

IN BOARD OF SELECTMEN
MONDAY, JUNE 9, 1997

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

The statutory requirements for notice having been met, the meeting was convened by Chairman Blacker at 7:30 p.m. at the Fairbank Senior Center.

Opening Statement

Chairman Blacker noted that he had attended the recent Eagle Scout Court of Honor and that both Senator Susan Fargo and Representative Susan Pope attended. He stated that he was very impressed with the ceremony.

Selectman Clark stated that she had recently met with Wayland officials and that the Director of the Wayland Board of Health is going to contact the Town regarding the possibility of working together on recycling solid wastes.

Selectman Drobinski announced that the Lincoln-Sudbury High School Lacrosse team is playing in the Eastern Championship game this weekend and hoped that the game would be well-attended. The Board congratulated the team and wished it well in its upcoming championship game.

Request for Speed Bumps on Old Framingham Road

Present: Robert Auerbach, 10 Kendall Road, and others.

The Board was in receipt of the following:

1. A communication dated May 27, 1997, from Robert Auerbach, 10 Kendall Road, requesting speed bumps on Old Framingham Road. He boards a horse at Mahoney Farm on Old Framingham Road, and his horse and some 12 other horses need to cross Old Framingham Road to reach pastures for grazing. He states cars frequently exceed the 25 mile per hour posted speed limit. To insure motorist safety and prevent injury to the horses, he suggested that speed bumps at the horse crossing and signs, noting the presence of the bumps, be installed.
2. A communication, dated June 5, 1997, from Ronald Conrado, Safety Officer, stating that recent radar enforcement in the area at issue has only detected a few violations. He opined that speed bumps are not the answer and did not recommend their placement on Old Framingham Road. He suggested that horse crossing signs be installed and police enforcement and visibility be continued in the area. He also suggested that, if Mr. Auerbach observes any violation, he take down the license number and report the matter to the police who will pursue prosecution with Mr. Auerbach as a witness.

Town Manager Ledoux reported that I. William Place, Director of Public Works\Town Engineer, citing his letter of September 12, 1995, regarding the placement of speed bumps on Goodman's Hill Road, noted his opposition to the requested speed bumps and suggested increased police presence at the site.

Robert Auerbach, 10 Kendall Road, said there is currently at least one horse crossing sign at the site. He said that there are three different set of speed bumps in the Star Market parking lot and they have

proven to be effective in reducing vehicular speeds. He said he believed speed bumps would be a simple cost effective solution to control speeds at the site at issue on Old Framingham Road. He said that people tend to set their own speeds and that although the area is posted 25 mph, he states that some are traveling 40-45 mph. He stated that there are fewer than six houses on Old Framingham Road and thus the placement of speed bumps would not compromise very many residents.

Selectman Drobinski asked if the horse crossing was delineated on the pavement.

Mr. Auerbach responded that there were no markings on the pavement to designating a horse crossing, but there was a definite break in the terrain indicating such use.

Selectman Drobinski stated that he favors at least striping the roadway to indicate a horse crossing. He explained that the Board had previously rejected, after considerable debate, placing speed bumps on another roadway in Town. He noted that the parking lot at Star Market is private property and thus distinguished from public roadways.

Chairman Blacker agreed, saying that it should be painted to make it obvious.

Selectman Clark stated that she favored traffic calming efforts and that California uses speed humps on public ways very successfully.

The Board directed the Town Manager to consult with the Safety Officer and Director of Public Works/Town Engineer regarding the striping of the horse crossing and installation of any needed horse crossing signs at the site at issue on Old Framingham Road. The Board invited Mr. Auerbach to bring the matter to its attention if these measures did not resolve the problem.

Request to Support Cablevision's Petition to the FCC

Present: Peter Atherton, Manager of Government Relations, Cablevision; Martin Greenstein and Jeffrey Winston, Cable Television Committee; and others.

The Board was in receipt of the following:

1. A communication, dated March 19, 1997, from David A. Green, Assistant Manager, Cablevision, informing that Residential Communications Network, Inc./Boston Edison Technology Group (hereinafter RCN/BETG) has been certified by the FCC to offer multi-channel video service as an open video system (hereinafter OVS). Mr. Green further informs that before RCN/BETG can begin service in the Town, it must receive rights-of-way permission from the Town, provide equitable access funding and facilities, and connect its plant to Cablevision's system to assure Cablevision's access channels will be available on its service. Mr. Green cautions the Town that RCN/BETG has a history of redlining and suggests that the Town assert its rights under the Telecommunications Act of 1996 to make certain that all of its residents will benefit from the advantages of competition.
2. A communication, dated May 29, 1997, from Peter F. Atherton, Manager of Government Relations, Cablevision, stating that RCN/BETG has received FCC certification to provide video service as an Open Video System (hereinafter OVS) in Sudbury. OVS providers must make up to 2/3 of their channel capacity available to other programmers upon request. Incumbent cable operators may request

access to an OVS operator's platform and the OVS operator may refuse that request. The cable operator can appeal such a refusal to the FCC and the FCC may order the OVS operator to provide such access. In the instance case, Cablevision has made such a request of RCN and RCN has refused. Cablevision is appealing that refusal to the FCC. Cablevision seeks a letter of support from the Town for submission to the FCC. Mr. Atherton enclosed a sample draft letter of support.

3. Notice of this agenda item, dated June 3, 1997, issued by Town staff, to the members of the Town's Cable Television Committee and requesting their input on Cablevision's request.

Chairman Blacker opened the discussion asking the Cable Television Committee to explain Cablevision's request and provide background.

Jeffrey Winston, Cable Television Committee, stated that the OVS is a new way to provide cable services and no one understands it thoroughly. He said that RCN as an OVS provider would be required to carry other providers. He noted that Cablevision will soon be going from 55 to 110 channels. He said that Cablevision requested RCN to carry "narrow casting" programs and RCN has refused. He said that "narrow casting" programs generally have smaller audiences and cited foreign language, financial and certain ethnic programs as examples. He said that Cablevision has appealed that refusal to the FCC. Mr. Winston said that the OVS rules were created to allow for more competition and in the instant case it has caused Cablevision to move up its schedule to provide more channels.

Selectman Clark commented that an OVS operator is not subject to rate regulations and does not need a license and therefore no leverage possibilities exist. She also opined that there would be no advantage to coming into low density areas.

Chairman Blacker suggested that the Cable Television Committee work with the Town Manager in drafting a letter that would support the concept utilizing generic terms. He suggested that the letter indicate that Cablevision had come to the Board with the request and that the Town supports the prospects of anyone being able to lease the channel space and provide the narrow cast programs. Chairman Blacker asked Mr. Atherton if such were acceptable to him and Mr. Atherton responded in the affirmative.

The Board concurred with this suggestion.

Meeting with Boston Edison Representatives

Present: JoAnne O'Leary, Customer Relations, and Walter Salvi, Manager of External Relations, Boston Edison; Fire Chief Michael Dunne, and others.

The Board was in receipt of a communication, dated May 22, 1997, from Barry McDonough, Account Executive, Boston Edison, noting the possibility of electrical power shortages throughout New England this summer, especially in regions experiencing extended heat waves. Potential shortages are the result of four major generation stations remaining off line this summer and stronger demand caused by economic growth.

JoAnne O'Leary stated that during the last major storm event on April 1 Boston Edison had in place its 800 number and that extra crews were called in from Canada, Maine and Pennsylvania. She also noted that a command center had been set up at the local fire station.

Chairman Blacker stated that he went into the command center and the staff there only relayed information to the Service Center in Framingham. He said they were unaware of outage locations and the street layouts in Sudbury.

Ms. O'Leary agreed that things did not go as smoothly as they should have.

Walter Salvi stated that the company planned to have a new system utilizing GIS mapping information on line within a year. He said that the GIS data would be accessible via mobile units in the repair trucks. He said that this new system would greatly expedite locating the sites where repairs are needed following a storm event.

Selectman Clark asked how the company rated a downed wire in terms of response level.

Mr. Salvi stated that matters involving public safety are given the highest priority and that he relies primarily on Fire Chief Dunne to relay those needs.

Fire Chief Dunne stated that he would be meeting with Boston Edison representative tomorrow morning to discuss how to improve communications and storm response needs for the Town.

Mr. Salvi explained that the double pole problems within the community may be the responsibility of NYNEX or other pole users. He said that pole removal requires coordination since Boston Edison poles often carry NYNEX, fire alarms, television cable and, in some cases, even private carriers, such as, Raytheon and educational institutions. He explained that once Boston Edison clears the pole all the other users have to clear it before it can be removed.

Fire Chief Dunne stated that the Fire Department generally clears the poles of the fire alarm cable within several days after having received notice to do so.

Fire Chief Dunne informed the Board that he had a list of all the poles that needed to be removed and he agreed to apprise Boston Edison of such list. He also agreed to coordinate the pole removal program in the Town by maintaining an active list of the poles to be removed and who has cleared from each pole. He further agreed to keep the Board informed of the status of such efforts.

Complaint of Michael Zeolla, 109 Prides Crossing, against a Labrador Retriever Owned by Jon Delli Priscoli, 100 Prides Crossing

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

The Board was in receipt of the following:

1. A sworn complaint by Michael Zeolla, 109 Prides Crossing, dated May 12, 1997, alleging that a dog owned by Jon Delli Priscoli, 100 Prides Crossing, is a nuisance by reason of vicious disposition and further because the dog is always on his property chasing his cats. He states on May 10 at about 2:00-2:30 p.m. the dog had one of his cats by the neck and would only let go after his wife chased the dog. He states that the dog has been a problem for a long time and that complaints have been made to the

Dog Officer. He also notes that complaints have been made to the owner who does nothing.

2. A communication, dated June 6, 1997, from Betsy DeWallace, Dog Officer, stating that "Bogie" a Chocolate Lab dog, belonging to Jon Delli Priscoli, has been a problem for a long time. The dog chases other animals and is a general neighborhood nuisance. Officer DeWallace states that although the owner has installed an "invisible fence" it has failed to contain "Bogie" who constantly roams the neighborhood causing nearby residents to complain. Officer DeWallace also notes that the dog has not been recently licensed.

Complainant Michael Zeolla, 109 Prides Crossing, stated that over the years dogs have been permitted to roam freely in his neighborhood. He stated that he has no problem with that, but he does have a problem when a dog comes on his property to kill his cat. He said that the dog in question has even come into his house to chase his cat. He said that he has no guarantees that the dog will not bite him or his cat. He alleged that one of Mr. Priscoli's dogs killed a neighbor's cat last year. He requested that the owner abide by the existing leash law.

Betsy DeWallace, Dog Officer, stated that the owner has installed an invisible fence, but that this dog does not react to it. Officer DeWallace stated that the dog is a nuisance.

Jon Delli Priscoli, 100 Prides Crossing, stated that he has two Chocolate Labs. He said that he has installed an invisible fence at considerable expense but that the female dog does not abide by it. He said that sometimes particularly intelligent dogs are not contained by invisible fences. He stated that Mr. Zeolla leaves his door open all year round and that it is natural for a dog to chase cats. He said that he is a business man and has lived in Sudbury for a long time. He said that he never complained that Mr. Zeolla has no occupancy permit. He said that his dog is harmless. He said that no cat was killed last year as Mr. Zeolla contended but that a cat had a heart attack during the recent March storm.

Chairman Blacker stated that the leash law requires dogs to be on a leash or confined from 7:00 a.m. to 8:00 p.m. He asked Mr. Priscoli if he could abide by such bylaw and Mr. Priscoli responded in the affirmative. Chairman Blacker stated that the complainant was only asking for compliance with the Town bylaw. He suggested that the matter be continued for three months and the Board agreed. Selectman Drobinski cautioned that if problems continue Mr. Priscoli should be aware of the fact that the dog could be "put down".

Minutes

It was on motion unanimously

VOTED: To approve the public session minutes of May 27, 1997, as amended, and the executive session minutes of May 27, 1997.

Donations - Council on Aging Vans

It was on motion unanimously

VOTED: To accept \$94.80 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.

Cemetery Waiver Request - Veterans Monument

Town Manager Ledoux reported that Lena and Alfred Lamore are amenable to accepting different cemetery lots, ones outside the veterans' section, provided the same benefits apply.

Thus, in lieu of permitting an upright monument in the Veterans' section of the Wadsworth Cemetery, it was on motion unanimously

VOTED: To offer Lena and Alfred Lamore, 137 Pratts Mill Road, a double burial site in the nonveterans' section of the Wadsworth Cemetery at no additional costs and with the same benefits as if such were located in the Veterans' section, in exchange for their existing double burial lots within the Veterans' section.

Acceptance of Resignation - Veterans' Advisory Committee

It was on motion unanimously

VOTED: To accept the resignation of Ronald J. Griffin from the Veterans Advisory Committee, effective April 30, 1997, and to send him a letter of appreciation for his service to the Town.

H.B. 1193 - Municipal License Plates

The Board was in receipt of a communication, dated June 2, 1997, from Robert C. Haley, Treasurer, Town of Hanover, requesting Town support for H.B. 1193 which would permit municipal designs on license plates to fund purchases of local fire and police equipment. Mr. Haley opines that Sudbury would generate \$24,000-\$72,000 every two years if such legislation becomes law.

It was on motion unanimously

VOTED: To support House Bill 1193, Municipal Plates as a Revenue Source, and to direct staff to issue a letter acknowledging such support to the appropriate legislative committee(s) and the Town's legislative delegation.

Accepting Town Audit Reports for the Year Ending June 30, 1996

The Board was in receipt of Town Audit Reports for the year ended June 30, 1996, prepared by Powers & Sullivan, entitled, "Report on Examination of General Purpose Financial Statements and Additional Information", "Management Letter", and "Report on Schedule of Federal Financial Assistance".

Chairman Blacker commented that it was not a very good management letter.

Town Manager Ledoux responded that it reflected poor accounting practices by his predecessor and that he was working on providing his response.

Chairman Blacker suggested that the corrective steps be undertaken post haste and the Town Manager agreed.

It was on motion unanimously

VOTED: To accept Town Audit Reports for the year ended June 30, 1996, prepared by Powers & Sullivan, entitled, "Report on Examination of General Purpose Financial Statements and Additional Information", "Management Letter", and "Report on Schedule of Federal Financial Assistance".

Insurance Bids

Town Manager Ledoux reported that the Town would soon be receiving bids for Property and Casualty Insurance, Life and Dental Insurance and Workers Compensation. He also reported that he intends, upon recommendation from the Insurance Advisory Committee, to solicit bids on health insurance.

Bid for Town Counsel Services

The Board was in receipt of a draft request for proposals for Town Counsel services.

Selectman Clark suggested that the scope clause at 1B should be clarified to mean an "independent contractor". She also suggested that section 2I be changed to read "written quarterly reports".

Chairman Blacker inquired whether the requirement imposed by section 2E which mandates on site hours of 9:00 a.m. to 5:00 p.m. on Wednesdays and Fridays is necessary and if the attorney is kept busy for those two full days. Town Manager Ledoux responded that it is important to have the attorney accessible to staff and that the work load absolutely exists to warrant two days on site.

There being no further business to come before the Board, the meeting adjourned at 9:45 p.m.

Attest: _____
Steven Ledoux
Town Manager-Clerk