

IN BOARD OF SELECTMEN
MONDAY, OCTOBER 27, 1997

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

The statutory requirements for notice having been met, Chairman Blacker convened the meeting at 7:32 p.m. at the Fairbank Senior Center.

Wilhelmina Dole Complaint

Present: Wilhelmina Dole, 655 Boston Post Road, Apt. 3106, and others.

The Board was in receipt of a communication, dated October 17, 1997, from Wilhelmina Dole stating various problems at Longfellow Glen, including a request to have any apartment inspections conducted some time other than the Thanksgiving and Christmas holidays and of the need to have sand and shovels made available at the exit and parking lot steps for traction during the upcoming winter months.

Wilhelmina Dole, 655 Boston Post Road, Apt. 3106, said she had been waiting since September 1, 1995, for a report from Robert C. Leupold, Director of Health, regarding a build-up of mold at her apartment at Longfellow Glen. She said she would have brought this matter to the attention of the Board sooner, but for her declining health.

Selectman Clark suggested that the Building Inspector be directed to determine if the building presented any code violations. She also suggested the Board of Health should also investigate the matter. She commented two years was much too long for this problem to have gone on.

The Board so requested the Town Manager to have the Building and Health Departments pursue the matter.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular session, as drafted, and the executive session, as amended, of October 14, 1997.

Donations – Council on Aging Vans

It was on motion unanimously

VOTED: To accept \$127.16 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 – Council on Aging

It was on motion unanimously

VOTED: To accept a grant in the amount of \$2300 from the Sudbury Foundation to be used by the Council on Aging to purchase a camcorder and related equipment for Town use.

Congratulations to Eagle Scout Brad Vifquain

It was on motion unanimously

VOTED: To send a letter of congratulations to Brad Vifquain, 71 Ford Road, upon his achieving the rank of Eagle Scout.

Selectman Drobinski stated that he planned to attend the Eagle Court of Honor acknowledging Mr. Vifquain's achievement at Our Lady of Fatima Church, on December 1, 1997, at 7:30 p.m.

Change Place of Polls - Precincts 3 & 4

It was on motion unanimously

VOTED: To establish the Peter Noyes Elementary School as the polling place for Precincts 3 and 4, commencing with the special election on December 8, 1997, and continuing until the Town Hall becomes available and the Board redesignates it as a polling place.

Trustees of Town Donations

Present: Maureen G. Valente, Town Treasurer and Collector; Leslie S. Schofield, Assistant Town Treasurer and Collector; Marilyn MacLean, Historical Commission; Fred Lee Ford Swanson, Historical Society; and others.

The Board was in receipt of a communication from Leslie S. Schofield, Assistant Town Treasurer and Collector, including the Fiscal Year 1997 Fourth Quarter Report, the Raymond Scholarship recipient information and calculation for distribution, the June 30, 1997, statements for the Harry C. Rice Museum and the Wood-Davison House Funds, both of which, the Treasurer requests be brought into the pooled investment accounts and monitored by the Trustees.

Maureen G. Valente, Town Treasurer and Collector, stated that the 8.25% return on investments was a decent rate of return. She noted a \$15,000 IBM bond will mature on November 1, 1997, and the Investment Advisory Committee recommends the money be invested in the Dean Witter Government Income Trust Fund. Treasurer Valente also noted a Treasury Note in the amount of \$50,000 will mature next May, but there is ample time to consider where such should be invested. She reported that Kimberly Hamill, 16 Pine Street, has been selected as the recipient of the George J. Raymond Scholarship for 1996-1997. Ms. Hamill is attending Northwestern University. Due to a good rate of return, Treasurer Valente reported the award this year is \$966.71. Finally, she said the Harry Rice Museum Fund (\$37,000) and the Wood-Davison House Fund (\$40,000) should be invested under the direction of the Town Trustees and they could provide both funds with better rates of return.

Fred Lee Ford Swanson, Historical Society, stated the Historical Society favored having the funds managed by the Town Trustees. He noted that the will of Harry Rice requires the Town to use the Rice

funds to build a museum from scratch to house the artifacts donated by Rice to the Town. Mr. Swanson opined that such will never occur and, therefore, the funds will just sit there.

Chairman Blacker stated he believed Town Counsel had been asked to research the matter and to consider court action if necessary to obtain a more reasonable interpretation of the will.

Marilyn MacLean, Historical Commission, stated that Town Counsel Paul Kenny had called a meeting, but it had to be re-scheduled several times and has never taken place.

Chairman Blacker directed Town Manager Ledoux to request Town Counsel Kenny to research this matter and report his findings to the Board.

On motion it was unanimously

VOTED: (1) To approve the Fiscal Year 1997 Fourth Quarter Report of the Trustees of Town Donations; (2) To approve investing the funds derived from the maturity of the IBM bond, approximately \$15,000, in Dean Witter Government Income Trust fund; (3) To approve the distribution of the \$966.71 Raymond Scholarship award to Kimberly Hamill, 16 Pine Street; (4) To approve management of the Harry C. Rice Museum Fund and Wood-Davison House Fund by the Trustees by including them in the pooled investment accounts.

Dog Complaint – Michael Zeolla/Jon Delli Priscoli

Present: Michael Zeolla, 109 Prides Crossing; Jon Delli Priscoli, 100 Prides Crossing; Betsy DeWallace, Dog Officer, and others.

Complainant Michael Zeolla, 109 Prides Crossing, stated that after the first hearing the dogs were to be restrained and they were not. He explained that the reason he had complained was because he feared his cats would be injured. Lately, he has been keeping his cats inside. He said that he still sees the dogs on occasion roaming the streets, but had not seen them out during the last two weeks.

Jon Delli Priscoli, 109 Prides Crossing, said he had gotten letters from some of his neighbors and a Dog Officer from another community stating his dogs are harmless. He said there are two people in the neighborhood who obviously have a vendetta against him. He claimed that the complaint verged on harassment and he wanted to bring this matter to a closure. He said he just wanted to be left alone. He claimed he has found Mr. Zeolla's cats swimming in his pool and did not file a complaint against him. He said that one dog minds the electric fence he put up and his wife walks the other. He said once the cleaning service inadvertently let the dog loose. He claimed one of his neighbors trapped his dog, held it and then called the Dog Officer. He also questioned Dog Officer DeWallace's impartiality since she has a relationship with the complainant's wife.

Chairman Blacker stated the issue was not whether the dogs were friendly but rather whether they were violating the leash law.

Ursula Lyons, 157 Wayside Inn Road, said she never knew who had owned the dogs, but she had seen them in the neighborhood and that the cats were terrified of them. However, she said she had not seen the dogs in the last couple of months.

Selectman Drobinski noted that the letter from the dog officer in Hopkinton offered by Mr. Delli Priscoli was not signed. He also noted the letters from the neighbors appeared to have been prepared for their signature.

Selectman Clark said that labs are notoriously friendly. She said the one not responding to the fence is still an adolescent, and it would be just a matter of time before it matures and would abide by the fence.

Chairman Blacker noted there were fewer problems than originally. However, he said Mr. Delli Priscoli's story was a tough one to believe and, in fact, he did not believe it. He asked Dog Officer DeWallace if she could tell if the dog had been detained on the neighbor's porch for a long period and she said that she could not tell how long the dog had been there.

Chairman Blacker asked Mr. Delli Priscoli why he did not just shut his gate to contain the dogs and Mr. Delli Priscoli said he did not wish to do so. He said that he did not believe in being "exclusionary".

Selectman Drobinski stated that some people are afraid of dogs or they have cats. He said they too have rights. He said that he was only being asked to comply with the leash law.

Selectman Clark moved to continue the hearing, without findings for 90 days, and explained to the parties that, if no further complaints are made, the matter will be dismissed without further hearing. Thus, it was unanimously

VOTED: To continue the matter, without findings, for a period of 90 days.

Town Forum – 230th Session

Reports were provided by Chairman Blacker, Board of Selectmen; Steven Ledoux, Town Manager; Kathy Middleton, Town Clerk; Hans J. Lopater, Goodnow Library Trustees; Marilyn A. MacLean, Historical Commission; Ursula Lyons, Hop Brook Ponds Study Committee; Clayton F. Allen, Permanent Landscape Committee and Zoning Enforcement; Fred Lee Ford Swanson, Committee for the Preservation and Management of Town Documents; and Carol Galloway Oram, Council on Aging. The Board of Assessors provided a written report.

Site Plan Application 97-337 of The Conant-Welch Group, 142 North Road

In accord with an extension of time granted until November 11, 1997, by the applicant, The Conant-Welch Group, it was on motion unanimously

VOTED: To continue the public hearing on this matter until November 10, 1997.

Approval of Board's Six-Year Capital Expenditure Plan

The Board was in receipt of a draft Expenditure Plan prepared for the Board's submission, dated October 27, 1997, prepared by Town Manager Ledoux, including (1) Flynn Building Renovation – Town Offices at \$235,000; (2) Department of Public Works Renovation at \$392,000 and (3) Postage Machine at \$10,000.

Selectman Drobinski inquired if postage machines were really that expensive and Town Manager Ledoux stated that such was the case; in fact, he stated he had paid more for such a machine when he worked for the Town of Williamstown.

It was on motion unanimously

VOTED: To approve the Board of Selectmen's Six-Year Capital Expenditure Plan, including the above described three projects.

Articles for the 1998 Annual Town Meeting

The Board was in receipt of a summary of proposed articles for the 1998 Annual Town Meeting. Included is the suggestion by John B. Hepting, Inspector of Buildings, to eliminate Chapter 40A Site Plan Special Permit and revert to a review process; a recommendation by the Planning Board that it assume responsibility for site plan approval; the question of prohibiting commercial septic systems in residential zones; and a petitioner's desire to allow ice cream trucks in residential zones.

Chairman Blacker stated he had no problem with the Planning Board doing the site plans, especially given the Attorney General's comments regarding the current process.

Selectman Clark disagreed, saying she believed more heads make for better decisions.

Selectman Drobinski agreed with Selectman Clark, saying one would have to do a lot of talking to convince him to change the existing process.

Both Chairman Blacker and Selectman Clark stated they had no interest in prohibiting commercial septic systems in residential zones. Selectman Clark said that what is good in one area may not be good in another.

Chairman Blacker inquired what currently precluded ice cream trucks in residential zones, and Town Manager Ledoux responded that these vendors cannot sell in Town right-of-ways. [Town Counsel will be reviewing the Town Bylaws and Selectmen's Hawker & Peddler regulations which prohibit this and will meet with the petitioner.]

As a result of this discussion, the following articles will be prepared for the Selectmen's further consideration:

1. Hear Reports
2. Budget Adjustment FY98
3. Stabilization Fund Addition
4. Street Acceptances

5. Capital Spending articles:
 - a. Flynn Building
 - b. DPW Building
 - c. Technology Plan
6. Amend Bylaws, Capital Planning Committee
7. Amend Bylaws, Dog Control
8. Amend Zoning Bylaw, Flood Plains (new FEMA maps)

Board Policies and Procedures – Site Plan Regulations

Present: Janet Silva, Administrative Assistant to the Board, and others.

Selectman Clark stated she had not yet had an opportunity to review the proposed amendments and therefore the Board agreed to continue this matter until the Board's next regularly scheduled meeting with Chairman Blacker and Selectman Drobinski noting their initial questions and concerns regarding the proposed amendments.

Selectman Drobinski asked what is the process for amending Board procedures and Town Manager Ledoux stated that such is accomplished a majority vote of the Board.

Selectman Drobinski suggested the amendment process be set out in a provision. After discussion, it was determined to be unnecessary, as authority for the regulations and their amendment is contained in the Zoning Bylaw.

Selectman Drobinski asked about the former "site plan review" process and Janet Silva, Administrative Assistant, explained it was a simpler process in that it was not recorded and did not require a unanimous vote.

Chairman Blacker noted that section three does not define "other person" and suggested that such is redundant and that it be stricken.

Selectman Drobinski commented that minor changes should not require re-opening the hearing process and Chairman Blacker agreed stating he understands the provisions to require such are to be determined by the Board on an individual basis.

Electric Industry Deregulation Bill

The Board was in receipt of Massachusetts Municipal Association Legislative Bulletin, dated October 10, 1997, reporting that a working draft of legislation on electric energy deregulation intended to benefit cities and towns, contains certain provisions which would preclude cities and towns from reaping the full benefits of deregulation. The chief fault lies with the section that would effectively prevent cities and towns from entering into joint purchases of electricity. The Bulletin urges cities and towns to contact their legislators or Chairman Daniel Bosley's office regarding these concerns.

Town Manager Ledoux commented the proposed legislation is relatively inflexible and would prohibit the Town from purchasing electricity in bulk.

Upon motion it was unanimously

VOTED: To direct Town Manager Ledoux to apprise the Town's legislative delegation of the Town's opposition to the proposed legislation.

Approval of 1998 Contract(s) for Group Health Insurance for Town Employees

Present: Chris Gundling, Benefits Coordinator, and others.

Town Manager Ledoux reported the Insurance Advisory Committee recommends opening the enrollment into the Harvard/Pilgrim Plan and also consideration of an enhanced dental plan and a "cafeteria plan" supported by pre-tax employee dollars. Town Manager Ledoux stated he had attempted to sit down with the unions to discuss these benefits, but only the Teachers and Supervisors unions were interested. He said the Board could continue to award the contract to HMO Blue and Health Flex and could also open the enrollment into the Harvard/Pilgrim Plan and provide for a "cafeteria plan". He said under the HMO Blue Cross Plan the Town bears 90%, whereas under the Harvard/Pilgrim Plan, it bears only 80%. He opined the effect of opening enrollment in the other plan might force Blue Cross to sharpen its pencils.

Chairman Blacker responded that since the Town is self-insured why should he care whether it is Blue Cross or Harvard/Pilgrim.

Town Manager Ledoux responded there is still the issue of claims management and consumer responsiveness. He said he thought the Harvard/Pilgrim Plan presented a better product and is a better organized company. He suggested that, if Harvard is opened-up, the Town should proceed on the premium plan to allow for a period of time to determine what the history of loss might be.

Chairman Blacker noted the rate was almost the same, within several dollars, whether the Town proceeded on a self-insured basis or premium basis.

Chairman Blacker opined if Harvard is opened up the self-insured plan will go up since there will be less money in the pool. He said he was not in favor of the opening the Harvard/Pilgrim Plan since it would only jeopardize the self-insured program. He said with HMO Blue the Town only pays the administrative fee and the losses. He asked what the administrative costs would be for self-insurance under Harvard?

Chris Gundling, Benefits Coordinator, responded it would depend on the amount of migration and since the employee share is almost twice as much for Harvard as opposed to Blue Cross a significant

migration is not expected. She asked if she could come back with firm figures after the open enrollment period and the actual migration is known. She said there is a cut off deadline of November 17, 1997, for open enrollment and a decision needs to be made expeditiously.

Chairman Blacker stated that in the past it was thought only young and healthy people signed up for Harvard. Right now, he said we have a wonderful mix of people in the self-insured fund. We have the law of large numbers on our side. Why do we want to take people out of this pool?

Town Manager Ledoux opined that re-insurance costs and administrative costs currently imposed by Blue Cross might go down.

Chris Gundling, Benefits Coordinator, opined that there are enough employees to have two groups.

Chairman Blacker responded we know the existing self-insured pool works because it has done so for the last three years. He said the reason Harvard was frozen was because it could not provide for self-insurance. If Harvard could offer a competitive administrative cost rate for self-insurance, perhaps it should be opened.

Chris Gundling, Benefits Coordinator, cautioned, however, she thought there would have to be two separate trust funds.

Chairman Blacker stated he wanted to know if there needed to be two separate trust funds.

Town Manager Ledoux stated the State Insurance Board might have some regulation requiring such. He said that he knew he could not combine the pools for property and casualty insurance.

Chairman Blacker countered, however, this was the same type of insurance - health insurance. He said he needed to know if the Town could maintain just "one pot". He said if two funds were required the Town could not self-insure if only 12 people were, for example, in one plan.

Chris Gundling, Benefits Coordinator, stated she could get the answer to that question in short order.

Thus, the Board determined to continue consideration of this matter until Wednesday, October 29, 1997.

Donations – D.A.R.E.

It was on motion unanimously

VOTED: To accept \$1,069.00 from Steven Corcoran, Sky Restaurant, 120 Boston Post Road, for the D.A.R.E. Program and to authorize Police Chief Lembo to expend the same in accord with said program and to send Mr. Corcoran a letter of appreciation for this donation.

New Town Cemetery – Repurchase of Two Lots

Upon request from Robert A. Noyes, Assistant Director of Public Works, it was on motion unanimously

VOTED: To approve the repurchase of two graves in New Town Cemetery, Lot 22B, Section 5, Deed #707 at \$300 (two graves at \$75.00 and Perpetual Care at \$225.00) from Karl Hanson, Executor for the Estate of Oline D. Hanson.

Library Janitorial Contract

Upon request from Town Manager Ledoux, it was on motion unanimously

VOTED: To approve a janitorial contract to provide cleaning services, at the rate of \$12.55 per hour during the week and \$25.00 per hour on the weekend, with a maximum of 4.5 hour per week, at the Goodnow Library, temporarily located at Town Hall.

Special Town Meeting

It was on motion unanimously

VOTED: To acknowledge withdrawal of petition article Amend Zoning Bylaw - Intensity Regulations from the November 17, 1997, Special Town Meeting Warrant.

Executive Session

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

VOTED: To enter into Executive Session for the purpose of considering: (1) approval of the collective bargaining agreement with the Sudbury Supervisory Association for the period of July 1, 1997, though June 30, 2000; and (2) discussing with the Sudbury Nonprofit Collaborative its lease of Loring School.

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

Chairman Blacker stated that the Board would not return to open session and that he did not intend to participate in the executive session regarding the Loring School lease due to a potential conflict of interest.

There being no further business, the meeting adjourned at 10:35 p.m.

Attest: _____
Steven Ledoux
Town Manager-Clerk