

IN BOARD OF SELECTMEN
MONDAY, AUGUST 25, 1997

Present: Chairman Blacker and Selectman Maryann K. Clark.

The statutory requirements for notice having been met, the meeting was convened by Chairman Blacker at 7:30 p.m. at the Fairbank Senior Center.

Chairman's Opening Statement

Chairman Blacker announced the area code hearing before the Department of Public Utilities on August 28, 1997, at 7:00 p.m. at the Lincoln-Sudbury Regional High School Auditorium. He urged residents to attend and participate in the hearing.

Citizen Statements

Darienne Housley of the *Town Crier/TAB* showed the Board what the new home town paper will look like. She presented the Board with a number of sample galley proofs. She explained that the Sudbury edition will have its own page. She stated that she hoped the new layout would present information, such as meeting schedules, in a better, easier to read, format. In response to questions from the Board, she explained that the paper would still come out on Thursdays and the press deadline would remain the same, noon on the preceding Friday, and, in some instances, the preceding Tuesday or even Wednesday, depending on the scope involved. She also explained that consumers would be required to pay for the paper (currently the TAB is free) and that it would include considerably more advertising than the existing one.

Minutes

It was on motion unanimously

VOTED: To approve the regular session and executive session minutes of July 28, 1997.

Donations - Council on Aging Vans

It was on motion unanimously

VOTED: To accept \$318.57 in miscellaneous donations for deposit into the Council on Aging Van Donation Account and to authorize the Council on Aging to expend the same for purposes of operating and maintaining the Council on Aging vans.

Grant from Dunkin' Donuts for Feeley Park Grandstands

It was on motion unanimously

VOTED: To accept a grant of \$6000 from SUD, Inc., d/b/a Dunkin' Donuts, to be deposited into a separate account and used for Feeley Park grandstands; to authorize the Park and Recreation Commission to expend such funds for such purpose; and to send a letter of appreciation from the Board.

Donation from Geleta Fenton to Fire Department

It was on motion unanimously

VOTED: To accept a donation of exercise equipment, to wit, (1) Octa-Gym, (1) Stairmaster, and (1) set of Bolinger hand weights, from Geleta Fenton, 57 Maple Street, Acton, MA 01720, and to send a letter of appreciation from the Board.

Approval of Disposal of Obsolete Vehicles and Equipment

Upon request from I. William Place, Director of Public Works and Town Engineer, it was on motion unanimously

VOTED: To authorize him to dispose, by bid or trade-in, in accord with Town Bylaw, Art. XII, the following equipment: (1) a 1986 Ford F350 dump truck; (2) a 1968 1 1/4 ton military Jeep; (3) three pavement drag boxes; (4) a Clark military fork lift model 6024; (5) a 1.3 CY. Yard Bucket/International Harvester Co.; and (6) a military trailer w/9:00-20 tires; all of which no longer provide service to the Town.

TIP Program FY 1998-2003

Selectman Clark suggested that the Town Manager direct staff to clarify that the Nobscot intersection project is *not* tied to the former Star Market project. Selectman Clark noted that Kathy Bartolini said the District 3 Section of the Highway Department was operating under such mistaken belief. Selectman Clark suggested that the Director of Public Works contact Katrina Fox of District 3 to correct this misinformation.

Town Manager Ledoux agreed to do so.

It was on motion, unanimously

VOTED: To approve the draft response, dated August 19, 1997, prepared by Town Manager Ledoux, to the Metropolitan Area Planning Council regarding the Draft 1998-2003 Transportation Improvement Program.

Drainage Easement and Driveway and Utility Easements - Summerfields Subdivision

It was on motion unanimously

VOTED: To accept a drainage easement granted by John W. Meachen, Jr., Brown Moore Meggs, Trustee of Meggs Family Trust, and the President and Fellows of the Harvard College over lots 14, 15, 16, 17, 10, 12, 13, 19, and 20 as shown on "Definitive Plan of Summerfields at Sudbury, Mass.", drawn by Thomas Land Surveyors & Engineering Consultants, Inc., dated April 29, 1996, last revised November 20, 1996; and two driveway and utility easements granted by Briarwood Development Corporation over Lot 2 and over Lot 3, as shown on "Plan of Land in Sudbury, Massachusetts", drawn

by Thomas Land Surveyors & Engineering Consultants, Inc., dated July 23, 1996, relative to the Summerfields subdivision.

Approval of Contract - Chipper

Upon request from the Department of Public Works, it was on motion unanimously

VOTED: To approve the contract for the purchase of a disc style chipper, diesel powered, trailer equipped, from Cleaves & Co. for \$20,545.00, without trade-in.

Marlborough Development Impact on Hop Brook

Selectman Clark informed the Board of various proposed developments in Marlborough, including a 408 unit facility at Rt. 290 and 495, an office and hotel development at the intersection of Williams and Forest Streets, and a senior condominium development near the site of Bertucci's Restaurant. She also noted a proposed Best Western, Hampton Inn, two other currently unnamed hotels, and a substantial addition to the existing Embassy Suites. She opined that Marlborough should be "holding the line" until some resolution is reached regarding the Easterly Waste Water Treatment Facility, as increased development would generate more pollution to the Hop Brook system impacting the Town. She suggested that the Town notify the Department of Environmental Protection of the situation and request an environmental impact review.

Chairman Blacker concurred and Town Manager Ledoux agreed to so notify the Department of Environmental Protection and request an environmental impact study.

Utility Petition 97-2 - Haynes/Pantry Road Intersection

It was on motion unanimously

VOTED: To approve Utility Petition 97-2 of Boston Edison Co. and New England Telephone and Telegraph Co. for the relocation of Pole 30/1 on Haynes Road at the Pantry Road intersection, to accommodate intersection reconstruction.

Capital Planning Bylaw

Town Manager Ledoux noted that the capital expenditures totaling \$43 million recently approved by the Townspeople came forward without the benefit of a "true capital plan". He said under the proposed bylaw a seven member Committee would be established to study proposed projects and to plan the Town's long-range capital development. He said that all projects costing \$10,000 or more or with a life span of five years or more would be subject to the Committee's review. Such would include capital projects within the local and regional school systems. He said that no appropriations would come before Town Meeting without a recommendation from the Committee. He said that he was looking forward to the Board's comments as well as comments from other Town boards, committees and departments.

Selectman Clark commented that the Committee would need members with either engineering and/or financial backgrounds that understand the costs of construction. She also suggested that an architect would lend useful experience.

Chairman Blacker suggested that some provision be made for the inclusion of emergency projects. He expressed his general bias against committees studying proposals and, in the process spending considerable sums, to ultimately conclude that the project is not feasible or worthwhile.

Town Manager Ledoux stated that the capital plan would, in essence, define projects under consideration for the next ten years. He agreed that a provision allowing for consideration of "emergency projects", such as in the case of a fire or other unforeseen event, would be appropriate.

The Board directed the Town Manager to move forward with soliciting comments from other Town boards, committees and departments and to report those findings to the Board.

Surrender of Licenses Held by Mark Hanna's Post Road Grille - 120 Boston Post Road

It was on motion unanimously

VOTED: To acknowledge and accept the surrender of the Restaurant License for the Sale of All Alcoholic Beverages, Common Victualler License and Entertainment License, held by Mark Hanna's Post Road Grille, Inc., Mark Hanna, Manager, 120 Boston Post Road.

Licensing: Sky Restaurant, 120 Boston Post Road.

Present: Stephen T. Corcoran, Manager, Sky Restaurant, and others.

At 8:05 p.m., Chairman Blacker convened a public hearing on the application dated August 6, 1997, of Let's Eat, Inc., d/b/a Sky Restaurant, 120 Boston Post Road, Stephen T. Corcoran, Manager, for a restaurant license to sell all alcoholic beverages and common victualler and entertainment licenses.

Notice of this public hearing was provided in accordance with state statute.

The Board was in receipt of the following:

1. A communication, dated August 14, 1997, from Police Chief Lembo, indicating that he had no objection to the issuance of the requested liquor license.
2. A verbal communication, dated August 22, 1997, from Fire Chief Dunne, indicating that he had no objection to the requested licenses.
3. A verbal communication, dated August 22, 1997, from John B. Hepting, Building Inspector, indicating that he had inspected the premises and had no objection to the requested licenses.
4. A verbal communication, dated August 22, 1997, from Robert B. Leupold, Director of Health, recommending approval subject to his final inspection.

Stephen Corcoran explained, in response to a question by Selectman Clark, that the restaurant would serve casual American food.

Selectman Clark noted that the restaurant had a large room that might accommodate some of the Town's meeting space needs, particularly during the library renovation. Chairman Blacker stated that he would not be opposed to renting the space for a nominal fee.

Mr. Corcoran expressed his amenability to such a proposal.

It was on motion unanimously

VOTED: To approve the issuance of a restaurant license for the sale of all alcoholic beverages; a common victualler license; and an entertainment license to Let's Eat, Inc., d/b/a Sky Restaurant, Stephen T. Corcoran, Manager, 120 Boston Post Road, subject to a favorable inspection report from the Director of Health, and approval by the Alcohol Beverages Control Commission.

Proposed Legislation Re: Licensing of Cable Operators by DPU Instead of Local Communities

The Board was in receipt of a communication, dated August 14, 1997, from William August, Esq., Horton & August, Boston, MA, advising of a bill recently filed with the state legislature that would allow cable operators to elect license renewal by the Department of Public Utilities (hereinafter referred to as DPU). Mr. August opines that such would effectively eliminate municipal leverage in renewal applications. He further informs that the bill is on the "fast track" and has the support of the administration. He suggests that comments on the legislation be forwarded to the Governor's Office and the Executive Office of Consumer Affairs and Business Regulation.

Chairman Blacker questioned the leverage local communities had actually given that the rate structure is set by the DPU.

Town Manager Ledoux explained that some communities, such as Lexington, had been able to gain concessions in allowing the free use of cable linkage for data networking. He stated that the MAA Action Alert urged communities to oppose the legislation and to communicate such to Governor Cellucci.

Selectman Clark indicated her opposition to losing community or local control.

It was on motion unanimously

VOTED: To oppose pending state legislation that would allow local cable operators to elect license renewal by the Department of Public Utilities instead of the local host community and to communicate such position to appropriate entities including the Governor's Office and the Executive Office of Consumer Affairs and Business Regulation.

One-day License for the Sale of Wines and Malt Beverages

The Board was in receipt of a joint communication, dated August 6, 1997, from Senior Center Director Ruth Griesel, Teen Center Director Jean Lind, and Park & Recreation Director Pat Savage, informing the Board of the Community Center's development since 1981 and of the Center's determination to celebrate with a town-wide free weekend of activities to be held at the Center on Saturday and Sunday, September 27 and 28, 1997. Plans include contests and tournaments on the new outdoor basketball, golf, and beach volleyball areas, as well as, family and individual pool activities.

Additionally, on Saturday evening, an adult event is planned, including a dance in the gym, various games, and food in the Senior Center. In conjunction with such, they request a special one-day permit to serve beer and wine at the Community Center, 40 Fairbank Road, on September 27, 1997, from 8:00 - 12:00 p.m. They indicated that they intended, on the advice of Town Counsel, to obtain a "special endorsement" to protect the Town from liability and to hire a police officer for security and crowd control.

Town Manager Ledoux informed the Board, contrary to the staff notation suggesting the license issue to Susan Kuykendall, Friends of the Teen Center, that the license should be granted to Patricia Savage, Director of Park & Recreation.

It was on motion unanimously

VOTED: To grant Patricia Savage, Director of Park & Recreation, a one-day special license for the sale of wines and malt beverages for the Community Center's Celebration on September 27, 1997, at the Fairbank Community Center, 40 Fairbank Road, between 8:00 - 12:00 p.m., conditioned on the securing of a special endorsement to protect the Town against the increased liability and on the hiring of a police officer to provide security and crowd control.

Area Code Hearing Before DPU

Town Manager Ledoux suggested the Board consider its presentation before the Department of Public Utilities (hereinafter DPU) on August 28, 1997, on the Town's request to maintain the 508 area code. He presented the Board with a copy of remarks intended to be made by Stanley Kaplan. Town Manager Ledoux stated that he believed the community's ties to MetroWest should be emphasized. He noted the Town's District Court is in Framingham, it shares a Septage Facility with Wayland and it is considering joint Fire/Police dispatch with Wayland. Also he stated that there is a "pocket", even as defined by the DPU, within the Town on Lincoln Road. He further noted that the Town had opted to join MetroWest and that Selectman Clark is Vice Chair of that municipal organization.

Selectman Clark added that the Town lies within the 13th Middlesex District and such districting also denotes the Town's similarities with these other MetroWest communities.

The Board concurred that the Town Manager should address the DPU on these points at the upcoming hearing.

Chairman Blacker stated that he also intended to address the DPU, but from a more conceptual perspective. He said that NYNEX-Bell Atlantic should abandon the geographic concept and use the overlay. He said regardless of the attempt to maintain a geographic designation, it is no longer feasible. In addition, under the proposed changes, one living in Sudbury will have to dial 10 digits to call virtually anywhere but within Sudbury. He opined that in the past one had a fairly decent sense of the geographic designations, but such is no longer true and unless you are calling Boston, you will have to look up the area code. Chairman Blacker also said that NYNEX-Bell Atlantic should simply assign all pagers and cell phones a separate area code. He stated he had been told that such was against FCC regulation, but more recently he had heard that such had been done in New York City. He directed the Town Manager to contact the DPU in New York to determine if such is indeed the case. Chairman Blacker suggested that,

even if the FCC regulation is applicable and would preclude such, then the regulation should be changed. He opined that such would be simpler than having to keep changing area codes.

Chairman Blacker inquired if the Chamber of Commerce was going to speak. Town Manager Ledoux responded in the affirmative and said there were a number of business interests planning to make presentations.

Town Counsel Services

Town Manager Ledoux reported that he had received thirteen responses to the RFP for Town Counsel Services. He requested direction on how the Board wished to proceed.

Chairman Blacker inquired if a chart could be created designating the similarities and differences among the various candidates, including such factors as municipal clients, fee structures, and cost saving potentials. Town Manager Ledoux indicated that such would be done and submitted to the Board.

Town Manager Ledoux asked if the Board wanted him to cull some of the applicants or if it desired to interview all thirteen. He said he believed that one applicant could be readily eliminated as he was in solo practice and without municipal experience.

Chairman Blacker agreed saying that he did not want to see the Town's position used as a training ground.

Selectman Clark expressed that she would like to interview all the applicants and Chairman Blacker responded that he was willing to do so. He suggested the Board determine in advance a fixed set of interview questions so an interview grid could be developed.

Town Manager Ledoux informed that some of the department heads may also wish to participate in the interviews, and Chairman Blacker suggested that those persons also submit a fixed list of questions so a grid could be maintained in assessing the candidates.

Cellular Tower RFP

Town Manager Ledoux informed the Board that he continues to receive a number of inquiries from cellular phone companies seeking cell tower sites on Town property. He said that the sites in question include: the former landfill, Town Garage area and part of the Sperry land. He said, if the Town were interested in pursuing such revenue, he would need to draft a RFP.

Chairman Blacker stated that he was not opposed to using the former landfill site, provided the towers could be sited on the periphery of the land so they would not preclude other potential use, such as a golf driving range. He noted that the area around the landfill is hardly one of rural beauty. He cited the presence of the Septage Facility, car dealership, and Longfellow Facility. Selectman Clark agreed, noting the presence of high tension towers to the left.

Chairman Blacker suggested that the Town Manager check the zoning bylaw and prepare the RFP to fall six inches short of the zoning requirement. He opined if it has to go before the Planning Board it will never make it. Chairman Blacker also suggested that the Town Manager call some of the cell phone

companies and inquire how high the towers would need to be given the elevation at the site. With that information the Town Manager could then determine whether such could be accommodated without the need to seek a zoning variance. Selectman Clark also suggested that the Town Manager inquire as to the status of the cell systems that would be affixed on telephone poles thereby making towers obsolete.

As to the other sites, Chairman Blacker stated that he could see a reasonable aesthetic defense with siting any towers near the Town Garage since that area is surrounded by homes. He further stated he thought that better use could be made of the Sperry site.

Executive Session

It was on motion by Chairman Blacker, by roll call vote, unanimously

VOTED: To enter into Executive Session for the purpose of discussing (1) a collective bargaining matter and (2) a real estate transaction.

(Chairman Blacker, aye; and Selectman Clark, aye.)

Chairman Blacker stated that the Board would not return to open session.

There being no further business, the meeting adjourned at 8:25 p.m.

Attest: _____
Steven Ledoux
Town Manager-Clerk