

IN BOARD OF SELECTMEN  
MONDAY, JANUARY 31, 1983

Present: Acting Chairman John E. Murray and Anne W. Donald.

The statutory requirements as to notice having been complied with, the meeting was called to order by Acting Chairman Murray at 7:30 p.m.

Reimbursement Anticipation Note Renewal

Present: Chester Hamilton, Town Treasurer.

Reimbursement from the State not having been received when expected, it was on motion by Selectman Donald unanimously

VOTED: To approve the renewal of a Reimbursement Anticipation Note in the amount of \$119,000 relative to Highway Borrowing under Article 9 of the October 7, 1982 Special Town Meeting, from the due date of February 10, 1983 to April 11, 1983, as requested by the Town Treasurer in a letter dated January 26, 1983.

Dog Hearing - Shay/Griffin

Present: Mr. & Mrs. Robert Shay, complainants; Mr. & Mrs. William Griffin, dog owners; Donald M. Stacey, neighbor; and Betsy M. DeWallace, Dog Officer.

Acting Chairman Murray convened a public hearing under General Laws, Chapter 140, section 157, to consider the complaint, dated and notarized in the Town Clerk's office on January 21, 1983, of Mrs. Robert Shay, 468 Dutton Road, concerning the Labrador retriever/Great Dane dog owned by Marie Griffin, 8 Barton Drive. Said complaint states, "On Tuesday, Jan. 18, 9 p.m., my dog (Whiskers) was attacked by Mrs. Griffin's dog. This action was witnessed by Mr. Donald Stacey & Family of 7 Barton Drive. Because of this my dog is missing as of 1/18/83."

Executive Secretary Richard E. Thompson stated that the parties involved had been notified by certified mail of tonight's public hearing, and noted for the record receipt of a communication dated January 28, 1983 from the Dog Officer which stated that Mrs. Shay had notified the Dog Officer on January 19 that her dog had been attacked by the Griffins' dog "Beau", the attack had been witnessed at 7 Barton Drive by the Stacey family, and no other complaints against the Griffin dog were on file.

Town Counsel Paul L. Kenny swore in all those persons planning to speak.

Mrs. Shay recounted her complaint, stating that she learned of the fight between Beau and Whiskers by a telephone call from Mr. Stacey at approximately 9:20 p.m. on January 18, Mr. Stacey and members of his family had witnessed the fight and had seen her dog run off down Dutton Road, her dog was missing until returned by a Mrs. Sears on January 23, and the dog was injured, bruised, and in poor condition. She placed on file with the Board a copy of a statement of her dog's injuries from Dr. Stephen E. Lavidor dated January 24, 1983. She expressed her opinion that her dog, a small West Highland white terrier, had been sufficiently frightened and injured by the large Labrador/Great Dane that it had not come home.

Mr. Donald Stacey of 7 Barton Drive detailed the events of the evening of January 18 verifying that he had witnessed the fight, that Beau had had hold of Whiskers and was shaking the dog, and that in the process of trying to separate the two dogs his son had received a very slight prick on the finger from Beau. He had telephoned both parties that evening.

Mr. Griffin stated that he could not comment on the fight as he had not seen it. However, he expressed his surprise as to why the fight took place, as his dog seemed to ignore other dogs. Generally, he mentioned, Beau is tied all day or walked on a leash and is only let out at night or early in the morning around 6 a.m.

Dog Officer Betsy DeWallace reported that she had visited Beau and observed him as being very quiet and easy going; there appeared to be no problem with people outside of the family, however, she had not had the opportunity to observe him with other dogs.

Mrs. Shay stated that she did not want this to happen again to her dog, or to any other small animal or child.

Mr. Shay stated that this was the second time Beau had attacked their dog; the first time was in the past summer when the Griffin dog broke his leash while being walked. He was unable to state where this action had taken place. He further noted that the Griffins had been very conscientious up to this time in controlling their dog, and they do keep him restrained much of the time; however, the dog was powerful and not always restrained.

It was determined from the Dog Officer and Mr. Griffin that Beau was confined in the yard by a rope, not a fence, when restrained.

Selectman Donald stated that, if it were properly within the Board's authority, she would like to make a motion to order both of the dogs, Beau and Whiskers, permanently restrained (not to be allowed loose at any time) to prevent further fighting between the two dogs.

Town Counsel Paul Kenny responded that the Board did not have the authority to take any action in relation to the dog, Whiskers, since there was no complaint before the Board on this dog.

With the idea of setting a time arrangement when each dog could run loose, Acting Chairman Murray inquired as to the usual times the dogs were let out. Both owners indicated early morning and evening. No conclusion was reached.

Executive Secretary R. E. Thompson recommended that full restraint by both parties be voluntarily agreed to.

At the conclusion of discussion, it was on motion unanimously

VOTED: To take the matter under advisement for one week, during which time the Dog Officer was requested to work out an agreement between the two parties and report back to the Board by February 4.

The subject would be scheduled on the Selectmen's agenda of February 7 for the purpose of making a decision, and it would not be necessary for the Shays or the Griffins to attend.

Selectman Murray explained the appeal process in relation to the Board's decision.

Mrs. Shay showed the Board photographs of her injured dog and a copy of the ad she had placed seeking her missing dog. She added that it was still possible the dog would need an operation.

Intention to Lay Out Ways

It was on motion by Selectman Donald unanimously

VOTED: To lay out the following ways, as described in Article 7 for the 1983 Annual Town Meeting, at its regular meeting of March 21, 1983; that proper notice of the Board's intention to lay out those ways be given to the owners of the properties in question not less than seven days before such date; and that the proposed layouts be referred, by February 3, 1983, to the Planning Board for its report thereon:

Austin Road  
Axdell Road  
Brewster Road  
Bulkley Road

Chanticleer Road  
Ford Road  
Harvard Drive  
Hunt Road

Longfellow Road  
Ridge Hill Road  
Powers Road  
Powder Mill Road

Cable Television Licensing

The Board approved a schedule of action required to complete the licensing process which had been prepared by Town Counsel with one amendment, changing the date for receiving amendments to CATV application proposals to March 14.

The Selectmen received copies of written input from the local and regional school liaisons, and were asked to return the draft copies of the Issuing Authority Report with any recommended changes to the Selectmen's Office during the week. Said report will be redrafted for the Selectmen's action on February 7.

Sudbury Housing Authority Vacancy

Present: Chairman Albert S. Feinberg, Charlotte E. Goss, Myrna C. Goldstein, and Cheryl A. Rogers, Sudbury Housing Authority; Guy L. Dietrich, Linda S. Gregory and Henry L. Tischler, applicants.

Acting Chairman Murray opened a joint session with the remaining members of the Sudbury Housing Authority (SHA) for the purpose of interviewing candidates and elect by roll call vote a fifth member to the Sudbury Housing Authority to fill the position formerly held by Russell Loftus, to serve until the next annual election.

Selectman Murray announced that Richard Passalacqua had withdrawn his candidacy due to business commitments and candidate Pasquale Piscitelli was unable to attend tonight's interviews. Due to the absence of Mr. Piscitelli and Selectman Chairman Cossart, at the suggestion of Selectman Murray there was a concurrence of the two boards to interview the candidates present but to postpone the election. It was agreed to set the time of 7:30 p.m., February 7, to conduct the final interview of Mr. Piscitelli and make a decision on filling the vacancy. Later in the meeting there was some discussion as to the advisability of filling this position so close to the Annual Election.

Executive Secretary Richard E. Thompson referenced his letter of January 27 to the Housing Authority acknowledging their letter of January 4 and confirming tonight's meeting.

The above-listed candidates were interviewed relative to their interest and qualifications in serving on the Sudbury Housing Authority. All candidates indicated they would be willing to run for election March 28, 1983.

Responding to questions, Mr. Guy Dietrich stated that he had not attended any meetings of the Authority, his most important qualification would be in the area of having a great deal of knowledge and experience in working with the elderly and specifically with Musketahquid Village occupants, he was aware of the security and personal needs of those at the Village, he believed we should have more housing for the elderly, and he made no comment concerning a position on apartment buildings in Sudbury.

Linda S. Gregory responded as follows: She has taken a landlord tenant course, has a B. A. degree in social welfare, is familiar with housing regulations; she stated she understood the scope of housing areas being addressed by the Authority, did not have particular expertise in housing, would like to see more elderly housing, and felt apartments in Sudbury were almost a necessity.

Mr. Henry L. Tischler stated his qualifications as a sociologist, professor and Boston landlord. While he had not attended any meetings he had discussed the duties of the Housing Authority at length with Mr. Feinberg. He was not ready to commit himself on the issue of apartments in Sudbury, but would desire more elderly housing.

#### Permanent Building Committee Articles

Present: Chairman Michael Melnick and Franklin Davis, Permanent Building Committee.

#### Article 21 - Nixon School Roof, Engineering

Permanent Building Committee Chairman Michael Melnick explained to the Board that, as a result of an evaluation performed two years ago, articles to repair the Curtis and Noyes school roofs were approved by the 1982 Annual Town Meeting. The next roof in order of priority needing attention is the Nixon School roof. Funds for engineering, plans and specifications in the amount of \$7500 are being requested, in order to present figures for the repairs to the 1984 Annual Town Meeting. They propose to use remaining funds from ATM1982 Article 31, Noyes School Roof, to offset the entire appropriation. Mr. Melnick noted that the article has the tentative support of the Finance Committee.

The Board expressed its support for Article 21.

Article 22 - Implement Energy Conservation

Mr. Melnick distributed to the Board a chart projecting cost and payback for implementing lighting changes (incandescent to fluorescent) at Nixon, Curtis and Noyes Schools, noting that work on the Haynes School had been deleted as a result of their meeting with the Finance Committee. They anticipate an annual savings of \$5777 per year with a 3.3 year payback. Mr. Melnick stated that this was the last segment of the energy program.

The Board supported Article 22.

Selectmen's Warrant Reports and Article Positions

This subject was tabled to February 7 in order that it could be discussed by the full Board. The Selectmen were asked to submit any recommended changes to warrant reports to the office during the week.

128 West Resource Recovery Council

The Board received a communication from the 128 West Resource Recovery Council dated January 12, 1983 regarding the question of Sudbury contracting for solid waste disposal at the Plainville Resource Recovery Facility about to be built.

Upon recommendation of Sudbury's representative to the Council, Lawrence Gogolin, and Town Engineer James Merloni, as transmitted by the Executive Secretary, it was agreed to hold taking action on this subject in order to receive cost figures for 1984 and to have an opportunity to meet with team representatives who will explain the project in the Spring.

Reserve Fund Transfers

Following explanation by the Executive Secretary, it was on motion unanimously

VOTED: To approve the following Requests for Transfer from the Reserve Fund:  
a) #1073 for Account 320-51, Police Equipment, in the amount of \$1566.00 to replace two police cruiser overhead emergency lights; b) #1074 for Account 320-81, Police Tuition Reimbursement, in the amount of \$1317.11.

It was noted that the Police Department's budget for FY84 would be reduced with respect to the two emergency lights, leaving two instead of four lights remaining for FY84 funding.

Town Common Use Request

The Board received a request, dated January 25, 1983, from the Sudbury Garden Club to use the Town Common on May 21, 1983 for a fund-raising sale of plants and refreshments.

Since it is a policy of the Board not to allow use of the Common except for special occasions, and due to safety considerations, it was on motion unanimously

VOTED: To deny permission to the Sudbury Garden Club to use the Town Common on May 21, 1983, from 10 a.m. to 3 p.m., and instead grant the Club permission to use the area in front of and adjacent to the Town Hall for their fund-raising event.

#### Resignation - Local Arts Council

The Board accepted a resignation dated January 24, 1983 of D. Nadine Wallack from the Local Arts Council and directed the Executive Secretary to send a letter of thanks for her interest in this program.

#### Minutes

The Board approved the minutes of the regular meeting and Town Fathers Forum of January 24, 1983, subject to concurrence by Chairman Cossart.

#### Open Meeting Law

At the request of Acting Chairman Murray, the Executive Secretary was directed to send appropriate information concerning regulations defining the conduct of open and executive session meetings ("The Open Meeting Law") to all affected boards and commissions.

#### Middlesex County Advisory Board

Selectman Donald updated the Board on MCAB budget matters and stated she would attend hearings on March 2 and 22.

#### Horse Pond Road School Fire Academy Lease

At the request of Chief Frost, relayed by the Executive Secretary, it was on motion unanimously

VOTED: To authorize Acting Chairman John E. Murray to sign an agreement dated January 31, 1983 extending the existing lease between the Town and the Massachusetts Department of Education for use of the Horse Pond Road School by the Massachusetts Firefighting Academy to July 1, 1984 or earlier as evidenced by date of sale of said facility.

#### Senator Atkins' Breakfast Meeting

The Board was informed that Senator Atkins had scheduled a meeting at the Wayside Inn on Wednesday, February 16, at 8 a.m. to which they were invited with other Town officials.

EMS Council for Metropolitan Boston Region

Continuing discussion on the above subject matter which was taken under advisement on January 10, the Executive Secretary reported that Chief Dunne and former Chief Frost strongly recommended support of the designation of the Regional EMS Advisory Council as the official EMS Council for the Metropolitan Boston Region. The other agency vying for this designation is the Health Planning Council of Greater Boston.

It was on motion unanimously

VOTED: To support the application of the Regional EMS Advisory Council, under the aegis of the Metropolitan Boston Hospital Council, to receive designation as the EMS Council for the Metropolitan Boston Region, subject to the concurrence of Chairman Cossart.

NOTE: Chairman Cossart subsequently concurred with the above.

Juvenile Restitution Program

The Executive Secretary reported that Officer Carroll had informed him Probation Officer Robert Durand was sending a letter approving the expansion of Sudbury's Juvenile Restitution Program to include restitution for damage to private property.

Site Plan - 100 Boston Post Road, Automotive Diagnostic Center

Acting upon the request dated January 31, 1983, from William G. Hidgon, President, Automotive Diagnostic Center, Inc., concerning property located at 100 Boston Post Road, it was on motion unanimously

VOTED: To grant permission to William G. Hidgon, President, Automotive Diagnostic Center, Inc., to submit a site plan with a scale of 1"=10', and further, to use the existing site plan, leaving the engineer's stamp intact but noting thereon the particular changes or additions which were not made by this Engineer.

There being no further business to come before the Board, the meeting was adjourned at 9:20 p.m.

Attest: \_\_\_\_\_

Richard E. Thompson  
Executive Secretary-Clerk