

IN BOARD OF SELECTMEN
MONDAY, JUNE 2, 1986

Present: Chairman Josiah F. Frost, Anne W. Donald and David A. Wallace.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:30 p.m. by Chairman Frost.

Note Renewal - Sherman's Bridge Design

Present: Assistant Town Clerk Kathleen Middleton

In anticipation of State reimbursement relative to Article 11, Sherman's Bridge Design Work, approved by the 1984 Annual Town Meeting, the Selectmen signed the Note renewing the borrowing of \$28,100 for a six-month period commencing June 13, 1986 and maturing December 12, 1986 as authorized by the Board on May 28, 1986.

Local Arts Council Interviews

Present: Ann Person, 66 Washington Drive; Jane Brown, 5 Homestead Road; Nora Hall, 94 Pokonoket Avenue; Claire Ravi, 28 Hop Brook Lane; and Lois Toepfner, 58 Meadowbrook Circle.

The Board interviewed all candidates present for appointment to the Local Arts Council to replace Virginia K. Kirshner and E. H. Sherman as they have served three consecutive terms on the Council. The Board expressed their appreciation for the interest and talent displayed and the candidates' desire to serve in town government.

The Local Arts Council had interviewed and recommended the appointment of Nora Hall and Claire Ravi. Selectman Wallace suggested appointing all five candidates to the Local Arts Council. Executive Secretary Richard E. Thompson stated that there are presently four members remaining on the Council.

Following discussion, it was on motion by Selectman Donald unanimously

VOTED: To appoint Nora R. Hall, 94 Pokonoket Avenue, and Claire S. Ravi, 28 Hop Brook Lane, to the Local Arts Council for terms to expire April 30, 1988; and to request that the current members of the Arts Council interview the other three candidates and give their recommendations to the Selectmen as to how many members they feel should be on the Council and if they have any further recommendations for appointment.

Personnel Board Interviews

Present: Kathleen Osborn, 35 Firecut Lane; David M. Mandel, 147 Dakin Road and Irwin Abrams, 57 Winsor Road.

The Selectmen expressed their appreciation for the willingness of the candidates to assist in the service of local government. The Executive Secretary stated that there were vacancies on town boards that were also being advertised and asked if the candidates present were interested in serving on any other town board.

After interviews and following discussion, it was the consensus of the Selectmen to recommend to the Personnel Board candidates Kathleen Osborn and David Mandel; and to ask Mr. Abrams if he would consider an appointment to the Sudbury Housing Authority. Following input from the Personnel Board, the Selectmen will make the appointments to fill two openings.

Fire Line Item Transfer

Present: Fire Chief Michael Dunne.

After discussion, it was on motion by Selectman Donald unanimously

VOTED: To approve Request No. 86-32, dated May 27, 1986, approved by the Fire Chief on May 28, 1986, for a transfer of \$3,000 from Line Item 310-110, Fire Department Salaries, to Line Item 310-151, Fire Department Sick Leave Buyback; and No. 86-33, dated May 27, 1986, approved by the Fire Chief on May 28, 1986, for a transfer of \$400 from Line Item 310-140 Fire Dispatchers, to Line Item 310-151, Fire Department Sick Leave Buyback.

These transfers are to provide funding to pay accumulated buyback time to Firefighter Fredrick Eisner who retired unexpectedly on May 1, 1986.

Telephone Reserve Fund Transfer

After discussion, it was on motion by Chairman Frost unanimously

VOTED: To approve Request No. 86-36, dated May 30, 1986, in the amount of \$5,500 for a transfer from the Reserve Fund to Unclassified Line Item 950-816, Telephone.

These funds are for payment of two months of regular operating expenses, plus TCM work orders relating to the new system, and refiguration of the telephone equipment for the Accounting and Assessors' Offices.

Request Approval/Marrone's Bake Shop

Following receipt of a request from Mary V. Marrone, Marrone's Bake Shop, and upon recommendation of Executive Secretary Richard E. Thompson, it was on motion by Selectman Wallace unanimously

VOTED: To approve a request dated May 30, 1986 from Mary V. Marrone, Marrone's Bake Shop, 418 Boston Post Road, to allow placement of three tables (twelve seats total) for dining on the sidewalk in front of the Bake Shop as shown on a plan dated April 28, 1985, annually, from May 1 through September 30."

June Town Forum Cancellation

Upon recommendation of the Executive Secretary, because of the scheduling of two major topics on the same date, it was on motion by Chairman Frost unanimously

VOTED: To cancel the June 1986 Town Forum which was scheduled for Monday, June 23, 1986.

Resignation - Long Range Capital Expenditures Committee

Following receipt of correspondence from Robert Cusack dated May 28, 1986, it was on motion by Chairman Frost unanimously

VOTED: To accept the resignation of Robert Cusack, dated May 28, 1986 from the Long Range Capital Expenditures Committee, effective June 20, 1986, and to extend the Board's appreciation for his service on the Committee.

Annual Appointments

Following discussion, it was on motion by Selectman Wallace unanimously

VOTED: To make the following appointments:

- Geraldine C. Nogelo, Jeffrey H. Jacobson, Lawrence Shluger, Martha Reiss, and Elizabeth D. Ingersoll to the Board of Appeals (Associate Members), all for terms to expire April 30, 1987;

- Geraldine C. Nogelo, Jeffrey H. Jacobson, Lawrence Shluger, Martha Reiss and Elizabeth D. Ingersoll to the Earth Removal Board, all for terms to expire April 30, 1987;

- James W. McKinley, 118 Peakham Road, as Metropolitan Area Planning Council Designee, for a term to expire April 30, 1989.

Minutes

It was on motion by Selectman Wallace unanimously

VOTED: To approve the minutes of the Regular Session of May 28, 1986 as drafted; and the minutes of the Town Forum of May 28, 1986 as drafted.

Woman's Club Pie Sale

Following receipt of request from Dorothy Emmons of the Sudbury Woman's Club and upon recommendation of the Executive Secretary, it was on motion by Selectman Donald unanimously

VOTED: To grant permission to the Woman's Club to sell pies during the Fourth of July festivities on the Town Common, or under the cover of the Town Hall porch in the event of a rainy day.

Patrolman Requisition

Following recommendation by the Executive Secretary, it was on motion by Selectman Donald unanimously

VOTED: To file a requisition of one full-time patrolman to fill the vacancy which will be created in the late Fall by elevation of a patrolman to the position of sergeant and to authorize the Executive Secretary to sign all pertinent documents.

Reorganization: Long Range Capital Expenditures Committee/Committee on Town Administration

Present: Anne D. Bigelow, Committee on Town Administration; Robert G. Johnson, Robert J. Cusack, Robert D. Abrams, Theodore A. Barten, Joseph W. Mooney, Long Range Capital Expenditures Committee and Moderator Thomas G. Dignan, Jr.

The Board of Selectmen scheduled this meeting with the above Committees and the Moderator, as stated in correspondence from Executive Secretary Richard E. Thompson to the Long Range Capital Expenditures Committee (LRCEC), the Committee on Town Administration (CTA) and the Moderator dated May 20, 1986 to discuss the future roles of the Committees.

Executive Secretary Thompson stated to the Selectmen that this year there has been a very active Long Range Capital Expenditures Committee (LRCEC) which has been involved in the forecast of long range capital expenditures on a very broad spectrum; including a possible future site for the highway garage, matters of purchasing, administration, manpower and future impact to the town of any long range expenditure.

Efforts to recruit members for the Committee on Town Administration have been very difficult. Anne Bigelow has been the only active member this past year. During conversations among Mr. Cusack, Mr. Dignan and Mr. Thompson, the possibility of combining the talents of the two committees was discussed.

Mr. Thompson suggested abolishing both committees, and asking Town Counsel to draft an appropriate charge for the proposed new committee and, subject to conferring with the Committees, to blend the talents of both committees and proceed to a Special Town Meeting this fall with an Article to revamp and merge the two committees into one, to be possibly named the Long Range Planning Committee.

Mr. Thompson reported there has been an exceptionally good response following notice in the local newspaper of the vacancies that exist in town government, and that this would be a source for candidates if needed for the new committee.

Anne Bigelow suggested including some other Boards in this consolidation, such as the Talent Search Committee and The Council On Aging, and advised that she was willing to work with the consolidated committee.

Following discussion, it was the consensus of the Board to support the Executive Secretary in the effort to combine the two Committees.

Robert Cusack felt that requests for funding for capital expenditures should be placed in the Budget in the Warrant immediately following the School Budget items. Chairman Frost agreed with this concept.

Following the discussion of re-forming committees, Moderator Thomas G. Dignan Jr. commented to the Board of Selectmen that some appointments that the Moderator is empowered to handle might be better served in the hands of the Selectmen, such as the appointment of the members of the Finance Committee. The appointments would be made by three people instead of

the Moderator alone. Following a brief explanation by the Selectmen and the Executive Secretary as to why the appointment of Finance Committee members is the responsibility of the Moderator, it was the consensus of the Board to leave the manner of appointment as it currently is.

Adams-Russell Cable Services

Present: General Manager Jack VanKuilenberg, Adams-Russell Cable Services; Chairman Margaret A. Ward and Anthony Kreisel, Cable Television Committee.

The Board of Selectmen requested this meeting with the Cable Television Committee and Adams-Russell Cable Services to discuss Adams-Russell providing a studio and a part-time coordinator within the Town of Sudbury for local programming.

Chairman Frost asked Margaret Ward to report for the Cable Television Committee (CTC). Mrs. Ward said that the CTC had understood that Adams-Russell would supply a studio and a part-time coordinator; and, further, that Town Counsel had advised the CTC he believed that in the License Adams-Russell did commit to a studio and a part-time coordinator.

Selectman Wallace stated that he reviewed the correspondence between the CTC, the Selectmen's office and Adams-Russell, and he has heard the statements made tonight. He reviewed the Final CATV License and Cable Television Proposal for the Town of Sudbury of March 14, 1983, as follows:

On the issue of a suitable studio site, Selectman Wallace referred Mr. VanKuilenberg to Section 19 of the Final CATV License which states, "Licensee shall provide a package of TV camera and other local origination equipment whose value shall be at least Fifty-five Thousand Dollars (\$55,000). This equipment shall be available for use in Sudbury and may be located at the Lincoln-Sudbury Regional High School, provided arrangements can be negotiated with the Lincoln-Sudbury Regional High School Committee which are satisfactory to that Committee, to the Licensee and to the Town."

Selectman Wallace also referred Mr. VanKuilenberg to Exhibit 7 of the Adams-Russell Cable Television Proposal for the Town of Sudbury dated March 14, 1983, which states under Detail Of Origination Equipment Use And Adams-Russell's Studio Facilities, "Adams-Russell will work with the Issuing Authority in determining the most suitable site for the Sudbury local origination equipment. One alternative is the Goodnow Library on Concord Road, but a better plan might be to operate a studio in conjunction with the FM radio station located at the Lincoln-Sudbury Regional High School. Adams-Russell believes the access and local origination equipment would be used often by Sudbury residents."

Selectman Wallace stated that he felt the issue of controversy was well founded as he understands that Adams-Russell made a studio in Hudson and is implying that that location is meeting their commitment to the Town of Sudbury regarding the issue of providing a studio in Sudbury.

Mr. VanKuilenberg stated to the Board that he had attempted to obtain tapes of the Selectmen's meetings wherein providing a studio was discussed and found that they had been erased. (Note: It is a policy to re-use tapes of

Selectmen's regular meetings. Tapes are available of the official Cable Television Public Hearings). He said that correspondence dated March 14, 1983 to the Sudbury Board of Selectmen from Mr. William C. Henchy, Vice President of Adams-Russell references local production etc., but does not commit a studio. He referred the Board to the cover letter of March 14, 1983 from Mr. Henchy, paragraph two, which states, "...Because we have been licensed by the towns of Maynard, Acton and Hudson, and have established an ultrasophisticated headend two miles from the Sudbury border in Maynard, we are in a position to offer Sudbury an ultramodern cable television system, etc."

Mr. VanKuilenberg further referred the Board to the Adams-Russell Cable Television Proposal for the Town of Sudbury dated March 14, 1983. Exhibit 1, which refers to the economies of regionalization without which it would be impossible to construct an economically viable cable TV system in Sudbury, etc. Mr. VanKuilenberg stated that the proposal was vague regarding the hours committed for a part-time coordinator. He stated that they were offering a studio that was no more than ten minutes away and in this way could offer a full-time coordinator. Mr. VanKuilenberg stated that Sudbury would have a more functional studio by regionalizing.

Selectman Wallace stated that Adams-Russell was selected over other candidates because of what the Town believed they could supply, mainly that the studio would be in the Town of Sudbury and most likely at the High School.

Mr. VanKuilenberg stated that the area proposed to be used at the Lincoln-Sudbury Regional High School is not easily accessible for handicapped persons, and other equipment that is located at the High School would inhibit the use of new or additional equipment by other residents of the Town because of its location at the High School. Another problem expressed by Mr. VanKuilenberg was that much of the High School television equipment has been sent to the Curtis Middle School.

Selectman Donald asked Mr. VanKuilenberg what the experience of Adams-Russell was in regionalization in other instances. He stated that the equipment is used on a more frequent basis when towns are involved on a regional basis.

Chairman Frost stated that he started on this endeavor during his term as Fire Chief and followed it through to the Final License with the gentleman who was representing Adams-Russell at the time, Mr. William Henchy. He stated that he clearly remembers that the Committee was advised Sudbury would have a studio within the Town of Sudbury, and it is very important to be able to prepare for public safety training programs without having the men travel to another town. Chairman Frost was not adamant whether the studio be provided in the Library or the High School and he understood it was not a brick and mortar type studio, but he had always believed a studio would be provided by Adams-Russell.

Mr. VanKuilenberg advised that he had spoken with Mr. Henchy and Mr. Henchy could not recall any reference to providing a studio in Sudbury. Mr. VanKuilenberg also stated that training sessions could be accomplished with the portable equipment.

Selectman Wallace referred to Page 97, paragraph 2, of the Adams-Russell Cable Television Proposal for the Town of Sudbury, dated March 14, 1983, which states, "In addition to the studio, Adams-Russell has budgeted money for a subscriber service office to be located in the Sudbury/Acton/Maynard area. We also maintain a Hudson office." Page 90, paragraph 1, of the same document states, "...The initial target is to produce 10 to 15 hours of programming per week by the end of the first year of operation, and to steadily expand this schedule to 20 hours by year two." Mr. Wallace stated the preceding does help clarify the part-time program coordinator's hours.

Mr. VanKuilenberg said that he truly believed that offering a studio within ten minutes and a full-time program director would provide Sudbury with a much more functional studio.

Town Counsel Paul L. Kenny asked Mr. VanKuilenberg if he were trying to say to the Board of Selectmen "...we know we owe you a studio, we know we have to provide the schools and the town with a certain amount of equipment, but we are suggesting to you that maybe Sudbury would be better served if you use the Hudson studio." Mr. Kenny further said, "Maybe Adams-Russell is saying we have something better for you - would you like that, and if the Selectmen say, no, we don't like that, then maybe there is no confrontation at all." Town Counsel asked Mr. VanKuilenberg if that was a fair statement.

Mr. VanKuilenberg replied, "partially". Mr. VanKuilenberg referred to page 35 of the Cable Television Proposal which states that Adams-Russell will provide a full color studio package valued at \$55,000.

Town Counsel said he still was not sure, "...is it a fact that you believe that you are offering us something better than originally offered or are you saying that you didn't offer us what everybody else in the room who was involved believes that you offered us, or both?"

Mr. VanKuilenberg said, "I think I am offering you something more and better."

Town Counsel, - "So the answer is both, 1 - you think you are offering the Town a better a package, and, 2 - you don't think that you offered the Town the package that Selectman Donald, Selectman Frost, Executive Secretary Thompson, myself and members of the Cable Television Committee who attended and heard and believe you did offer.

Mr. VanKuilenberg, - "If that included Adams-Russell building a physical studio, that is correct."

Town Counsel, - "So the real answer is, when you made your application you never contemplated where the studio would be; you never decided it would be Sudbury, or that it could be out of town."

Mr. VanKuilenberg, - "That is correct."

Selectman Wallace, - "At the time of application, did Adams-Russell contemplate that the studio would be in Sudbury?"

Mr. VanKuilenberg, - "I suspect that the anticipation would be that it might be in Sudbury."

Selectman Wallace, - "If we were to say we appreciate your generous offer for a full-time director, but we would pass on your kindly offer and accept a part-time director in Sudbury and work out a studio in Sudbury, would you refuse that?"

Mr VanKuilenberg, - "I'm sure that can be worked out, Mr. Wallace."

Selectman Wallace, - "Would you do it tonight?"

Mr. VanKuilenberg, - "I want to tell you yes; however, we do need to have an understanding on how that studio would be created. Adams-Russell has committed the equipment and a part-time director. We have to consider access."

Selectman Wallace, - "I think we want to be the judge of what will be detrimental to the Town regarding access. We feel more groups will be excluded by having the studio out of town. Can you sit down in the next two weeks with the Cable Committee and work out a proposal?"

Mr. VanKuilenberg, - "I don't see any reason why it can't be worked out, if Adams-Russell is not judged down the road as to the quality of the programming."

Mr. Thompson stated he felt that was fair, and if there is a severe access problem, that deserves some discussion.

Selectman Wallace asked Mr. VanKuilenberg if he felt something could be established in Sudbury as presented in their application if there were a meeting of the minds. Mr. VanKuilenberg stated they never closed the door on a studio being in Sudbury. He said they presented a proposal that they felt would be the most functional.

Selectman Wallace, - "When could we sit down and talk about it?"

Mr. VanKuilenberg, - "Anytime."

Counsel Kenny, - "Why don't you sit down with Mr. Thompson and set up a time within the next two weeks. When you sat down with the Cable Committee, I understand you were willing to provide equipment but not a studio. Is that still your position, or are you now willing to provide a studio?"

Mr. VanKuilenberg, - "That really hasn't changed."

Mr. Thompson, - "You are now willing to sit down with us and help us build a studio in Sudbury. Are we hearing this?"

Mr. VanKuilenberg, - "Let me do this; let me have the answer for you by the time we get together."

Town Counsel advised that the Town was willing to compromise by offering to utilize some of the operating monies for yearly programming expenses to provide the studio. He stated the Town did not have to make that compromise but that if everybody is happy the Town is willing to "move" somewhere.

Mr. Thompson asked Mr. VanKuilenberg to advise Adams-Russell how strongly the Town feels on the matter.

It was agreed that Mr. VanKuilenberg would consult with his superiors to see if Adams-Russell will respond in a positive manner to Sudbury's above stated position, (that Adams-Russell is obligated to provide a studio in Sudbury, as well as to provide a part-time coordinator plus equipment worth \$55,000), and would contact Mr. Thompson.

It was further agreed that Chairman Josiah Frost, Executive Secretary Richard E. Thompson, a member of the Cable Television Committee and Mr. Jack VanKuilenberg of Adams-Russell would work together to provide a recommendation for a studio site.

Chairman Frost thanked Mr. VanKuilenberg for attending the meeting.

Executive Session

At 10:42 p.m., it was on motion by roll call unanimously

VOTED: To go into Executive Session for the purpose of considering a request for a donation from the Charity Fund. (Chairman Frost, aye; Selectman Donald, aye; Selectman Wallace, aye.)

The Chairman announced that Public Session would not reconvene following the Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 10:45 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk