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IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 16, 1987

Present: Chairman Anne W. Donald, David A. Wallace and John C. Drobinski.

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

Utility Petition No. 87-32 - Marlboro Road

Present: Stephen F. Kane, Jr., Boston Edison Company; John Meachen, Jr., abutter.

The Board reviewed Utility Petition No. 87-32 by Boston Edison Company and New England Telephone and Telegraph Company for installation of poles numbered 8/25, 8/26, 8/27, 8/28 and 8/29, on Marlboro Road, Sudbury, in order to provide electric service to E. H. Plante, Inc., located off said Marlboro Road. Boston Edison Company representative Stephen F. Kane, Jr., explained that the reason for this petition is that an initial approval given by the Board of Selectmen on May 13, 1987, for removal and relocation of poles was objected to by various abutters. Boston Edison and New England Telephone & Telegraph thereafter rearranged pole locations to conform to the wishes of the abutters and this petition is to obtain permission from the Board to proceed with the new plans.

Executive Secretary Thompson noted that all appropriate abutters had been notified and approval had been recommended by the Inspector of Buildings and Wiring Inspector under date of November 16, 1987.

Abutter John Meachen, Jr. of 115 Marlboro Road was present, reviewed the final plan and expressed no objection thereto.

On motion of Chairman Donald, it was unanimously

VOTED: To approve Utility Petition No. 87-32 of Boston Edison Company and New England Telephone and Telegraph Company for permission to erect or construct five poles, with guy wire and anchor on the fifth pole, along and across the following public way of the Town: Marlboro Road - southeasterly side from a point approximately 170 feet southwest of Minuteman Lane; and further, to lay and maintain underground laterals, cables and wires, on the same side of the public way as poles, for the purpose of making connections with such poles and single-residence buildings as each of said petitions may desire for distributing purposes; as shown on plan of Boston Edison Company entitled "Plan of Marlboro Rd. Sudbury" dated September 4, 1987.

Draft FY1988 Transportation Improvement Program

The Board reviewed the draft Fiscal Year 1988 Transportation Improvement Program dated October 1987, prepared by Central Transportation Planning Staff. In response to inquiry by Selectman Drobinski, Executive Secretary Thompson explained that the effect of this program on the Sherman Bridge Project would be to keep that project on an active priority status.

After review, upon recommendation of Executive Secretary Thompson, it was on motion of Selectman Drobinski unanimously

VOTED: To support the draft Fiscal Year 1988 Transportation Improvement Program dated October 1987.

Minutes

After review, on motion of Selectman Wallace, it was unanimously

VOTED: To approve the minutes of the regular and executive session minutes of November 9, 1987, as presented.

350th Anniversary Celebration Committee - Resignation

The Board noted receipt of resignation dated October 30, 1987, of D. Jeannette Fullerton, forwarded by Beverly Bentley, Chairperson of the 350th Anniversary Celebration Committee.

On motion of Chairman Donald, it was unanimously

VOTED: To accept the resignation of D. Jeannette Fullerton of 15 Pilgrims Path, from the 350th Anniversary Celebration Committee; and to request Executive Secretary Thompson to forward a letter of thanks from the Board for her contribution as a member of said Committee.

Town Meeting Procedures Committee

Executive Secretary Thompson brought to the Board's attention communication dated November 9, 1987, from the Town Meeting Procedures Committee, recommending further suggestions in addition to the bylaw amendments submitted and discussed during the Selectmen's meeting dated November 9, 1987. The Board reviewed this communication by item as follows:

1. Regarding the Committee's recommendation concerning notification to boards and committees of the schedule for submission of articles for Town Meeting: Executive Secretary Thompson stated that the Board has tried to do that this year, and upon request of Chairman Donald, Mr. Thompson will check to make certain such schedule is published in the newspaper together with an explanation of the warrant process.

2. As previously discussed, M.G.L. c. 39 §10 precludes the rejection of articles submitted by petition after the deadline.

3. Proponents, the Selectmen and the Finance Committee attempt to submit reports for the printed warrant as much as possible. However, due to compliance with notice and hearing requirements, etc., it is not always feasible to have a report prepared in time for printing of the warrant.

4. With regard to the modification and curtailment of the ceremonial business of Town Meeting, it is the Selectmen's position that this is a matter which should be discussed with the Town Moderator.

5. With regard to the acoustical problems encountered in the auditorium of the Lincoln-Sudbury Regional High School, the Board requested Executive Secretary Thompson contact administrators at the High School to work out those problems.

In response to inquiry by Selectman Drobinski, Mr. Thompson explained that the visual problems encountered at last year's Town Meeting may be eliminated by use of a new screen the Town hopes to acquire.

Mr. Thompson further reported that Linda R. Duke of 89 Stone Road telephoned regarding the proposal to hold Town Meeting on a Saturday. Ms. Duke pointed out that Saturday is the Jewish Sabbath and would like to bring this to the Selectmen's attention.

On motion of Chairman Donald, it was unanimously

VOTED: To request Executive Secretary Thompson to (1) contact the High School's administrator to resolve the acoustical problems; (2) bring to the Town Meeting Procedures Committee the problem of Saturday being the Jewish Sabbath; and (3) refer Item 4 above to the Town Moderator for his consideration.

Board of Appeals Associates/Earth Removal Board - Interview of Candidates

Present: Candidates Patrick Delaney, Thomas Phelps, Mary Jane Hillery, Marshall Karol, and Carmine Gentile.

Chairman Donald announced that the Board would conduct interviews of the candidates this evening and would take the matter under consideration; but would take a vote at a later date.

Executive Secretary Thompson noted receipt of letter from Harvey Peters, Chairman of the Board of Appeals, dated October 28, 1987, expressing the Board's pleasure with the response and qualifications of the five applicants, but expressing no recommendation for any one candidate.

Applicant Patrick J. Delaney, III, of 206 Boston Post Road, was asked by Selectman Drobinski what his position was with regard to use variances. Mr. Delaney commented that this was something the Board has to study very closely before voting, since it is something that is not very easily overturned once given.

In response to the same question posed to him by Selectman Drobinski, applicant Thomas W. H. Phelps of 58 Concord Road, stated he would be as strict as possible with regard to allowance of use variances. It is Mr. Phelps' opinion that the Zoning Board of Appeals is one of the most powerful in the Town and feels it should therefore be very cautious about increasing the number of use variances. He would prefer the granting of special permits instead, which would offer greater control by the Town.

Applicant Mary Jane Hillery of 66 Willow Road, stated her belief that every person who comes before the Board of Appeals should come with a clean slate; and she hopes her extensive and varied experience with regard to the

Town would enable her to make a good judgment of anyone who comes before the Board for a use variance or other matter.

Applicant Marshall Karol of Three Old Meadow Road, stated that as an attorney he has had the opportunity to appear before the Board of Appeals representing various clients. He feels the Zoning Board of Appeals has a significant role in the Town and believes with regard to use variances, each case should be looked at individually. Mr. Karol does believe the bylaws should be strictly construed. In response to inquiry by Selectman Wallace, Mr. Karol stated he has no conflict-of-interest problem, since he has made the decision that if elected to the Board he would no longer accept cases which would come before it.

Applicant Carmine Gentile stated that he has appealed two cases before the Board of Appeals and stated that he, too, has made a determination not to accept cases which would present a conflict-of-interest problem, if appointed. With regard to the use variance issue, Mr. Gentile stated that, although he would look closely at each application on a case-by-case basis, he is hard pressed to imagine a situation where a special permit would not suffice; and a special permit would be a preferable solution.

Selectman Drobinski expressed the consensus of the Board by stating that he is extremely impressed and pleased with the quality of the applicants and feels it is going to be an extremely difficult decision to choose two to fill current vacancies.

The interviews concluded with a general discussion concerning the continued improvement of communications among the Board of Appeals, Board of Selectmen and other boards and departments of the Town. It was the consensus of all present that communications will be beneficial and ongoing so long as all departments and boards realize they are all working for the same goal--what is best for the Town of Sudbury and its townspeople.

Chairman Donald thanked the applicants for coming and stated a decision will be forthcoming in the very near future.

Maynard Rod and Gun Club

Executive Secretary Thompson reported that he met with representatives of the Virginia Ridge neighborhood as well as receiving a communication dated October 26, 1987, from Bernard P. Foley, President of Maynard Rod and Gun Club. Mr. Thompson stated that he will meet this week at the Rod and Gun Club with Town Engineer I. William Place to resolve the problems and will report to the Board the results of that meeting.

Local Hero - Officer Todd Eadie

Executive Secretary Thompson brought to the Board's attention the act of heroism by Officer Todd Eadie when Officer Eadie pulled a trapped motorist out of a burning automobile, which exploded within seconds of his getting the motorist clear. The Board was pleased to learn that Police Chief Peter B. Lembo requested the opportunity to recognize Todd Eadie's heroic deed by presenting him with a citation at the Board's next meeting (Town Forum).

It was on motion of Chairman Donald unanimously

VOTED: To request Executive Secretary Thompson prepare a citation for presentation by Police Chief Lembo at the Board's meeting scheduled for November 23, 1987.

Northland Investment Corporation - MacNeill Property

Executive Secretary Thompson reminded the Board that a meeting has been scheduled with Northland Investment Corporation, and he will report to the Board the results of that meeting.

Selectmen's Meeting for Budgets

Executive Secretary Thompson stated the Selectmen's meeting for budgets has been scheduled for Saturday, December 5, 1987. Selectman Drobinski indicated he may have a scheduling conflict for that date and Mr. Thompson stated he will contact him concerning this later in the week.

Tree Planting - Union Avenue

Executive Secretary Thompson reported that Bill Waldsmith has told him the tree planting along Union Avenue has begun, as directed by the Board at a previous meeting.

Joint Meeting With Cable Television Committee

Executive Secretary Thompson reported that there have been no new developments since the Board's meeting with Cable Television Committee Chairman Jeffrey Winston two weeks ago. Mr. Winston asked that the meeting scheduled be cancelled and in its place, allow the townspeople to make known their feelings with regard to the services of Adams-Russell Cable Television.

It was on motion of Chairman Donald unanimously

VOTED: To cancel the joint meeting with Cable Television Committee scheduled for this evening and in its place, to allow the townspeople to make known their feelings with regard to the services of Adams-Russell Cable Television and the proposed transfer of the franchise to Cablevision Systems Corporation, which is the subject of the Public Hearing immediately following.

Margaret R. Frederickson of 170 Haynes Road expressed her concern with the unavailability of staff for the studio at the high school. Executive Secretary Thompson stated that he has had several meetings concerning this matter and the Board is just as concerned as she is. He pointed out that it was a difficult two years to get the studio to its present condition and he feels it will take some time to get it running properly. Mr. Thompson stated he has been informed that the major problem is to make the studio more portable. Mrs. Frederickson stated that even if made portable, it will require proper supervision.

Michael H. Ladd of 121 Concord Road stated that if the license requires Adams-Russell to provide so many man hours to staff the studio, then why

should the townspeople be expected to believe the new company will make any difference. Mr. Thomspson stated that he is impressed that Cablevision Systems is a more competitive and outreaching company than Adams-Russell and believes they will be more responsive to subscriber demands. He further stated that any time he has contacted Adams-Russell, they have at least responded, albeit not always to his satisfaction.

Michael J. Shapanka of 170 Wayside Inn Road asked if the Town and Cablevision Systems have discussed service to Prides Crossing/Wayside Inn area. Executive Secretary Thompson stated that if Cablevision does not take immediate action to arrange for service to be brought into that area, then the cable company servicing Marlboro will be contacted to provide such service. Mr. Thompson did point out that Adams-Russell did exceed what its contract with the Town called for with regard to servicing areas.

There being no further comments, the meeting was adjourned and the Public Hearing convened concerning transfer of license to Cablevision Systems Corporation.

Public Hearing: Transfer of Franchise--Adams-Russell to Cablevision Systems

It being 9:00 p.m., Chairman Donald convened a public hearing to consider an application for transfer of the cable television franchise for the Town of Sudbury from Adams-Russell Cable Services (hereinafter referred to as "Adams-Russell") to Cablevision Systems Corporation (hereinafter referred to as "Cablevision"), One Media Crossways, Woodbury, New York 11797.

Executive Secretary Richard E. Thompson reported that this public hearing has been duly publicized as required by law and notice did appear in the Town Crier on October 29, 1987 and November 5, 1987. Mr. Thompson further stated that all documents have been received and that, subject to comment by Town Counsel, he believes that everything is in order.

Chairman Anne W. Donald requested the Chairman of the Cable Television Committee to make an opening statement, whereupon Chairman Jeffrey Winston stated that the purpose of the public hearing is to collect information and comments that the Board of Selectmen might consider in making its decision whether to allow transfer of the license from Adams-Russell to Cablevision. Mr. Winston stressed that the hearing should focus on the fact that the Board of Selectmen may make a decision on whether or not to approve the transfer based upon whether or not they believe that Cablevision can live up to the present license. The issues this evening, he stated, should therefore be concerned with how Adams-Russell has lived up to the terms of the license as a predictor to whether Cablevision will live up to it.

Attorney Marti Green identified herself as associate counsel for Cablevision. Ms. Green stated that Cablevision is a public company that is traded on the American Stock Exchange and owns and operates cable systems in five states, and in addition, has affiliated cable systems in two other states, including Massachusetts and Connecticut. She stated that the systems that Cablevision operates range from small systems comparable to the size of Sudbury up to the largest single cable system in the country, which is the system on Long Island, New York.

Ms. Green went on to say the Chairman and Chief Executive Officer of Cablevision is Charles Dolan, who has been a pioneer in the field of cable television. She stated Mr. Dolan started out over twenty years ago in Manhattan building the first urban cable system at that time (Manhattan Cable). He subsequently sold Manhattan Cable, but before doing so, he also developed the first programming service, now known as Home Box Office. He moved out to Long Island in 1972, started with a small cable system, gradually built that system by adding franchises, and it now has approximately seventy-eight franchises on Long Island with 250,000 subscribers. Cablevision now has cable systems additionally in New Jersey; Westchester, New York; Ohio; Michigan; and cable operations in Connecticut; and has affiliated cable systems in Massachusetts and Illinois.

Ms. Green continued that one of the hallmarks of Cablevision is its programming. Cablevision believes that it provides a wide range of cable services to subscribers in the communities in which it operates. She believes one of the more innovative things that Mr. Dolan has been known to do is the packaging of those programming services. Cablevision has also made a commitment to local programming. She pointed out that the cable system in Brookline, Massachusetts, has won national awards for best overall local programming of any system throughout the country. In addition to cable systems that they operate, Cablevision also has a "programming arm" that creates programming to sell to Cablevision's systems as well as other cable systems. These programs include regional sports services such as Sports Channel New England; also, a foreign film and cultural arts service called BRAVO; and a vintage movie service called American Movie Classics. She stated that Bravo is consistently rated by independent rating sources as one of the most popular programming services that is available.

Ms. Green stated that this hearing comes about because Cablevision has agreed to purchase the shares of Adams-Russell. Actually, she clarified, a subsidiary of Cablevision is purchasing the shares of Adams-Russell. That subsidiary and Adams-Russell will then merge and Adams-Russell will continue to exist, but its shares will be owned by Cablevision Systems Corporation. Because of that merger and chain of control, Massachusetts law requires that a public hearing be held to vote the approval of the community where that change is involved. The system as Sudbury knows it, however, will continue to operate just as it always has operated. Cablevision believes that Pennie Contos, who has been the General Manager of Adams-Russell, will continue with her staff, and provide the same good service the Town has received. Ms. Green concluded that all other franchise commitments and obligations that Adams-Russell has will be carried out in full by Cablevision. She then stated, if there were any questions, she would be happy to answer them.

Chairman Donald thereupon opened the floor for questions.

Subscriber Mary Jane Hillery of 66 Willow Road, began her comments by stating that she is a subscriber to cable television in Sudbury and in Boston, which she believes is currently serviced by Cablevision. She stated the representatives in Boston and Sudbury have been courteous. Ms. Hillery's chief concern is that the basic rate in Boston tripled last January and she worries that this will happen in Sudbury as well. Ms. Green explained that the original subscriber rate of \$2.00 per month in Boston was a subsidized amount and that situation is quite different from Sudbury. It is her feeling

that it would be very unlikely that the current basic rate of \$7.50 will be tripled. Ms. Green stated that to her knowledge Cablevision has never broken a promise to any community they service. She does acknowledge that changes have been made after considerable discussion, but that it is not Cablevision's policy to promise something and then do something else.

Chairman Donald asked who has the authority to change the rates and Ms. Green stated that Cablevision will be operating the Adams-Russell systems although it will still be called Adams-Russell. Local management will continue as it exists and will be working very closely with the people in Long Island.

Pennie Contos, the General Manager of Adams-Russell, added that there have been some communication and discussion about repackaging because of expanded services that Cablevision has to offer. For that reason, she stated there may be repackaging of services, but that has to be seen and probably will not occur until the middle of next year. She stated that Cablevision favors subscribers that take a larger part of the service. It is therefore to the consumers advantage to take more packages.

Mr. Winston stated that in order to move the hearing along, it would be helpful for him to go through the different areas cable covers and ask Ms. Green and Ms. Contos what Sudbury may expect. It is his belief that while Ms. Contos will continue to operate the system, policy will be set by the company, with a markedly different style. He stated that Cablevision has exhibited a more aggressive, creative style in creating their own channels and in creating their own programming and in marketing. Adams-Russell, on the other hand, was not as much into generative programming per se.

The first item presented by Mr. Winston was channels on the dial - which will be deleted and which will stay. Ms. Green stated that no specific decisions have been made about programming changes. She stated that the Town can expect that Cablevision will look toward bringing in channels that it thinks will be desirable to its subscribers and the company will then package them in a way that it will be attractive to the subscribers. She did state that there is a very high likelihood that Bravo and American Movie Classics will be offered.

The next item Mr. Winston brought up was rates. Ms. Green stated that Sudbury should see no change in rates as a result of the transfer. She further said that once Cablevision comes in and it looks at the programming and restructures occur, there may then be rate changes. Those rates may go up slightly, then may go down, depending upon the package or the programs that a subscriber chooses. In response to inquiry, Ms. Green stated that although Cablevision has not "done away with" basic service, there have been communities where Cablevision has combined basic service into other package offers. Mr. Thompson stated, and Ms. Green agreed, that Cablevision must continue to offer basic service, but the cost is no longer controlled.

Mr. Winston pointed out that Sudbury has had low market penetration, about forty-five percent, which he understands is not usual for a town of these demographics and size. Ms. Green stated that Cablevision will display a much more active approach in its marketing and anticipates engaging in telemarketing and door-to-door sales. Cablevision often offers incentives

such as free installation, free trial month, to engage new subscribers. Ms. Green was asked if it was possible that the \$60 charge for new installation underground would be eliminated. She stated that anything was possible; that Cablevision would be looking into the current rate structure and changes may result that are lower; however she cannot be more specific. In answer to further inquiry, Ms. Green stated she would guess that average penetration in a community of this type is fifty-five percent, which Mr. Winston pointed out is the national average.

Mr. Winston next brought up the question of expanding the lines of service. Ms. Green stated that Cablevision has undertaken to conduct a survey to see if it is feasible. The cost estimate has been prepared and there will be a decision to determine if it is economically feasible to do so. This relates specifically to the Prides Crossing area. The final figures are not yet available with regard to the Lincoln Street [Lane] area, but may be ready in the next day or so. Mr. Winston stated that on Lincoln Lane there is at least one person who wants cable and has received interest from the cable company that services Wayland in providing that resident with cable service. Mr. Winston therefore asked Cablevision to very quickly give the Town the gist of its decision as to whether it will cable the area, rather than waiting until Spring and then having to tell the Town Cablevision agrees with Adams-Russell that it cannot go out there. Ms. Green stated that Cablevision has already done a survey in those two areas, and that part of the decision will be based upon the number of people interested in obtaining service. There are estimates based upon different levels of penetration; obviously, she stated, at a fifty percent level, the cost is more feasible than at a thirty percent level. Part of making that decision is canvassing the area residents and stated this is something that they are in the process of preparing. Cablevision does not feel it appropriate that they undertake canvassing until and unless the transfer takes place. She does feel that this can be done within sixty days of the transfer taking place. Based on an expectation of a transfer by December, this would mean that canvassing would commence by the end of February. Ms. Green stated Cablevision would try to commence in these areas sooner.

Anthony I. Kreisel of 79 Firecut Lane, a member of the Cable Television Committee, stated he considers what Cablevision calls "packaging" is "bundling". He believes this may be appropriate in Long Island where the penetration is exceptionally high because of the local sports channel packages. It worries Mr. Kreisel that in Sudbury "packaging" will mean that someone will have to buy two or three things together for a price of "X", when he really only wants "X" minus "Y". Ms. Green pointed out that there is always the option of purchasing just the program a subscriber wants. The purpose of the package offering is that it is priced in a way that the subscriber will pay less for access to the channel he wants if he purchases access to other channels as well. But if the subscriber just wants one or two, it is available. Mr. Kreisel stated he understands that, but is still concerned that because of that structure, the subscriber who just wants basic service--even if it is the expanded basic service--will still be facing a pretty significant price increase. Ms. Contos stated that expanded basic is \$15.00.

Daniel L. Claff of 405 Dutton Road asked if there were any way Cablevision could absolutely guarantee that there will be a basic program

offering. He stated that in one year, Sudbury has seen an increase from \$4.00 to \$7.50. Ms. Green stated that she could make no guarantees that there will be a basic service comparable to what exists in Sudbury now. However, she stated, there will always be a basic service offered and stated that cable operators must offer certain local broadcast stations plus access channels in a basic service. Executive Secretary Thompson further explained that Cablevision has to offer, by federal law, basic service. However, he stated, they could charge whatever they want to for it. Mr. Winston added that governmental de-regulation really changed the packaging and pricing and what channels they offer; the only control is what the market will bear.

Ms. Green informed those present that the Sudbury system had scheduled a rate increase to take place in February, and Cablevision is not going to implement that rate increase.

Mr. Winston brought up the next area of concern which was Customer Service. Ms. Green stated that it would still be handled locally. Ms. Contos stated that some of the services may change.

The next area for discussion was Public Access, i.e., making the studio available and making the studio equipment available for those who wish to go out and use it. Ms. Green stated she understands that the unavailability of the equipment has been a concern and she stated that Cablevision will assure that a part-time access coordinator will be in place within sixty to ninety days after the transfer takes place. Mr. Winston pointed out that the situation in Sudbury is that it has a nice, fairly expensive studio. However, demands for public access have been for use outside the studio, mostly for sports. It has not been appropriate to use the existing equipment, although that is what has been done. The studio has been torn apart to do this. It is hoped that public access could be supported by Cablevision with the purchase of additional remote equipment. Ms. Green stated that, if this is something that goes beyond the license, it would be appropriate for Cablevision to sit down with the Cable Committee to discuss this; however, she cannot make any promises as to a future commitment. Mr. Winston stressed that what he is hearing is that a lot of money has been put into the studio but it really isn't being used because it needs extra portable equipment. Ms. Green stated that when Cablevision has seen a need and it is being used, Cablevision has always gone beyond that which is required. It does not simply turn around and say the license calls for this and no more. But she cannot make a commitment; Cablevision will be willing to sit down and discuss the community's needs.

Mr. Winston next brought up the situation regarding the use of the vans. He asked if, at the regional level, Cablevision expected to make more vans available in the state. He stated that at present there are four vans. Ms. Green stated that the vans are extremely expensive--a fully-equipped van could cost a million dollars; even a basic van goes for \$250,000.00. Cablevision would be unlikely to get a new one. However, she stated, once Cablevision began operating, it would review all of the facilities and equipment.

Ms. Contos stated that three of the four vans that are presently in Massachusetts cost between \$150,000-\$200,000, fully equipped. They were, however, purchased in 1982.

Michael Gonnerman of 65 Washington Drive, a member of the Cable Committee, asked what plans Cablevision had for making the vans more available. Ms. Contos stated that the four vans that are provided in the State of Massachusetts are housed in other systems. Those other communities that house the vans have priority for their use. She stated that Sudbury would have to schedule a month or three weeks in advance. Even so, if the host community needs the van, it will have priority. Ms. Contos acknowledged that in Sudbury it has been difficult to obtain the use of a van. Mr. Gonnerman stated that he believed this was a key point because when the van is not available, other alternatives such as the remote equipment could satisfy the Town's needs.

Christopher Trimper of 31 Emerson Way stated that he has requested the van several times at least a couple of weeks in advance, for use of local sporting events, and he has never obtained its use. Ms. Contos replied that when the van was not available, the studio was broken down and brought to the desired location. Ms. Contos stated that she would have to discuss it with her Programming Department, but what they could do is make the equipment more portable so it could better fit in the shell of a truck.

Upon inquiry by Chairman Donald, Ms. Contos stated that she did not think that the van has ever been to Sudbury other than the day it was shown to Sudbury's residents when Adams-Russell was first applying for its license.

A subscriber inquired about the equipment used to transmit the signal to Sudbury. He had complaints about the strength of that signal. Ms. Contos stated that there have been maintenance problems which interfered with the reception to Channel 2. The company believes there is a loose connection between the main tower and Sudbury. She stated that the maintenance crew is going through every nut and bolt to isolate the problem and correct it.

Mr. Trimper again brought up the problem of unavailability of the van. He stated that not only is the van not available, but when they wish to use the equipment in the studio, he is told there is no staffing available, and the Town is not allowed to take that equipment out of the studio without an Adams-Russell coordinator. He stated that he has heard promises before but has not seen them kept yet. Ms. Green reiterated that Cablevision will hire a part-time coordinator and she believed that would make more personnel available for the "shoots". Ms. Green stated that a part-time coordinator would be hired for 20-25 hours per week.

Town Counsel Paul L. Kenny, who had arrived at the hearing late, asked if his assumption that Cablevision intends to take up the license unchanged and comply in all aspects of it, is correct. Ms. Green stated this was correct.

Attorney Kenny then asked if Cablevision is aware that the license itself incorporates by reference the application of Adams-Russell. Ms. Green stated that it was aware of this.

Attorney Kenny continued by asking if Cablevision knows that the application of Adams-Russell supersedes the actual terms of the final license where those terms are in conflict. Ms. Green stated yes.

Bearing all that in mind, Attorney Kenny stated, some of the items he heard bear particularly upon the application filed by Adams-Russell and the final license that was ultimately granted. He stated that one thing that gives him a great deal of concern is the van. The van has not been in Town since Adams-Russell got the license. Attorney Kenny recalled being present when the Board of Selectmen was told that the van would be a great boon to the Town. He now finds out the Town cannot get it. He also is concerned to hear that no promises can be made that the van will be available for use by Sudbury. Attorney Kenny asked if in fact Sudbury was going to get its share of the van and if so, how many towns Sudbury is sharing it with, and what percentage of the time can Sudbury expect to use the van.

Ms. Green stated that she was not here when the final application was presented so she does not have the benefit of having been present. Looking at the final application, however, she stated that it indicates that there were currently two vans that were to be provided in the regional area, and another two vans added to that, for a total of four vans. She stated this has been done and they are in place and operational. She went on to state that the final application states that Sudbury would be able to use those vans. Ms. Green recognizes that there has been a scheduling problem. The communities in which those vans are located have priority over Sudbury. But she would think that if some sort of formal scheduling could be worked out, it should enable Sudbury residents to use it more often than they have been able to.

Attorney Kenny took issue to the fact that the host communities of the vans would have priority use and Ms. Green explained that their licenses call for that. Ms. Contos further stated that some of the franchise licenses require a studio van. Sudbury's wording is for use of the van. Those communities that do have requirements for a van have priority over those communities who just have use of the van. Ms. Contos stated she believed there are four communities who have priority use of the vans. The vans are located in Braintree, Norwood, Lexington and Peabody. There are a total of eighteen communities entitled to use the van, including those four for priority use.

In response to inquiry by Attorney Kenny, Ms. Contos stated that logs are available showing the use of each van, but when asked to make them available to the Board of Selectmen, Ms. Contos stated she would have to check to see if she could supply them with the logs. She stated it was a company policy to keep such logs. The assistant managers have the information concerning use of the vans.

Selectman David A. Wallace stated that the gist of the complaint is that basically Sudbury does not believe it got what it was supposed to get. Selectman Wallace stated that he has personal knowledge that the van has been requested on numerous occasions and it has never been available. The people are here tonight expressing their concern that the promises were not a sham. It is hoped, he added, that Cablevision will do better. Sudbury would like to see some promises on the record tonight. From reading the information supplied by Cablevision concerning its company, Mr. Wallace believes it to be a reputable company and would have the capability and resources of providing and living up to the terms of the license. However, he would like to see

something before he votes in terms of going on with this hearing and voting for approval or disapproval, something definite to assure use of that van.

Attorney Kenny continued that his reasons for his questions are not only because of the frustrations Sudbury had in negotiating the license in the first place, but also because of the answers to the questions he heard tonight. He believes that the Selectmen need to have some definite statements and get real answers to the questions right now, rather than have to encounter problems down the road. Ms. Green stated that she was surprised to hear that Attorney Kenny does not believe she has been giving straight answers. She stated that she was asked directly if Cablevision was going to assume all of Adams-Russell's obligations and abide by the franchise, and she very directly answered yes. She stated there is no equivocating about that. She stated that she was advised for the first time this morning that there was a question about Adams-Russell not having provided an access coordinator, and she stated that her unequivocal answer is that Cablevision will provide that. But, she continued, questions are being asked that go over and above the license, and she cannot give direct answers to those because Cablevision does not know the direct answers.

Ms. Green concluded that the purpose of this hearing is to determine if Cablevision has the technical, financial and managerial capabilities of living up to the Adams-Russell application, and it is her belief that she has answered very directly those questions. In terms of the van, she stated, she will not be able to promise that a van would be available every Friday. She understands that there is a great deal of sensitivity to prices and she does not believe the subscribers would want the cost of another van reflected in the price of service.

Mr. Winston concluded by suggesting that it is not the van itself that would be needed so much as the equipment which would give Sudbury the mobility it requires to go to the events. It is his understanding that an additional \$5,000 worth of equipment would allow Sudbury to be mobile and it is for that reason he asked what Cablevision could do to meet the terms of the license in providing mobility.

After further discussion, it was on motion of Selectman Wallace unanimously

VOTED: To continue for a period of two weeks, to November 30, 1987, the question of whether to allow transfer of the cable television franchise for the Town of Sudbury from Adams-Russell Cable Services to Cablevision Systems Corporation, One Media Crossways, Woodbury, New York 11797.

Whereupon the public hearing was adjourned.

Conservation Commission - Preparation of ATM88 Articles

Chairman Donald convened a joint meeting with the Conservation Commission pertaining to that Commission's Master Plan for Town Meeting '88.

Commission member Frances Clark opened the discussion by stating that the Commission's chief concern is that the Town is facing many different issues and it therefore needs to set priorities. The Commission feels it is

time to do a reassessment of resources, aquifers and zoning, and this would hopefully assist the Town work with each other and the boards to focus on what should be high priority.

Mrs. Clark reported that the Conservation Commission has met with the Planning Board. There is still insufficient data to develop a "growth" bylaw, but hopefully this will be forthcoming. Mrs. Clark stated that a public meeting, "Look To The Future Day", was discussed as a way of getting the townspeople to think of the important issues, and she believes the Planning Board is very much in favor of this as well.

Gordon D. Henley, Chairman of the Conservation Commission, added that he believes a priority is the Wetlands issue, but to properly develop a Master Plan will take more time. A rough estimate of the cost for the evolvment of such a plan is between \$80-\$100,000.

Selectman Wallace opined that, although a Master Plan sounds good, it never works, and believes the focus should be on the concept of such a plan, but not to get too wrapped up in a black-and-white plan. Mr. Wallace commented that in reviewing the proposals by the Conservation Commission, he very much liked the one for a Land Bank. Mrs. Clark indicated that she has been in contact with other towns that have gone through this process and is learning a lot from them as to how it is done, the feelings of the members of the communities, etc.

Selectman Drobinski also voiced his support for the concept (Master Plan), but expressed a concern about hiring outside consultants. It is his feeling that such an evaluation needs a more dynamic system. As an example, Chairman Donald pointed out that the problem with the Route 20 forecast was the consultant was a planner outside the community who planned an ideal situation, but one not necessarily applicable to Sudbury.

Mr. Henley stressed that all the important issues--zoning, aquifer, wetlands, land aquisition, etc.--will find their way into the Warrant and all of these might make sense if they can be properly presented to the townspeople.

Conservation Coordinator Deborah Montemerlo spoke on the aquifer issue (Article #1-Comprehensive Aquifer Study) and stated that through meetings with Executive Secretary Thompson and Messrs. Fairbank and Mercury, there is a feeling that the article could be drafted to establish water resource protection districts in the Raymond Road and upper Hop Brook areas.

Conservation Commission member Cheryl Bagen pointed out that draft Article #6 (Wetlands Bylaw) is proposed to (1) broaden the jurisdiction of the Conservation Commission and (2) look more closely at values. She pointed out that the State's values are somewhat more limited (recreation, aesthetics, agriculture). She added that this article would enable the Town to look toward the developer to help support some of the Commission's study of the areas before the Commission must make a determination.

Other articles being prepared by the Conservation Commission deal with land acquisitions and funds to construct a bridge over Hop Brook at Haynes Meadow conservation land. It was pointed out that Article #5 (Hop Brook Bridge) may be withdrawn because the Commission is negotiating with a developer to provide some benefits for the Town.

Chairman Donald stated that, time permitting, Town Forum would be ideal for presentation of the Commission's goals and objectives and where the Town should be going. Mrs. Clark stated another forum might be developed through the League of Women Voters in organizing a "Look To The Future Day" and she indicated she would contact them to discuss this.

The meeting with the Conservation Commission was thereupon adjourned.

Executive Session

At 10:40 p.m., it was on motion by roll call unanimously

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

(Chairman Donald, aye; Selectman Wallace, aye; Selectman Drobinski, 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 11:00 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk