

IN BOARD OF SELECTMEN  
MONDAY, JULY 28, 1997

Present: Chairman Blacker and Selectmen Maryann K. Clark and John C. Drobinski.

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.

Telephone Area Code - Citizen Petition

The Board was in receipt of a copy of a citizen petition requesting the Department of Public Utilities to reconsider its placing Sudbury in the 978 area code and to consider allowing Sudbury to remain in the 508 area code.

Town Manager Ledoux explained that the residents who had urged the return to the 508 area code at the Board's meeting on July 14, 1997, had determined to file a citizen petition before the Department of Public Utilities in addition to the Board's own request for reconsideration.

Chairman Blacker commented that the Department should have gone with the overlay option since the effect of successful reconsideration petitions will be to reduce the creation of the needed new numbers.

Selectman Clark stated that ultimately everyone is going to have to dial ten digits regardless and Chairman Blacker agreed.

Request for Overhead Utilities - 33 Morse Road

Present: Applicant Paul Zarella, Oakwood Construction, 910 Boston Post Road, Marlborough, MA and others.

The Board was in receipt of the following:

1. A communication, dated July 24, 1997, from Joseph Zwirblia, Customer Service Engineer, Electric Customer Delivery, Boston Edison, 15 Blandin Avenue, Framingham, MA, to Paul Zarella suggesting a waiver to use overhead utility lines for Lot 1 Morse Road due to Boston Edison's 2-6" steel oil-filled transmission lines located underground on Morse Road. Such is used for cooling the 115,000 volt transmission lines feeding Edison's substations. The high voltage and potential danger of working and/or trenching near these lines were cited as grounds for a waiver.
2. Two diagrams, undated, showing the delivery of proposed overhead service to lot 1 Morse Road and underground service to other lots off Codman Drive.

Town Manager Ledoux reported that both the Wiring Inspector and Building Inspector recommend granting the waiver.

Paul Zarella explained that the requested waiver would permit overhead wires across Morse Road to a pole located on Lot 1 and that delivery would be underground from that juncture. Due to the location of the house on lot 1, he said it was not possible to bring in the service from any other poles.

It was on motion unanimously

VOTED: To grant special permission for installation of overhead electrical and telephone service to a new pole at Lot 1 Morse Road from Boston Edison Pole 126/55, as authorized by Town of Sudbury Bylaws Art. XX, Sec. 3.E, for a new home.

Minutes

It was on motion unanimously

VOTED: To approve the regular session and executive session minutes of July 14, 1997, and the special session minutes of July 17, 1997.

Donations - Council on Aging Vans

It was on motion unanimously

VOTED: To accept \$146.42 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 Friends of Sudbury Senior Citizens for Senior Work Program

It was on motion unanimously

VOTED: To accept a grant of \$500 from the Friends of Sudbury Senior Citizens to be deposited into a separate account and used to fund an additional position on the Senior Work Program to perform work in the Senior Center; to authorize the Council on Aging to expend such funds for such purpose; and to send a letter of appreciation from the Board.

Grant from Sudbury Valley Trustees, Inc., for Patrolling Memorial Forest

It was on motion unanimously

VOTED: To accept on behalf of the Police Department a grant in the amount of \$1500.00 from Sudbury Valley Trustees, Inc., to be deposited into a separate account and expended under the direction of the Police Chief to assist in the expenditures associated with patrolling the 275-acre Memorial Forest Reservation and Wildlife Sanctuary on Dutton Road.

Contract - Boston Post Road/Nobscot Road Traffic Control Project

Upon request from the Town Manger, it was unanimously

VOTED: To approve a contract in the amount of \$26,700 with Vanasse Hangen Brustlin, Inc., for the Boston Post Road/Nobscot Road Traffic Control Improvement Project to provide traffic signal design and related engineering services.

Drainage and Access Easement and Conservation Easement - 23 Run Brook Road

Upon request by the Town Manager, the Board agreed to table the question of accepting on behalf of the Town a Drain & Access Easement and Conservation Easement, dated July 21, 1993, granted by Thomas R. and Theresa M. Sommerfield, 23 Run Brook Circle, Great Pond Woods subdivision.

Appointment of Election Officers

It was on motion unanimously

VOTED: To appoint election officers for the year expiring August 15, 1998, in accordance with recommendations of the Democratic and Republican Town Committee Chairmen and the concurrence of the Town Clerk.

Establishing Revised Cemetery Fees

Present: I. William Place, Director of Public Works/Town Engineer, and others.

The Board was in receipt of a survey of the Town's existing cemetery fee structure, compared with cemetery fees in neighboring towns, and a proposed new fee structure for the Town.

Town Manager Ledoux stated that when determining the Town's 1998 budget, the Finance Committee urged the various departments to look for ways to enhance the Town's revenues. He said that a survey conducted by the Highway Department revealed that the Town's cemetery fees were well below the average fees collected by neighboring towns. For this reason, the Highway Department suggests that the Town's fees be increased to approximate those fees collected in adjacent communities. Specifically, the Highway Department suggests increases in all fees to become effective August 1, 1997.

Selectman Clark inquired about the availability of space in the Town's cemeteries.

Director of Public Works/Town Engineer Place responded that expansions were planned for both the New Town and Town Hall cemeteries and a considerable number of grave sites would be available.

It was on motion unanimously

VOTED: To approve the following Cemetery fees, effective August 1, 1997:

**Grave Opening Charges**

Opening charge, weekdays	\$400.00
Opening Charge Weekends and holidays	\$500.00
Opening Charge, Stillborn/Cremation, weekdays	\$100.00
Opening Charge, Stillborn/Cremation, weekdays and holidays	\$200.00

**Lot Prices** (no change in allocation - 25% of cost applied to lot purchase:  
75% of cost applied to perpetual care)

One Grave (1/4 lot)	\$550.00
Four Graves	\$2200.00
Cremation Grave	\$250.00
Stillborn Grave	\$100.00

Plus \$1.00 Recording Fee for each purchase.

### **Foundation**

Foundation charge per square foot	\$45.00/s.f
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### Cemetery Trust Funds Expenditure

Present: I. William Place, Director of Public Works/Town Engineer, and others.

The Board was in receipt of a communication, dated, July 25, 1997 from I. William Place, Director of Public Works/Town Engineer, requesting the Board to authorize him to expend \$32,000 to purchase a new truck for the Cemetery Department from the Cemetery Trust Fund Income Account. He apprised the Board that that account had an estimated balance of \$37,178.33 (which includes all expenditures through June 30, 1997, but does not include income and receipts for the past four months or since March 31, 1997. He explained that the current cemetery truck will be transferred to the Park and Recreation Department. He noted that two of the three Park and Recreation trucks are out of service because of safety conditions and that that Department desperately needed a truck to perform its duties.

Public Works Director/Town Engineer Place stated that the Cemetery Department requires a truck since it must move chips and loam in the cemeteries and that it also plows cemetery access roads in the winter. He informed the Board that one could no longer get parts for the Park and Recreation vehicles that were out-of-service. He said that Department's budget did not allow for the purchase of a new truck and he planned to transfer the former cemetery truck to that Department. In response to questions from the Board, he stated that perpetual care expenses generally run about \$14,000 per year for mowing. He also noted that the trust fund usually generates about \$7000 in income each quarter.

Acting as co-trustees of Town Donations, it was on motion unanimously

VOTED: To approve the expenditure by the Director of the Department of Public Works of \$32,000 to purchase a new truck for the Cemetery Department from the Cemetery Trust Fund Income Account.

### Meeting with Residential Communications Network Inc., and Boston Edison

Present: Thomas Steel, Jr., President, COMPlus Consulting Group; John Conroy, Public Affairs, Boston Edison; George Duffy, Vice President/General Manager, Residential Communications Network, Inc. (hereinafter RCN); M. Jacob Kuykendall, Chairman, Cable Television Committee; Peter Atherton, Manager of Government Relations, Cablevision; and others.

Thomas Steel stated that he is a consultant hired by RCN and Boston Edison who have entered into a joint venture to deliver telecommunications. John Conroy of Boston Edison explained that as a

result of deregulation Boston Edison had determined to take the opportunity to expand into other fields. He said it was their intention to compete with telephone and cable television companies. He said that Boston Edison was in a position to expand in this area due to its ownership of utility poles and rights of way. George Duffy of RCN stated that RCN had conceived of the idea of bundling both systems and that it had strong financial backers to proceed with the venture.

Chairman Blacker asked if the consumer would be able to purchase one or the other system and or if s/he would have to purchase both.

Mr. Duffy responded that consumer would be able to purchase the systems separately.

Chairman Blacker informed the representatives that Cablevision had recently requested the Board to support their effort before the FCC to purchase a portion of the open part of the system to run off-beat shows.

Thomas Steel opined that Cablevision was not qualified for such a purchase under his interpretation of the FCC regulations and law and that it was merely an effort to delay competition from RCN.

Chairman Blacker questioned who would be in a position to purchase the open channels if not someone like Cablevision who has the capacity to put on such programs.

Mr. Steel responded that the open video system (hereinafter OVS) server would be required to build the system even if the channels were not used by Cablevision. He stated that RCN planned a 110 channel capacity and to require them to build more would be unreasonably onerous.

Chairman Blacker responded that, if a franchise operator cannot deliver that much channel capacity in a monopoly setting, how can they be expected to provide more in a competitive environment. He also noted that the franchise operator is at a disadvantage since it has to hook every one up while an OVS server can pick and choose.

Mr. Duffy stated that RCN was interested in obtaining franchises in the more rural communities. He said that Hudson, Wayland and Framingham had expressed an interest in RCN.

Chairman Blacker asked how soon RCN could come to Sudbury and Mr. Duffy responded eight to twelve months.

Chairman Blacker asked, if the Town's households were not wired within a reasonable period of time, if the franchise could be canceled and Mr. Duffy responded that such issue was a matter for negotiations.

M. Jacob Kuykendall, Chairman, Cable Television Committee, asked how space would be found on the poles and Mr. Conroy stated that such would be Boston Edison's responsibility.

Selectman Clark opined that such would provide an opportunity to rid the Town of the double poles.

Peter Atherton, Manager of Government Relations, Cablevision, stated that he was under the belief that RCN was going to have to provide a 330 channel capacity and not a 110 channel capacity. He cited RCN's Form 1275 filing.

Mr. Steel stated that RCN will have to increase the channel capacity in three years if someone wants to purchase the open channels.

Chairman Blacker asked what the rates would be and Mr. Duffy responded \$19.95 per month for the 110 channel video service and \$24.95 per month for both the video and telephone service.

Chairman Blacker inquired what size communities RCN was considering and Mr. Duffy responded that there was a tremendous amount of build-out needed to deliver the services. He said that obviously RCN was looking at communities with a considerable number of houses per square mile. However, he noted that Hudson had just recently opened the process for franchise negotiations and RCN was interested in pursuing such in more rural suburban communities.

#### Acceptance of Resignation - Strategic Planning Committee

The Board was in receipt of a communication dated, July 22, 1997, from Norman Burke, 18 Flintlock Road, requesting acceptance of his resignation from the Strategic Planning Committee.

It was on motion unanimously

VOTED: To accept the resignation of Norman Burke, 18 Flintlock Road, from the Strategic Planning Committee and to send him a letter reflecting the Board's appreciation of his service to the Town.

Town Manager Ledoux informed the Board that Mr. Burke had served as an "individual" member of the SPC. Furthermore, Town Manager Ledoux stated that the SPC was extremely open to participation and input by non-members and, thus, suggested that it was not necessary for the Board to appoint a replacement for Mr. Burke.

Selectmen Clark, the Board's representative on the SPC, agreed, and the Board concurred.

#### Appointment of Finance Director

Town Manager Ledoux announced that Maureen Valente, currently the Treasurer-Collector in Lexington, had been appointed the Finance Director. Town Manager Ledoux stated that she will also hold the Treasurer -Collector position. He said that she will start on August 18 and will have an annual salary of \$60,541.

#### Atkinson Pool

Town Manager Ledoux reported that for the first time in its history the Pool Enterprise Fund had achieved a surplus at the end of the fiscal year. He said that Pat Savage, Park and Recreation Director, deserved much of the credit for this achievement.

Chairman Blacker suggested, and the Board concurred, in sending the Park and Recreation Director a letter reflecting the Board's appreciation of her efforts to make this facility work.

#### Employee Incentive Program

Town Manager Ledoux reported that he had been working on a plan to promote creativity and innovation within the Town government by establishing an employee incentive program. He presented the Board with a draft proposal and solicited Board comments.

The Board supported the concept. Selectman Clark responded that she thought the concept was great, but suggested that any monetary reward be correlated to the savings generated. She also opined that public recognition is a powerful incentive and he may wish to consider an "employee of the year" reward. Selectman Drobinski stated that the concept was much like what is being done in the private sector and he supported the approach. Chairman Blacker suggested that the Town Manager consider offering additional paid leave as an incentive, such as, a half day off for the employee to spend with his family.

Town Manager Ledoux stated that he was very excited about the program and was contemplating either a citizens committee or possibly a committee of managers from other communities to judge the achievements and make the rewards.

#### Capital Planning Bylaw

Town Manager Ledoux presented the Board with a draft capital planning bylaw and indicated that he would be presenting the draft to other boards for their input and review. He noted that this new committee would incorporate the local and regional school committees' projects. He also noted it would require rescinding of the Long Range Planning Committee and that would require a warrant article at the Annual Town Meeting.

The Board concurred with Chairman Blacker's suggestion to consider this item in more detail at its next regularly scheduled meeting.

#### Performance Review - Town Manager

Chairman Blacker suggested, and the Board concurred, that it would discuss with the Town Manager its performance review of his employment service at the next Board meeting. Chairman Blacker stated that the Town Manager would receive separate evaluations from each selectman and one version which would consist of a compilation of all three. He also stated that the individual selectmen would meet with the Town Manager separately to discuss his/her performance evaluation. Chairman Blacker suggested that Administrative Assistant Silva schedule the appointments.

The Town Manager reflected his agreement to these procedures.

#### Cable Television Franchise

Chairman Blacker suggested, and the Board concurred, that the Board revisit the cable television franchise issue and specifically whether the Board desired to commence negotiations with RCN in

approximately six weeks. He directed the Town Manager to request the Cable Television Committee consider the Town's options and report to the Board within the next six weeks.

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) real estate matters  
(2) litigation strategy.

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

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

There being no further business, the meeting adjourned at 9:25 p.m.

Attest: \_\_\_\_\_  
Steven Ledoux  
Town Manager-Clerk