

IN BOARD OF SELECTMEN
MONDAY, OCTOBER 25, 1999

Present: Chairman John C. Drobinski, Kirsten D. Roopenian, and Maryann K. Clark, Selectmen.

The statutory requirement for notice having been met, the meeting convened at 7:30 p.m. at the Town Hall, 322 Concord Road.

Joint Meeting – Sudbury School Committee and Superintendent

Present: William H. Hurley, Sudbury School Superintendent; Gregory Lauer, Stephenie Cook, Richard Robison, School Committee.

William Hurley, Sudbury School Superintendent, briefly updated the Board on activities at the schools. The MCAS tests were discussed. Mr. Hurley expressed concern that media hype has given the test an inappropriate reputation so parents are pressuring their children to study when it is actually the school's curriculum that is being tested. He stated the MCAS test is reported to be one of the most challenging tests in states across the country. There is no national test consistently given throughout the nation.

Stephenie Cook stated the current issue of *Boston Magazine* has a good analysis of the MCAS and what it means for the curriculum of the suburban schools. Gregory Lauer stated the initial exam framework seemed to focus on meaningful things that were hard to measure, and has evolved to focus on easily measured things that are not meaningful.

Selectman Roopenian asked about emphasis on science. She stated Grade 7 is currently using an excellent book, and wondered how the curriculum can be aligned when the test framework changes. Mr. Hurley stated it is difficult when the expectations keep changing as well. He continued to state that the test itself is in a state of developmental flux as educators determine what to keep in the test and what to remove or revise.

Discussion followed on SBA funding for schools, both new and rehabilitated. Ms. Cook stated there are a lot of administrators who are trying to influence what goes on at the State level. She opined that, no matter how hard our representatives work, their efforts are ineffective.

Mr. Hurley stated that the Education Reform bill originally gave tremendous financial support to urban areas, not to suburban communities such as Sudbury. He opined that cutbacks will have a significant impact and a new formula for distribution needs to be developed, perhaps to gradually increase by inflationary and growth factors over a period of several years. Selectman Clark opined the language of the formula is intentionally difficult so that it does not present a temptation for frequent revision.

Mr. Lauer stated the funding is based on two things: what the Town ought to spend and what the Town is capable of spending, and the difference is covered by the State. He stated there are different ways to allocate money between teachers, aides, and a variety of other things. He stated the most difficult part of the funding formula is trying to figure out how much the Town *ought* to spend.

Selectman Clark asked who the key political players are who should be approached for support. She opined that alliances should be determined before moving forward. Mr. Hurley stated political support varies and sometimes can shift based on the current political climate. Selectman Roopenian opined that support for funding is tied to test performance, which is unproductive toward the larger goal. Chairman Drobinski

opined that education is such a high priority for the citizens of Massachusetts that they would not tolerate such behavior very long.

Chairman Drobinski asked the Committee if there were any Town Meeting issues they wished to discuss. Ms. Cook stated that many communities are going to a longer-day or full-day kindergarten and opined they may begin to feel pressure to follow suit. She opined that, once the new buildings are complete, the subject will come up quickly.

Interim Town Manager Maureen Valente stated there will be a financial summit on Tuesday, November 16, and will include the Finance Committee, Board of Selectmen, Sudbury School Committee, and Lincoln-Sudbury Regional School District Committee. She stated other boards and commissions will be invited. The meeting will be held at Town Hall.

Regarding budgeting, Ms. Valente stated it is difficult to determine anything without firm figures from the State. She expressed hope information would be available in time for the summit.

The Board thanked the Superintendent and the Committee for their time and hard work.

Insurance Contracts

Present: Christine Gundling, Benefits Coordinator.

The Board reviewed proposed contract figures for various health care and life insurance coverages for Town employees.

Ms. Christine Gundling, Benefits Coordinator, stated life insurance rates had not changed but that health care insurance rates have increased significantly: Blue Choice by 36%, HMO Blue by 9% and Medex by 10%. She stated further she will be looking around more for providers for next year, but added that this is the best deal for now.

Interim Town Manager Maureen Valente stated the Town has done well with self-funded plans, but claims have increased, pushing the costs up. She stated there are also some regional municipal groups that may provide a reasonable and competitive rate structure for insurance coverage in a self-funded plan. Participating in such a plan would spread the "risk" over a wider customer base, thereby reducing the costs. She stated Harvard Pilgrim has had a difficult year, raising their rates greatly, which affects the entire industry.

It was on motion unanimously

VOTED: To affirm third year of three-year contract with Boston Mutual Life Insurance Co., 120 Royall Street, Canton, MA 02021, to provide for active employees Basic and AD&D (Accidental Death and Dismemberment) Life Insurance at a cost of \$1.12/month for a \$2000 policy and to provide for retirees Basic Life Insurance at a cost of \$0.51/month for a \$1,000 policy; the Town to contribute 75% and 50% respectively, and the employee/retiree to pay the remainder; and further to provide the Optional Life Insurance Program, to be paid by the employee/retiree, at the following rates; all effective January 1, 2000:

<u>Age Classification</u>	<u>Monthly Rate per \$1,000</u>
Under age 40	\$.20
Age 40-44	.25
Age 45-49	.40
Age 50-54	.70
Age 55-59	1.25
Age 60-64	1.45
Age 65 - retirement	2.00
Retirees to age 75	4.75

It was on motion unanimously

VOTED: To approve contract with Blue Cross Blue Shield, 100 Summer Street, Boston, MA 02110-2190, to provide dental insurance and Medex coverage as shown below, and further to establish that the Town contribute 75% of employee dental, 50% of Medex, and 0% of retiree dental, and the employee/retiree to pay the remainder, effective January 1, 2000:

<u>Family</u>	<u>Single</u>	
\$49.60	\$ 19.69	BCBS Dental Blue premium
N/A	\$213.59	BCBS Medex premium

It was on motion unanimously

VOTED: To approve contract with Blue Cross Blue Shield to serve as third party administrator for HMO Blue and Blue Choice self-funded health plans, and, further, to establish health insurance working rates as shown below, and to establish that the Town contribute 90% of HMO Blue and 75% of Blue Choice for active employees, and 50% of both plans for retirees, and the employee/retiree to pay the remainder, effective January 1, 2000:

<u>Family</u>	<u>Single</u>	
\$631.91	\$244.49	HMO Blue - self-funded
\$813.19	\$313.69	Blue Choice - self-funded

It was on motion unanimously

VOTED: To approve contract with Harvard/Pilgrim Health Care, 3 Allied Drive, Dedham, MA 02026-6121, to serve as third party administrator for its self-funded health care plan, and, further, to make this plan available to all eligible employees, and to establish health insurance working rates as shown below and to establish that the Town contribute 80% for active employees and 50% for retirees, and the employee/retiree to pay the remainder, effective January 1, 2000:

<u>Family</u>	<u>Single</u>	
\$666.53	\$255.03	Harvard/Pilgrim Health Care - self-funded
--	\$ 76.00	First Seniority Premium

Town Forum – 241st Session

At 8:22 p.m. Chairman John Drobinski convened the 241st Session of the Town Forum.

Various representatives of the Town's boards and departments updated the Town on their activities. David Levington, Goodnow Library Trustees, announced that the newly-renovated historic wing of the Goodnow Public Library will be dedicated on January 9, 2000. Others to report were Stephenie Cook, Sudbury School Committee; Bridget Hanson, Conservation Commission; Winifred Grinnell, Memorial Day Committee; Jack Hepting, Building Inspector; Lauri Wishner, Lincoln-Sudbury Regional School District Committee; Lawrence O'Brien, Planning Board; and Maureen Valente, Finance Director/Interim Town Manager. Chairman John Drobinski reported on the Board's recent activities.

Reports concluded at 8:54 p.m. Chairman Drobinski declared Town Forum closed. Refreshments were served to those in attendance.

In addition to a taped recording, this Town Forum was televised over the local Cable network. Copies of the videotape are available for a period of one year by contacting the Selectmen's Office.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of October 12, 1999, as amended.

Council on Aging Donations

It was on motion unanimously

VOTED: To accept \$148.85 in miscellaneous donations to be deposited into the Council on Aging Van Donation Account, and to authorize the Council on Aging to expend same for the purpose of operating and maintaining the Council on Aging vans.

Resignations

It was on motion unanimously

VOTED: To accept the resignation, dated October 11, 1999, of Diane Albano, from the Capital Improvement Planning Committee, and the resignation, dated October 7, 1999, of David G. Gotthelf from the Youth Commission, and to send letters thanking them for their service to the Town.

Appointments

It was on motion unanimously

VOTED: To appoint the following individuals to the entity indicated, as requested by those entities:

- a) S. Wilson Heaps III, 15 Henry's Mill Lane, to the Capital Improvement Planning Committee, for a term to expire April 30, 2002, replacing Diane Albano;

- b) Patricia H. Bodenstab, 14 Nokomis Road, to the Sudbury Cultural Council, for a term to expire October 25, 2002;
- c) Alexa S. Crowe, 268 Old Sudbury Road, to the Town Report Committee, for a term to expire April 30, 2000; and
- d) Susan Leichtman, Lincoln-Sudbury Regional High School liaison, to the Youth Commission, for a term to expire April 30, 2000, replacing David G. Gotthelf.

Andrew J. Fay – Permission to Hunt Waterfowl

The Board considered Mr. Fay's letter, dated October 12, 1999, in which Mr. Fay requests permission to hunt waterfowl on property owned by the Town of Sudbury, "Tax Possession 172" (parcel 013 on Property Map G12), during waterfowl hunting session (October 14, 1999 – November 27, 1999 and December 16, 1999 – January 8, 2000). Mr. Fay noted that he will access the parcel by boat and that the closest dwelling to this parcel is approximately 2,500 feet away, well beyond the limits specified by State regulations.

It was on motion unanimously

VOTED: To grant permission to Andrew J. Fay, 30 Philemon Whale Lane, to hunt waterfowl within 50 feet of the short line of the Sudbury River on Town Land, Tax Possession Parcel 172, one-half hour after dawn to one-half hour before sunset, during waterfowl season (October 14, 1999 – November 27, 1999 and December 16, 1999 – January 8, 2000).

Stop Sign Request – Uplook Drive/Easy Street

The Board considered a request, dated September 21, 1999, from Anna P. McCabe, 15 Easy Street, regarding the placement of a stop sign at the intersection of Uplook Drive and Easy Street. Ms. McCabe listed numerous children, visibility issues, speed and lack of sidewalks as concerns. The Board was also in receipt of a memo, dated October 12, 1999, from I. William Place, Department of Public Works, advising that a stop sign is not warranted at the intersection of Uplook Drive and Easy Street as stop signs are not to be used for speed control. Mr. Place stated that the Department of Public Works has removed the visibility impairments at this intersection. Safety Officer Alan Hutchinson concurred with Mr. Place's observations in a report, dated October 22, 1999.

After discussion, it was on motion unanimously

VOTED: To direct the Interim Town Manager to notify Ms. McCabe that a stop sign has not been approved and that the visibility obstructions have been removed.

Cemetery Trust Fund

The Board reviewed a request, dated October 18, 1999, from I. William Place, Director, Public Works, for the Board to authorize allocation of \$52,200 from the Cemetery trust Fund Income Account for various expenses and repairs as outlined in the request for FY2000.

Interim Town Manager Valente stated this item is on the agenda for the next meeting as well, but that Mr. Place indicated these funds were necessary now. She stated this is a large amount, more than the last couple of years, but it covers some one-time items.

Selectman Clark wanted to know which building is the "cemetery building". Chairman Drobinski opined it is a tomb where caskets are stored during winter.

Selectman Roopenian asked about the vacuum attachment for the street sweeper and how it would be used. Chairman Drobinski opined it would be used to pick up debris and leaves. Selectman Clark asked if the purchase could be done through Newton's cooperative, as it would be a better deal. Interim Town Manager Valente stated that this attachment is being charged against the Cemetery Fund, so it would be used primarily for cemetery maintenance.

After discussion, it was on motion unanimously

VOTED: To authorize the expenditure of \$52,200 from the Cemetery Trust Fund Income Account for the items as outlined in the letter, dated October 18, 1999, from I. William Place, Director, Public Works, subject to clarification on points raised in discussion.

Discretionary Fund Income Account

The Board reviewed a request, from Jan Silva, Administrative Assistant, to allocate \$6,000 from the Discretionary Fund Income Account to cover FY2000 expenditures.

After discussion, it was on motion unanimously

VOTED: To authorize the allocation of \$6,000 from the Discretionary Fund Income Account to cover FY2000 expenses.

Continued Dog Hearing – Zelamsky/Cordaro vs. McCart

Present: Betsy DeWallace, Dog Officer; Lawrence O'Brien, Chairman, Planning Board; Michael Berkowitz, 61 Oakwood Avenue.

At 9:22 p.m. Chairman Drobinski reconvened a Public Hearing, continued from September 13, 1999, for the purpose of reviewing the Zelamsky and Cordaro complaint against the dogs owned by Patti and Robert McCart, 67 Oakwood Avenue.

The Board was in receipt of the following:

1. Letter, dated October 8, 1999, from Michael and Beth Berkowitz, 61 Oakwood Avenue, reporting a recent barking incident continuing after 2 a.m. when the owners were not home, and requesting the dogs be removed from Town as the McCarts do not take care of them properly.
2. Report, dated October 20, 1999, from Betsy DeWallace, Dog Officer, listing six telephone complaints about the McCart dogs running loose, harassing people, and barking late at night.

Betsy DeWallace, Dog Officer, stated she had not spoken with the McCarts since October 8, 1999.

Michael Berkowitz, 61 Oakwood Avenue, briefly related the events of October 8, 1999, when the McCarts had gone away and the dogs were left in the outside pen, barking excessively through the night. He stated that the police officer who spoke with him on the phone was rude, but that the officer who came to his

house was very courteous. He expressed dismay that no one was able to do anything about these dogs. He stated that even though Digger is no longer there, the McCarts have replaced him with a male puppy, who is equally as obnoxious and loud.

Ms. DeWallace stated the McCarts will not take the matter seriously. She reported that Mr. McCart said that the dogs were fine on October 8 when the caretaker came to feed them (at 7 p.m.), however, one dog was tied up inside the pen only a foot from the post where he was found the next morning. She also expressed concern that the dogs are being left outside at night in the cold. Selectman Clark suggested the McCarts kennel the dogs when they are away so that they are properly cared for.

Ms. DeWallace opined that the McCarts need to get some serious tickets, but that it can be difficult to write them up. Dogs can be loose and then run back on the property where the Dog Officer cannot touch them. She stated that, due to the McCarts' lack of concern for their dogs and the barking and nuisance to their neighbors, they should be ordered to get rid of the dogs. Selectman Roopenian counted over twenty barking and leash law violations and stated it would add up to some serious money. Ms. DeWallace opined the McCarts would simply ignore the tickets.

Selectman Roopenian stated she spoke to another neighbor who reported the dogs have been loose on several occasions, yapping and nipping at children.

After discussion, Selectman Clark stated the McCarts were sent notice to attend this hearing and are not present, nor did they send a representative or contact the Town Manager's Office. She opined they are just "thumbing their noses at this". She added that just because the dogs are small, it does not mean they cannot be a nuisance as they disturb the neighbors at all hours of the day and night. The McCarts are not being good neighbors.

Mr. Berkowitz stated this is the fourth hearing he has attended. He reported that his wife suggested the Board order the dogs debarked.

Selectman Clark suggested contacting the MSPCA as the dogs were neglected and in distress. Ms. DeWallace asked if the McCarts can be ordered to keep the dogs indoors at night, as it is cold now.

Mr. Berkowitz asked if the McCarts were served with the papers or if they were mailed. Interim Town Manager Valente replied they were mailed.

Selectman Roopenian asked if a charge of disturbing the peace could be made, allowing the police to go onto the property to speak to the McCarts. Mr. Berkowitz stated every time the police have come to his house, they indicate there is nothing they can do. Ms. Valente stated she would ask the Police Chief again.

There was agreement by the Board that the McCarts should be fined for all violations and the dogs should be banished.

Selectman Roopenian said she understood the neighbors had tolerated all they could and one family had moved. Mr. Berkowitz noted that two families have moved out of the neighborhood.

A motion was made and seconded to issue fines and banish the dogs from Town. Discussion followed.

Selectman Clark suggested, as an initial step, to issue the violation fines, and note they must get the dogs to stop barking in the evening and early morning hours. Selectman Roopenian suggested a strongly-worded letter must be sent to the McCart's.

Lawrence O'Brien, Chairman, Planning Board, suggested including a curfew they must observe, from 7 p.m. to 7 a.m., and further lay out the action items that would take place in a specified time period. He advised clearly informing them what would happen if they did not comply. He suggested two weeks would give the Town time to research appropriate language and action, and if a violation occurs during the curfew period, the dogs would be banished. He recommended three parts to the letter: Part A as levying the fine, Part B, the curfew, and Part C, banishment if curfew violated. Mr. O'Brien stated that certified mail provides proof of receipt, and grounds for immediate action as soon as the dogs bark. Chairman Drobinski stated the letter should come from Town Counsel.

Selectman Roopenian asked who issues the citation. Ms. DeWallace stated that she does, and she must go to the house to get the signature. Chairman Drobinski suggested she take a police officer with her when she goes.

Ms. DeWallace stated she has known the McCart's for years and has been trying to get them to do something about the dogs. Ms. DeWallace stated that Mrs. McCart owns the dogs and Mr. McCart has let her be in charge of the situation. Ms. DeWallace reported that Mrs. McCart once said that if the neighbors wanted the dogs penned up, they (the neighbors) "should come and build the pen".

After further discussion, it was on motion unanimously

Upon determination that all of the mini-pinscher dogs harbored by the McCart family at 67 Oakwood Avenue are a nuisance by way of trespass on private property, excessive barking, and chasing and molesting of persons in the neighborhood, as defined in Sudbury Bylaw Article V, Sections 3-12 and 3-13, it was on motion unanimously

VOTED: To order the McCart's to remove all dogs harbored at 67 Oakwood Avenue from the Town of Sudbury (this order is stayed on the condition that the dogs are at all times secured in a pen or other suitable enclosure or on a leash in the direct control of the owners, that there is no excessive barking, and that the dogs are confined within the dwelling located at 67 Oakwood Avenue between the hours of 7:00 p.m. and 7:00 a.m., except to the extent necessary to walk the dogs for sanitary purposes, during which times they shall be on a leash under the direct control of the owners); and to direct Town Counsel to advise the McCart's of the Board's decision and to authorize and direct Town Counsel to proceed with whatever legal action is necessary to remove the dogs from Sudbury if and when the Dog Officer or other person advises Town Counsel that this order has been violated.

And it was further

VOTED: To advise the Dog Officer to issue whatever citations (fines) she deems appropriate for violation of the Sudbury Bylaw Article V, Section 3, Regulation of Dogs.

The foregoing votes shall not operate to preclude any official or resident of the Town from filing a further complaint against said dogs, which may require additional action by the Board of Selectmen.

Economic Development Committee

Selectman Roopenian stated one of the Committee members did a demographic profile of Sudbury. She stated the Committee is considering some short-term projects still under consideration, as well as hiring a person as an Economic Development Coordinator.

Selectman Clark stated that towns such as Natick and Framingham fund their Economic Coordinators with grant monies. She opined these individuals are very experienced in writing grant proposals.

The Board reviewed a letter, dated October 21, 1999, from Jody Kablack, Town Planner, proposing the creation of a position of Economic Development Coordinator in the FY2001 budget, suggesting one person could share a similar position of a neighboring town.

After discussion, the Board agreed the matter needs further review.

L-S Regional School District Committee

Chairman Drobinski reminded the Board they were asked to appoint three people to review the regional agreement, and Lawrence Blacker and Fred Pryor have agreed to serve, and he is working on finding a third person.

It was on motion unanimously

VOTED: To appoint Lawrence L. Blacker and Frederick M. Pryor to the LSRHS Agreement Study Committee, representing Sudbury.

Draft Master Plan

Selectman Roopenian stated she had not finished reading the draft. Selectman Clark stated she had not completed her review and was not sure whether traffic-calming measures were included as recommended by the Planning Board.

The Board agreed to place this subject on the next agenda for the purpose of issuing a joint response by the Board.

Warrant Articles

The Board briefly discussed articles involving the Water District, dog bylaw and overhead utility connections, as follows:

-- The Town Manager's Office will report on the position of the Water District on amending the water pollution bylaw.

-- Selectman Clark will draft articles dealing with the dog control bylaw and setting aside land where dogs could run free (after discussion with Park and Recreation Commission).

-- The Board would like article drafted to amend bylaw to allow overhead connections from poles on same side of street as a matter of right.

Executive Session

At 10:15 p.m., it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss the Discretionary Fund. (Chairman Drobinski, aye, Selectman Clark, aye, Selectman Roopenian, aye).

There being no further business to come before the Board, the meeting adjourned at 10:18 p.m.

Attest: _____
Maureen G. Valente
Interim Town Manager-Clerk