

IN BOARD OF SELECTMEN  
MONDAY, SEPTEMBER 14, 1987

Present: Chairman 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 Donald.

Adams-Russell Company/Cablevision Systems Corporation

Present: Jeffrey Winston, Chairman, and Michael Gonnerman, Sudbury Cable Television Committee; Donna Garofano, Director of Public Affairs, Cablevision Systems Corporation; Pennie Contos, General Manager, Adams-Russell Cable Services.

Chairman Donald convened a general meeting with representatives of Adams-Russell Company, Cablevision Systems Corporation, and the Cable Television Committee, to discuss present status and future plans relative to construction of the cable system, its operation, and local programming needs.

Cable Television Committee Chairman Jeffrey Winston proposed that Director of Public Affairs for Cablevision Systems Corporation begin the discussion by explaining to the Board what the impact of the takeover of Adams-Russell by them will have on the Town. Executive Secretary Thompson stated that this discussion was meant to be preliminary in nature and its purpose was to communicate with Adams-Russell Company, which has had no direct contact with the Board in almost two years.

General Manager of Adams-Russell Company Pennie Contos deferred an explanation of the merger to Ms. Garofano of Cablevision, who advised that Cablevision is attempting to purchase the stock of Adams-Russell and merge it with a subsidiary of Cablevision, but that Adams-Russell will continue to exist in its present form, with its managers, officers and services remaining in place. For that reason, she stated, it is the position of Cablevision that there will be a transfer of ownership, not transfer of the license. She further stated that the Massachusetts Cable Commission mandates that Cablevision must seek approval from each of the eighteen municipalities in which Adams-Russell is doing business.

Ms. Garofano presented background information on Cablevision, stating among other things, that it is the fifteenth largest cable television company in the country; it is based in Woodbury, New York; its President and Chairman, Charles Dolan and John Tyler, respectively, founded Home Box Office and built Manhattan Cable. From its base in Long Island, she stated, Cablevision has grown to serve New Jersey, Connecticut, Ohio, Illinois, Massachusetts, and other localities in New York. With regard to financial stability of the company, she suggested the Board review the annual reports submitted to them by Cablevision and pointed out that in the cable industry, the financial worth of a company is based not on current profit and loss, but on other criteria such as cash flow, revenue and present subscribers. She concluded by stating that in addition to operating cable systems, Cablevision offers programming services such as "Sports Channel", "American Movie Classics" and "Bravo".

Executive Secretary Thompson questioned Cablevision's position that what was being attempted is not a transfer of license, and Ms. Garofano explained

that in essence Adams-Russell will continue to operate as Adams-Russell but that it will be owned by a different group of people.

Upon inquiry by Selectman Wallace, Ms. Garofano explained that the preliminary approval process, at a bare minimum, calls for each community to hold a public hearing, to be scheduled no sooner than thirty days after its receipt of "Form 100" and--based on interpretation by the Cable Commission--no later than sixty days thereafter. A vote is taken at the public hearing. However, she pointed out, each community has its own preferences as to how to handle the vote; some towns delegate the vote to its cable commission, some to the Board of Selectmen, some to the Board of Selectmen through recommendation of its town manager. It is her opinion that there are specific grounds for withholding approval, and those relate to character and financial stability of the company.

Executive Secretary Thompson stated, with the concurrence of the Board of Selectmen, that Sudbury will rely upon the recommendation of its Cable Committee.

Upon further inquiry by Selectman Wallace, Ms. Garofano stated that a condition of sale is that Cablevision must receive approval of municipalities representing ninety percent of all transcribers in the area served by Adams-Russell. This relates to the entire sale of the whole company throughout the country. In Massachusetts, however, the State Commission mandates that Cablevision must obtain approval from every municipality in order to do business in the Commonwealth. Pennie Contos, General Manager of Adams-Russell stated the "Family" which includes Sudbury consists of Stow, Hudson, Maynard and Acton.

Executive Secretary Thompson stated there were two items which will require further discussion and resolution--(1) Adams-Russell did not cable the whole town and that is something that the Town would want done; and (2) local programming.

Ms. Contos knows one area in particular, Prides Crossing, does not have cable available at the present time. She assured the Board that although this is an area that cannot immediately be serviced, it is hoped that service can be brought to that area in the near future. Mr. Winston stated there was the possibility of those individuals not in an area currently serviced by Adams-Russell can "tie into" the cable systems of abutting communities such as Marlboro and Wayland. Ms. Garofano stressed that should be a last option, as they would want those subscribers on the Sudbury cable lines.

On the subject of public facility "free drops", i.e., cabling Town buildings, Mr. Thompson requested that Ms. Contos call his office later in the week for an up-date on the matter. Ms. Contos agreed.

Chairman Donald and Mr. Winston each expressed disappointment in the lack of advertising and accessibility to the services of Adams-Russell in areas already being serviced by them. Ms. Contos expressed her understanding of the problem and stated the company is attempting to remedy the situation and is reorganizing its marketing department.

The discussion concluded with a request by Mr. Winston for recommendations as to how to raise approximately \$3,500 for additional equipment which would enable the Town to make remote tapings of local events. Mr. Thompson commented

that this was a reasonable amount and worthy request. The Board will review the minutes of the Cable Committee to get a more detailed explanation of this matter.

Chairman Donald stated that since the petition was submitted by Cablevision on or about September 1, 1987, the Board would have to call a meeting sometime after October 1, 1987. Executive Secretary Thompson will communicate with Ms. Garofano to schedule a hearing on a date when she would be available to attend.

Utility Petition 87-24 - Concord Road

Present: Carol McManus, Boston Edison Company.

The Board reviewed Utility Petition 87-24 by Boston Edison Company and New England Telephone and Telegraph Company for approximately five feet of conduit in Concord Road southeast of Pantry Road, in order to provide service to a new home.

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 August 18, 1987.

On motion of Selectman David A. Wallace, it was unanimously

VOTED: To approve Utility Petition 87-24 for permission to lay and maintain, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, under Concord Road - easterly approximately 3,346 feet southeast of Pantry Road, a distance of about five feet of conduit; as shown on plan of Boston Edison Company entitled "Plan of Concord Rd. Sudbury", dated July 7, 1987, and New England Telephone and Telegraph "Plan for Conduit Location", dated August 17, 1987.

Site Plan Application 86-302-2 - James S. DiGiandomenico

Executive Secretary Thompson informed the Board that the attorney for Mr. Giandomenico verbally requested the continued consideration of Site Plan Special Permit Application No. 86-302-2 of James S. DiGiandomenico for conversion of a residence to office building with associated parking at 344 Boston Post Road, for the purpose of finalizing Decision only, be postponed from this evening and placed on the agenda for September 21, 1987, at 8:30 p.m. Mr. Thompson reported that Attorney Pitchel will be sending a letter in confirmation.

Mr. Thompson stated that Selectman John C. Drobinski, who is out of the State and unable to attend this meeting, asked the Board to clarify the matter of variance relinquishment. It is Mr. Thompson's recollection and understanding that the Board of Appeals originally approved the granting of a variance, but that at a later date re-voted to disallow the variance. Selectman Wallace indicated he believed the agreement with counsel for Mr. DiGiandomenico was that they would withdraw their request pertaining to parking in the front. Selectman Wallace opined that it should be made certain that this action was taken.

On motion of Chairman Donald, it was unanimously

VOTED: To postpone continued consideration of Site Plan Special Permit Application No. 86-302-2 of James S. DiGiandomenico for conversion of a residence to office building with associated parking at 344 Boston Post road, for the purpose of finalizing Decision only, to September 21, 1987, at 8:30 p.m., subject to letter confirming this being received from Sheldon Pitchel, Esquire, attorney for Mr. DiGiandomenico.

Marrone Dog Petition

Present: Mrs. Ruth Burton.

The Board reviewed petition submitted September 1, 1987, signed by approximately ninety-five persons, which requested that the Board of Selectmen hold a hearing to reconsider its decision and order of April 3, 1987:

To order the Doberman pinscher known as "Colt", owned by Alan Marrone of 17 Stone Road, removed from the environs of the Town of Sudbury no later than May 1, 1987; and that until such removal takes place, said dog shall be permanently restrained at all times.

After a short discussion, it was on motion unanimously

VOTED: To deny a rehearing as requested by the petition.

The Selectmen were also advised that Mr. and Mrs. Alan Marrone failed to accept the Selectmen's certified letter of August 24, 1987 which ordered their dog Colt removed from the environs of the Town of Sudbury no later than September 1, 1987.

After a brief discussion, it was on motion unanimously

VOTED: To notify Alan and Linda Marrone, 17 Stone Road, Sudbury, Massachusetts, to permanently remove their dog Colt from the environs of the Town within seven (7) days of receipt of notice. Until such time as the dog is removed from the environs of the Town, it shall remain in the control and custody of the Sudbury Dog Officer at the expense of the owner. In the event that Alan and Linda Marrone fail to permanently remove their dog from the Town of Sudbury within the aforesaid seven (7) days, the Board of Selectmen will hold a hearing to determine whether or not the dog should be destroyed.

The Selectmen directed that notice be prepared and delivered to Mr. and Mrs. Alan Marrone forthwith.

Appointments - Route 20 Task Force

Present: J. McKinley, Route 20 Task Force; Sally Trimble and Albert Wong, applicants.

Based on recommendations contained in letter dated September 2, 1987, from Jim McKinley, Chairman, Route 20 Task Force, it was on motion of Selectman Wallace unanimously

VOTED: To appoint Thomas Phelps, 58 Concord Road and Sally Trimble, 118 Peakham Road, to fill the two existing vacancies in the Route 20 Task Force; and further to appoint Albert Wong, 499 Dutton Road, to the Route 20 Task Force, effective upon receipt of the resignation of Frank Vana.

Application #87-304 - Devlin Construction Corp.

Present: Robert E. Devlin, Jr.

Chairman Donald opened a public hearing in accordance with Sudbury Zoning Bylaws, IX,V,A, to consider Application #87-304 of Devlin Construction Corporation for a Site Plan Special Permit for construction of a self-storage facility comprised of five one-story concrete-block storage buildings and one one-story brick office building, to be located off Station Road, Assessors Map K08-038, Industrial District #2, owned by Perkins Realty Trust.

Executive Secretary Richard E. Thompson advised that parties in interest have been notified and Notice of Public Hearing had been duly posted and advertised in accordance with Sudbury Zoning Bylaws and M.G.L. c.40A.

Executive Secretary Thompson noted receipt of letter dated September 14, 1987, from Robert E. Devlin Jr., Devlin Construction Corporation, which letter requested a continuance on the site plan approval process for "Sudbury Self Storage" and noting that a revised site plan has been submitted to the Town for distribution to the appropriate departments. Mr. Devlin commented that the revised site plan down-sized the construction.

On motion of Selectman Wallace, it was unanimously

VOTED: That the public hearing to consider Application #87-304 of Devlin Construction Corp., received July 17, 1987, for a Site Plan Special Permit in accordance with Sudbury Zoning Bylaw Art. IX,V,A, for construction of a self-storage facility comprised of five one-story concrete-block storage buildings and one one-story brick office building, to be located off Station Road, Assessors Map K08-038, Ind. Dist. #2, owned by Perkins Realty Trust, be continued by mutual consent, to October 26, 1987, pending action by the Board of Appeals.

Request For Stop Sign - Maynard Farm Road at Powers Road

The Board reviewed letter dated August 25, 1987, from Linda V. Campelia of 82 Powers Road, to Officer William Carroll, requesting a Stop Sign be placed at the intersection of Powers Road and Maynard Farm Road. Upon inquiry by Selectman Wallace, Executive Secretary Thompson explained that since the roads involved are not State roads, State approval is not required and thus the decision rests with the Board of Selectmen whether to approve the request.

Executive Secretary Thompson further noted receipt of communication dated September 2, 1987, from Town Engineer I. William Place, recommending approval of a stop sign or other alternative signs at the location referred to and further stating that since this portion of Maynard Farm Road is privately owned, a

release from the owner of the property will have to be obtained prior to installation.

It was thereupon determined by the Board that the intersection described herein meets at least one of the warrants as set forth in the Manual on Uniform Traffic Control Devices of the Department of Public Works, Commonwealth of Massachusetts.

On motion of Chairman Donald, it was unanimously

VOTED: To approve installation of a stop sign at the intersection of Maynard Farm Road and Powers Road, at a location to be clarified by Town Engineer I. William Place; to amend the Traffic Rules and Orders of the Town of Sudbury, adopted by the Board on September 12, 1941, and subsequent amendments thereto, by adding at the end of Section 8 in Article VII, OBEDIENCE TO ISOLATED STOP SIGNS, the following location: "Southbound drivers on Maynard Farm Road at Powers Road"; and to execute the appropriate documents necessary to implement the installation thereof.

Proposal From Arthur Young & Company To Perform Audit

The Board reviewed proposal dated August 12, 1987, from Arthur Young & Company to perform an audit of the Town's financial records and accounts.

On motion of Chairman Donald, it was unanimously

VOTED: To accept a proposal in the amount of \$19,000, dated August 12, 1987, from Arthur Young & Company to perform the FY87 audit of the town's financial records and accounts in accordance with the Town's RFP dated August 12, 1987, subject to Town Meeting appropriation.

Reserve Fund Transfer/Fire Department

The Board reviewed memorandum dated August 27, 1987 from Fire Chief Michael Dunne and copy of letter dated May 12, 1987, from Melvyn W. Kramer, M.D., to Chief Dunne, recommending that department personnel receive Hepatitis B inoculations at the estimated cost of \$4,375.

On motion of Chairman Donald, it was unanimously

VOTED: To approve Request No. 88-5, dated August 27, 1987, for transfer of \$4,375.00 from the Reserve Fund to Account 310-210, Fire General Expense.

Authorization to Sign Payroll and Bill Vouchers - Fire Department

On recommendation of Fire Chief Michael Dunne dated September 3, 1987, on motion of Selectman Wallace, it was unanimously

VOTED: To authorize Fire Captain Gerald Spiller to sign payroll and bill vouchers during the period September 12-26, 1987, in the absence of the Fire Chief.

Proclamation - Emergency Medical Services Week

In accordance with a communication dated September 2, 1987, from Roy Kniveton, Assistant Director, Department of Public Health, Office of Emergency Medical Services, it was on motion unanimously

VOTED: To sign a proclamation declaring the week of September 20, 1987 - September 25, 1987 Emergency Medical Services Week.

Chairman Donald read the Proclamation and copies were distributed to the press.

Donation to Sudbury Fire Department

Pursuant to request dated September 8, 1987, from Fire Chief Michael Dunne, it was on motion of Selectman Wallace unanimously

VOTED: To accept, on behalf of the Sudbury Fire Department, a gift of \$57.00 from the Sudbury Newcomers Club and to authorize its use by the Department for the purchase of emergency telephone labels to be distributed through the Welcome Wagon.

Appointment - Crossing Guard

On recommendation of Chief of Police Peter B. Lembo dated September 1, 1987, it was on motion of Chairman Donald unanimously

VOTED: To appoint Sally Zink, 19 Puffer Lane, as a School Crossing Guard for a term to expire April 30, 1988.

Minutes

On motion of Selectman Wallace, it was unanimously

VOTED: To approve the regular and executive session minutes of August 17, 1987 and August 24, 1987, as presented.

Repurchase of Cemetery Lot - New North Cemetery

The Board noted receipt of letters dated September 9, 1987, from George and Jane Max, P. O. Box 304, and Superintendent of Cemeteries Robert A. Noyes, requesting resale to the Town two graves in New North Cemetery.

On motion of Chairman Donald, it was unanimously

VOTED: To repurchase two graves in New North Cemetery, Lot #114A (Deed #295), from George & Jane Max, P. O. Box 304, for the amount of \$100.00.

Fort Devens Boards of Selectmen Meeting

Chairman Donald informed the Board that Ft. Devens has scheduled its annual meeting of the Boards of Selectmen for October 1, 1987. Executive Secretary Thompson will contact Ft. Devens to determine what is on the agenda.

LSRHS Agreement

Mr. Thompson informed the Board that the Finance Committee, at its meeting on August 20, 1987, stated the proposed changes to the agreement sounded good; but had some reservations on the new contingency or Reserve Account. Mr. Thompson recommended that the Board withhold its support at the October 1, 1987 meeting with the Lincoln-Sudbury Regional High School Committee until a meeting can also be scheduled to meet with the Finance committee on the same.

MAGIC Meeting

Selectman Wallace reported that he attended the recent MAGIC meeting. He felt it was clear that they are looking to Sudbury for direction with regard to the septage package treatment plants issue.

Meeting with Consultant Re: Town Space

Selectman Wallace reported that he and Executive Secretary Thompson attended a meeting of the Town Space Study Steering Committee relative to a preliminary report by the School's consultant, Mount Vernon Group, hired to do demographic/space planning study. The meeting focused on the school K-8 needs, and the conclusion was that there is a surge in the population of younger children aged three to six and that in three years more space will have to be made available to accommodate them. Mr. Wallace stated that it appeared the School Committee will be thinking about building a new school.

Acceptance of Painting Bid

Upon recommendation of Executive Secretary Thompson, it was on motion of Selectman Wallace unanimously

VOTED: To accept the bid of E. B. Ryder & Son, 14 Eaton Road West, Framingham, for the bid under Option B in the amount of \$5,715, to furnish all labor and materials for painting all exterior woodwork, including window frames, but excluding the painting and (where required) reglazing of the window sashes of the Flynn Building.

Request for Expenditure by Historical Commission

The Board reviewed request dated September 8, 1987, of the Historical Commission; and upon recommendation of Executive Secretary Thompson, and his representation that the monies are available, it was on motion of Chairman Donald unanimously

VOTED: To authorize an expenditure of \$450.00 by the Sudbury Historical Commission from the Edwin Barrett Hosmer Memorial Fund to pay painting conservator Theresa Byington for the restoration and conservation of the "Self Portrait of Florence Hosmer" called "The Yellow Suit".

Metrowest Growth Management Committee Meeting

Chairman Donald reported that she attended the Metrowest Growth Management Committee meeting September 9, 1987. She stated that Representative Magnani urged those present to send letters of support to our legislators on House



Bill 1575, which provides for fees from developers so the towns may hire consultants. Also discussed were package treatment plants and a proposal was made to ask that a "generic" environmental impact report on such plans be prepared by DEQE. Chairman Donald further stated that if there are any legislative initiatives the Board might wish to see proposed by MetroWest, these should be listed and ranked in order of importance and she will submit same at the October MetroWest meeting.

Appointment - Personnel Board

Present: Marilyn A. Tromer, applicant, and Susan Anderson.

The Board reviewed application and resume of Marilyn A. Tromer for appointment to the Personnel Board.

After interview, upon motion of Chairman Donald, it was unanimously

VOTED: To appoint Marilyn A. Tromer, 26 Clark Lane, to the Personnel Board, for a three-year term which will expire at the adjournment of the 1990 Annual Town Meeting.

Whereupon, Chairman Donald and Selectman Wallace executed the appointment form and Mrs. Tromer was duly sworn in by Executive Secretary Richard E. Thompson.

Interviews-Appointment/Residential Wastewater Treatment Facilities Advisory Com.

Present: Walter Stadnisky, Henry J. Chandonait, Robert S. Cappaccio, Charles B. Cooper, William W. Cooper, Robert H. Sheldon and John R. McMahon.

Chairman Donald informed those present that it is the policy of the Board not to make appointments in the absence of one of its members. Thus, interviews would be conducted and a final determination will be made upon Selectman Drobinski's return.

Chairman Donald stated that the Board of Health has recommended member Hugh Caspe of 33 Philemon Whale Lane; the Conservation Commission has recommended member Frances Clark of 111 Old Lancaster Road; and the Planning Board has recommended Lee Newman as a liaison to the Advisory Committee.

Thereupon, interviews were conducted of the following individuals:

Walter Stadnisky of 100 Old Lancaster Road;  
Henry J. Chandonait of 15 Stonebrook Road;  
Robert S. Capaccio of 337 Hudson Road;  
Charles B. Cooper of 226 Morse Road;  
William W. Cooper of 11 Cedar Creek Road;  
Robert H. Sheldon of 60 Saxony Drive;  
John P. McMahon of 19 Pelham Island Road;

Lael (Mike) Meixsell of 34 Barton Drive submitted his application but was not interviewed, since he was well known to the Board because of his activities on the Planning Board.

At the close of interviews, Chairman Donald expressed the Board's thanks to each individual who is willing to give of his time to assist the Town in a serious and far-reaching matter.

Executive Session

At 9:45 p.m., it was on motion by roll call unanimously

VOTED: To go into Executive Session for the purpose of considering transactions in real property where open discussion may have a detrimental effect on such transactions.

(Chairman 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 11:30 p.m.

Attest: \_\_\_\_\_  
Richard E. Thompson  
Executive Secretary/Clerk