

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, JANUARY 8, 2008

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

The statutory requirements as to notice having been complied with, the meeting was convened at 7:31 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

Chairman Drobinski welcomed the Board back from the holidays, and wished a Happy New Year to all Sudbury citizens. He commented that the evening is almost spring-like, and that Boston reached a record-breaking 67 degrees today. Chairman Drobinski reminded the community to be careful driving now that school is back in session. He also asked the community to help the Department of Public Works by shoveling fire hydrants in Town.

Chairman Drobinski announced that the Primary Ballot will be held February 5, 2008. He encouraged registration, and noted that absentee ballots are available. He also reminded the community that the Town's budget season is underway. Chairman Drobinski complimented the Town Manager, Town staff and the Finance Committee on the excellent Budget package which has been prepared this year. He encouraged the community to review the budget information, which is available on the Town website, and to attend upcoming budget hearings to be better prepared for the challenging discussions ahead.

Chairman Drobinski also announced that 13 Town positions are open for election this year. He encouraged anyone interested in becoming more involved in Town issues to consider filling out the proper paperwork at the Town Clerk's Office. Chairman Drobinski also announced that he has decided to run again this year for the Board of Selectmen.

Town Manager Valente announced that the Community Emergency Response Team (CERT) will host a presentation entitled, "Is New England Overdue For An Earthquake" on January 15, 2008, from 7:00 p.m. to 9:00 p.m., at the Goodnow Library. Additional information is available on the Town website.

National Park Services - Wild and Scenic River Stewardship Council Grant

Present: Lee Steppacher, National Park Services, and Deborah Dineen, Sudbury Conservation Coordinator

Town Manager Valente introduced Deborah Dineen and Lee Steppacher to explain the grant awarded to Sudbury by the Wild and Scenic River Stewardship Council. She noted that it is the second year that Sudbury has submitted a favorable application, and has been awarded a grant.

Conservation Coordinator Deborah Dineen explained that the intent of the grant awarded to Sudbury is to showcase one of the Town's most prominent natural resources. She described that the grant will allow an area to be cleared to provide off-road parking for an overlook area off Water Row to enjoy a fabulous view of the Sudbury river. Ms. Dineen noted that there are also plans to collaborate with the Sudbury Historical Commission to establish an interpretive sign for the spot, which will explain the immense role the river has played in Sudbury's long history.

National Park Services Project Coordinator Lee Steppacher presented the Board with the grant award check in the amount of \$650. Ms. Steppacher stated that the National Park Services Wild and Scenic River Stewardship Council awarded five small grants this year. She distributed to the Board copies of a listing of 2007 Highlights of the Sudbury, Assabet and Concord Wild and Scenic Rivers organization.

Ms. Steppacher briefly reviewed some of the activities currently being pursued by the group including: organizing Riverfest for June 14 and June 15, 2008, working with the Sudbury Valley Trustees to create a Sudbury River Boaters Trail and to continue land protection work, performing water quality studies, working with the Massachusetts Audubon Ecological Services to create an invasive species management program, and evaluating Federal activities and acting as an advocate for the Sudbury River.

Vice-Chairman O'Brien asked if the Council has been contacted regarding the proposed Concord Alexan development off of Old Powdermill Road. Ms. Dineen stated that the proposed development is within 150 feet of the Assabet River at its closest point. Ms. Steppacher said the Council would be interested in reviewing the plans. Vice-Chairman O'Brien encouraged Ms. Steppacher to gather the appropriate information from Town staff.

Ms. Dineen announced that the river overlook project is set to begin in the spring. She elicited the interest of volunteers, and asked anyone interested to contact her to help clear the area for the project. Additional information will also be available on the Town website as the project commencement date approaches.

It was on motion unanimously

VOTED: To accept, on behalf of the Town of Sudbury, a gift of \$650 from the Wild and Scenic River Stewardship Council towards construction of a Conservation Commission turnout project on Water Row, to be expended under the direction of the Town Manager.

Public Hearing: Omnipoint Communications, Inc. - 16 Great Road

Present: Brian Grossman, Prince, Lobel, Glovsky & Tye LLP, and Jody Kablack, Director of Planning and Community Development

At 8:00 p.m., Chairman Drobinski opened a Public Hearing regarding Site Plan Application #07-004 of Omnipoint Communications, Inc., for a minor site plan for property located at 16 Great Road, Assessors Map B07, Parcel Lot 050, owned by St. John's Evangelical; zoned Single Residential, to install and operate an antenna assembly for wireless communications entirely within the steeple of the Church, which was continued from November 27, 2007.

Director of Planning and Community Development Jody Kablack briefly reviewed materials received since the last hearing including: pre-and post proposed installation-coverage maps of the site, and email messages from the applicant's attorney Brian Grossman dated December 17, 2007 and January 4, 2008 respectively, and sketch plans of coaxial cabling on roof. Town Manager Valente distributed to the Board a memorandum she received from Ms. Kablack dated January 8, 2008, regarding the need for a Town-wide study of accommodating wireless service needs while minimizing tower proliferation.

Brian Grossman, the applicant's attorney, briefly described the proposed design options for the necessary box-out for the coaxial cable run. Chairman Drobinski asked if the Church congregation has stated a design preference. Both Ms. Kablack and Mr. Grossman responded that the Church has not expressed any opinions on the proposed designs. Vice-Chairman O'Brien stated that he prefers the revised design presented tonight, which reflects al symmetrical appearance.

Vice-Chairman O'Brien asked for a status report on the applicant's hearings with the Zoning Board of Appeals (ZBA). Mr. Grossman responded that both of the applications before the Board this evening have already been approved by the ZBA. Mr. O'Brien also broached with Mr. Grossman the notion of the applicant financially contributing to Town pursuits to improve the wireless bylaw and expand the overlay district. Ms. Kablack stated that there are known gaps in coverage within Sudbury. She further stated that

the Town would like to work with a consultant in the future to improve network service, while minimizing the visual impact of any expansion. Mr. Grossman responded that the applicant would not be able to contribute anymore towards those efforts as part of this application process other than the already determined \$2500. Mr. Grossman stated that the applicant would most likely support a Town decision to allocate some of the \$2500 to such efforts, and thereby reduce the amount allocated towards public safety needs. However, the applicant will not be willing to contribute more money than the previously offered \$2500 for either application under discussion this evening.

Chairman Drobinski asked Mr. Grossman to at least present the proposal to the applicant for future consideration, since it is in the business and financial best interests of all parties to identify non-contentious locations for future installations. Mr. Grossman agreed to discuss the matter with Omnipoint as a separate discussion unrelated to any pending applications. Selectman Keller agreed with Chairman Drobinski that such a partnership could help Omnipoint potentially service other uncovered areas noted on the coverage maps in the future. Selectman Keller stated that consistent coverage is more important to consumers as usage increases.

It was on motion unanimously

VOTED: To instruct the Town Manager to advise Town staff to prepare a draft affirmative decision regarding the application of Omnipoint Communications, Inc. for a minor site plan for property located at 16 Great Road, Assessors Map B07, Parcel Lot 050, owned by St. John's Evangelical; zoned Single Residential, to install and operate an antenna assembly for wireless communications entirely within the steeple, based upon the symmetrical revised design modification #2 as presented this evening.

It was also on motion unanimously

VOTED: To continue the Public Hearing regarding the application of Omnipoint Communications, Inc. for a minor site plan for property located at 16 Great Road, Assessors Map B07, Parcel Lot 050, owned by St. John's Evangelical; zoned Single Residential, to install and operate an antenna assembly for wireless communications entirely within the steeple of the Church to January 22, 2008, at 9:25 p.m.

Public Hearing: Omnipoint, Inc. - 104 Wayside Inn Road

Present: Brian Grossman, Prince, Lobel, Glovsky & Tye LLP, and Jody Kablack, Director of Planning and Community Development

Chairman Drobinski opened a Public Hearing regarding Site Plan Application #07-005 of Omnipoint Communications, Inc., for a minor site plan for property located at 104 Wayside Inn Road, Assessors Map L02, Parcel Lot 002, owned by Wayside Inn Corporation, zoned Single Residential, to install and operate three-panel antennas for wireless communications entirely within the steeple of the Church, which was continued from November 27, 2007.

Director of Planning and Community Development Jody Kablack briefly reviewed materials received since the last hearing including: pre-and post proposed installation-coverage maps of the site, and an email message from the applicant's attorney Brian Grossman dated December 17, 2007. Ms. Kablack noted that there are no pending design or open issues for discussion.

Vice-Chairman O'Brien asked if this installation will complete the coverage needs on the western portion of Route 20. Mr. Grossman responded, that although coverage needs are subject to change, this installation should be sufficient to meet the needs of that area for the foreseeable future.

It was on motion unanimously

VOTED: To instruct the Town Manager to advise Town staff to prepare a draft affirmative decision regarding the Site Plan Application #07-005 of Omnipoint Communications, Inc., for a minor site plan for property located at 104 Wayside Inn Road, Assessors Map L02, Parcel Lot 002, owned by Wayside Inn Corporation, zoned Single Residential, to install and operate three-panel antennas for wireless communications entirely within the steeple of the Church.

It was also on motion unanimously

VOTED: To continue the Public Hearing regarding the Site Plan Application #07-005 of Omnipoint Communications, Inc., for a minor site plan for property located at 104 Wayside Inn Road, Assessors Map L02, Parcel Lot 002, owned by Wayside Inn Corporation, zoned Single Residential, to install and operate three-panel antennas for wireless communications entirely within the steeple of the Church to January 22, 2008 at 9:30 p.m.

Minutes

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of December 11, 2007, and the regular session minutes of December 13, 2007 and December 31, 2007.

Sudbury United Methodist Church - The Rebecca Circle Donation

It was on motion unanimously

VOTED: To accept, on behalf of the Town of Sudbury, a \$980 donation from The Rebecca Circle of the Sudbury United Methodist Church, to the Cheri-Anne Cavanaugh Trust Fund, to be expended under the direction of the Town Social Worker, as requested by Lyn MacLean, Chair of The Rebecca Circle, in a letter dated December 27, 2007, and to send a letter of appreciation to The Rebecca Circle.

Reinsurance Coverage for Calendar Year 2007

It was on motion unanimously

VOTED: To approve and authorize the Town Manager to contract with Cook and Company for reinsurance coverage for the calendar year 2008, as outlined in a memorandum dated December 28, 2007, from Wayne Walker, Assistant Town Manager for an estimated annual premium of \$423,062.

Ambulance Billing Schedule

It was on motion unanimously

VOTED: To approve the new ambulance billing schedule for 2008 as presented by Fire Chief Kenneth MacLean in his request of December 14, 2007.

Fire Alarm Installation - Inspection Fee Increase

It was on motion unanimously

VOTED: To approve an increase in new Fire Alarm installation inspection fees from the present cost of \$20 to \$50 to bring this fee in line with the smoke detector/carbon monoxide detector inspection fee currently in effect.

Eagle Scouts - Troop 60

It was on motion unanimously

VOTED: To recognize, and enter into the Town record, that Ethan Douglas Arruda-Leuppert has achieved the high honor of Eagle Scout. On the Board's behalf, a letter of congratulations was sent by the Town Manager to be read at the Court of Honor ceremony held on January 5, 2008.

Comcast - Renewal Application

It was on motion unanimously

VOTED: To execute the amendment to the Cable Television Renewal License, dated November 6, 2000, last revised February 23, 2003, issued to Comcast of Massachusetts III, modifying the terms of the exercise of the PEG Access Corporation Management Option and related sections thereto.

Olde Bostonian Estates Subdivision - Drainage Easement

Present: Director of Planning and Community Development Jody Kablack

Chairman Drobinski clarified that the plan is for a three-lot subdivision. Director of Planning and Community Development Jody Kablack noted that the proposed easement presents no unusual circumstances, and fulfills all applicable requirements.

It was on motion unanimously

VOTED: To approve a Drainage Easement, granted by Frank R. Gazarian and Karen Lento Gazarian, 273 Goodman's Hill Road, shown on lots 2 and 3 on the "Definitive Subdivision Plan of 'Olde Bostonian Estates' in Sudbury, MA," dated June 19, 2007, revised November 29, 2007, drawn by Thomas Land Surveyors.

Regarding an unrelated matter, Chairman Drobinski asked Ms. Kablack to briefly summarize a zoning ruling announced today, which she had previously forwarded to the Board's attention. Ms. Kablack briefly explained that the Town of Norwell won an appeal case which declared that the Zoning Board of Appeals had a right to deny Special Permits for tear-down situations. Thus, a precedent exists for a Town to take a strong position to prohibit the reconstruction of substantially larger structures. Ms. Kablack stated that in Sudbury, over 25 tear-down proposals are reviewed a year, some of which are detrimental to the surrounding neighborhoods.

Reports From the Board of Selectmen

Selectman Keller reported that he enjoyed the holiday season, and the several weeks without meetings, but that he is now ready to take on the Town's 2008 work.

Vice-Chairman O'Brien announced that there will be a Budget Hearing on January 10, 2008 with Minuteman Regional Vocational High School, and Community Preservation Articles will also be discussed. The session will be televised on Channel 8. The Sudbury Public Schools and the Lincoln-Sudbury Regional Public Schools will be featured at a Budget Hearing on January 14, 2008. He encouraged the community to attend these hearings to become better acquainted with the budget challenges facing Sudbury this year.

Vice-Chairman O'Brien also attended a meeting in Concord last week regarding the proposed Concord Alexan development. He presented Sudbury's interest in having an environmental impact study completed, and its concern that Sudbury's North Fire Station would be in a position of first response to the development. Mr. O'Brien expressed that Sudbury supports affordable housing, but would like to ensure that the best possible development process is pursued. He also confirmed receipt of previous correspondence by appropriate parties. He mentioned that residents of Cranberry Circle also attended the meeting and presented their perspective well. A follow-up meeting is planned in Concord on February 14, 2008. Town Manager Valente distributed to the Board copies of an email message, for informational purposes, from Cranberry Circle residents regarding this matter.

Vice-Chairman O'Brien also reported that the Sudbury Housing Trust has been working on articles to be presented at the Town Meeting. In response to a Request for Proposal, the Trust is also preparing to work with Habitat for Humanity.

Chairman Drobinski thanked the Department of Public Works for keeping the roads safe during the December storms. Town Manager Valente noted that well over 50% of the year's snow and ice budget has already been used.

Reports From the Town Manager
2007 Draft Town Report for Board of Selectmen and Town Manager

Town Manager Valente distributed to the Board, for review and discussion purposes, copies of the draft Board of Selectmen and Town Manager 2007 report. Chairman Drobinski suggested, and the Board concurred, that mention be included of the Board's desire to explore ways to reduce the Town's carbon footprint.

Vice-Chairman O'Brien questioned whether a stronger statement should be made regarding the Board's belief that the previous proposals submitted for construction of a new Police Station were suitable. Selectman Keller recommended, and the Board eventually concurred, that the draft report not be altered regarding this issue.

Selectman Keller stated that he will provide the Town Manager with minor revisions to the educational excellence section.

It was on motion unanimously

VOTED: To approve the proposed Board of Selectmen and Town Manager 2007 Report as presented this evening, subject to revisions to be provided by Selectman Keller regarding the educational excellence section, and the inclusion by the Town Manager of the Board's goal to reduce the Town's carbon footprint.

Dog Revolving Fund - Expenditure Request

Town Manager Valente distributed to the Board, for review and discussion purposes, a memorandum dated January 7, 2008, regarding a request from the Dog Officer for funds to euthanize an elderly, ill-tempered stray dog at the Sudbury Animal Hospital.

The consensus of the Board was that Sudbury Animal Hospital should be more amenable to assisting the Town's Dog Officer than its \$110 charge suggests, especially since such a request happens so rarely. Selectman Keller offered to contact his veterinarian friends, who might be able to assist the Town more economically in the future.

It was on motion unanimously

VOTED: To approve the expenditure of \$110 from the Dog Revolving Fund, as requested by the Sudbury Dog Officer, for the purpose of euthanizing an elderly, ill-tempered Chow-mixed stray found wandering last week on North Road.

Election Workers - Appointments

Town Manager Valente distributed to the Board, for review and discussion purposes, a request from Town Clerk Rosemary Harvell to appoint eight election workers.

It was on motion unanimously

VOTED: To appoint eight election workers as outlined on the attached list from the Town Clerk for terms to expire on August 15, 2008.

Sudbury Finance Committee Budget Hearings

Town Manager Valente distributed to the Board, for review and discussion purposes, copies of a listing of the proposed Annual Town Meeting Monied Articles. Ms. Valente asked if a Selectmen would be able to address the Construction/Renovation of the Police Headquarters and the Senior Tax Deferral articles at the January 10, 2008 hearing. Vice-Chairman O'Brien plans to attend the meeting after 7:45 p.m., and he offered to explain the submissions on behalf of the Board. If his schedule changes, the Board authorized the Town Manager to speak on its behalf. Mr. O'Brien requested that the Town Manager ask Town Counsel to review his files for any helpful information related to these matters prior to the January 10, 2008 meeting.

Massachusetts Municipal Association

Town Manager Valente distributed to the Board, for review and discussion purposes, copies of the Massachusetts Municipal Association's Resolution on Municipal and School Finance for Fiscal 2009.

It was on motion unanimously

VOTED: To authorize the Town Manager to vote, on behalf of the Town of Sudbury, affirmatively for the Massachusetts Municipal Association proposals and issues as reviewed this evening.

Political Signs - Posting Guidelines

Town Manager Valente distributed to the Board, for review and discussion purposes, copies of a proposed listing of guidelines for political sign postings to be distributed to new election candidates when filing for official paperwork.

It was on motion unanimously

VOTED: To adopt as a policy the inclusion of the five-point listing of political sign posting guidelines by the Town Clerk as a handout to all prospective candidates for Town offices, and to request that the Lincoln-Sudbury Regional High School and the Sudbury Water District also include this handout in their candidate packages.

Programming, Management and Operation of PEG Access - Request for Proposal

Town Manager Valente distributed to the Board, for informational purposes, copies of the Notice of Request For Proposals for Programming, Management and Operation of PEG Access in the Town of Sudbury. She stated that the Request for Proposals will be posted on the Town website, with a response due date of February 1, 2008.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of December 11, 2007 and January 8, 2008.

Executive Session

At 9:10 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 land acquisition and collective bargaining.

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

There being no further business, the meeting adjourned at 9:11 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk