this fund.

Atty. Lacy further stated that MetroPCS is prepared to post a Removal Bond.

All issues having been addressed, it was on motion

VOTED: To continue the Public Hearing regarding the Minor Site Plan Application SP09-003, dated February 6, 2009, by MetroPCS Massachusetts, LLC, to install and operate three panel antennas for wireless communications entirely within a proposed steeple of the Sudbury Methodist Church, 251 Old Sudbury Road, Assessors Map H09-0053, zoned Single Residential A, to March 24, 2009, at 7:45. Town staff will prepare a draft decision for that hearing.

Public Hearing: Comcast of Massachusetts III, Inc.

Present: Jeff Winston, Sudbury Access Advisor, and Tim Kelly, Comcast Sr. Mgr. of Government and Community Relations

At 8:40 p.m., Vice Chairman Keller opened the Public Hearing regarding the cable licensing process in Sudbury, and the renewal application for such license received from Comcast of Massachusetts III, Inc. Jeff Winston, Sudbury Access Advisor, was introduced by Vice Chairman Keller and acknowledged as a long-time volunteer and advisor to the Town on cable-related issues.

Mr. Winston reported that the Restated and Renewal License to Comcast of Massachusetts III, Inc. has been reviewed at length by Town Counsel Paul Kenny and Attorney Peter Epstein cable licensing specialist, who are happy with the agreement.

On a question from Selectman Drobinski, Mr. Winston responded that cable television came to Sudbury in 1985 through Adams-Russell; and there have been many versions of that license since then leading to our current licensee, Comcast of Massachusetts III, Inc. The Town's current Comcast license remains in effect until the new one cuts in on November 6, 2010. One of the larger issues to be negotiated was public access. Jeff said he took the license from another town and reworked a majority of it for Sudbury. Peter Epstein reviewed all the changes, and then Jeff and Comcast went thru a few rounds of negotiations and worked down to about four major issues which were subsequently resolved. One of the major areas in question revolved around adding a new cable "drop" if the Town should add a new building.

Selectman Drobinski asked about other collaborative negotiating points. Jeff stated that one of the biggest sticking points was end-to-end maintenance of the Inet which Comcast is responsible to maintain. Mr. Drobinski also questioned how the Comcast Agreement compares with Verizon's. Jeff opined that they compare much the same. He further stated that he and Peter felt strongly that the playing fields between Verizon and Comcast be even. Mr. Drobinski questioned Access Funding; Jeff stated that it is the same as from Verizon.

Jeff summarized that the Comcast Agreement is a 10-yr. license. He believes it will serve the Town well as it is well positioned at present. He further stated that there have been very few complaints against Comcast, which a few years ago installed a Customer Care System; customers appear to be very happy with the results.

Tim Kelly, Comcast Sr. Manager of Government and Community Relations, stated that Jeff has done a very good job for the Town and was very diligent in his pursuit to refine every detail or question to perfect the final agreement. He thanked Jeff for his cooperation and his perseverance and labeled him a great advocate for the community. He pointed out that Jeff is a volunteer who cares deeply about his commitment to the Town and its subscribers.

Vice Chairman Keller and Selectman Drobinski similarly acknowledged Jeff's dedication and resolve in bringing about the best possible cable service to Sudbury, and they expressed appreciation for all his efforts on behalf of the Town.

Town Manager Valente asked if she could pose a question to Tim Kelly. She stated that she often receives promotional literature from Comcast demonstrating its commitment to community projects with funding and manpower. She stated that Sudbury has a few projects in the works that could use some assistance. She asked how Sudbury could better connect with Comcast. Mr. Tim Kelly stated that he would be the person to contact and that *Comcast Cares Day* events work to partner with communities and non-profits. Ms. Valente thanked Mr. Kelly and promised to be in touch.

Chairman O'Brien rejoined the meeting at this time.

Common Victualler and Entertainment License – Franco's Trattoria

Present: Franco Bruno and Donna Moy-Bruno of Natalie's Restaurant, Inc.

At 9:00 p.m., Chairman O'Brien convened a meeting on the application of Franco and Donna-Moy Bruno of Natalie's Restaurant, Inc., d/b/a Franco's Trattoria who have applied to the Board of Selectmen for Common Victualler and Entertainment licenses for their new business to be located at 365 Boston Post Road (Mill Village), former site of Café Decadence. Their restaurant will feature Italian fare representing the finest of northern and southern Italy, similar to the business they have enjoyed for many years in Framingham. They will serve lunch and dinner to start and perhaps add breakfast sometime down the road.

Selectman Keller questioned the Brunos concerning their opening date, which is uncertain at present. He related to them that he has frequented their restaurant in Framingham and enjoyed both the facility and the food. He suggested that they might wish to apply down the road for a Wine and Malt Beverages License, which would enhance their Italian menu. Mr. Bruno agreed and stated that they would give it some thought.

Town Manager Valente announced that there are no outstanding issues from the Fire Chief, Building Inspector and Board of Health. Upon completion of a few minor adjustments, all permits and a certificate of occupancy will be granted.

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, in accordance with MGL c140, to approve Common Victualler and Entertainment licenses for Natalie's Restaurant, Inc., d/b/a Franco's Trattoria, Franco Bruno, Manager, 365 Boston Post Road, as requested in applications dated February 23, 2009, said licenses to expire December 31, 2009.

Spring Cleanup Day – Proclamation

It was on motion unanimously

VOTED: To proclaim April 19-25, 2009 as Sudbury Earth Week, designating Saturday, April 25 as Spring Cleanup Day for the annual Sudbury roadside cleanup, and to sign a Proclamation to that effect.

Discretionary Fund Donation

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a \$1000 donation from the Our Lady of Fatima 500 Club to the Discretionary Fund, to be expended under the direction of the Community Social Worker Martha Lynn, and to send a letter of appreciation to the 500 Club.

Donation to the Fire Department

It was on motion unanimously

VOTED: To accept a resident's donation to the Sudbury Fire Department of two Site Master antenna and cable analyzers, valued at approximately \$10,000, which use a radio test technique for early detection of potential cable problems, as requested by Fire Chief Ken MacLean in an email dated February 25, 2009.

Fee Increase – Town Clerk's Office

It was on motion unanimously

VOTED: To approve an increase in the fee structure of Town Clerk documents to assist in covering the costs of producing, issuing and storing the applicable documents, as outlined in a memo dated March 5, 2009, from Town Clerk Rosemary Harvell.

Executive Session

At 9:20 p.m., Chairman O'Brien announced the close of the regular meeting and it was on roll call unanimously

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

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

There being no further business, the meeting adjourned at 9:20 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk