

IN BOARD OF SELECTMEN
MONDAY, MAY 9, 1994

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

Requirements as to notice having been complied with, Selectman Blacker opened the meeting at 7:30 p.m. at the Fairbank Senior Center.

Reorganization of the Board

On motion by Selectman Drobinski, it was unanimously

VOTED: To elect Lawrence L. Blacker Chairman of the Board of Selectmen, and on motion of Selectman Clark, unanimously

VOTED: To elect John C. Drobinski Vice-Chairman of the Board of Selectmen, and, on motion of Selectman Blacker, it was further

VOTED: To designate Executive Secretary Richard E. Thompson Clerk for the Board of Selectmen.

With regard to meeting times and place, on motion by Chairman Blacker, it was unanimously

VOTED: To continue meeting twice monthly at 7:30 p.m. at the Fairbank Senior Center.

Utility Petition 94-4(a) & 4(b) - Grant of Location - Haynes Road

Present: Mr. and Mrs. Thomas Greenwood.

In response to a request from Richard F. Gosselin, Supervisor - Rights, Permits & Survey - Boston Edison Company, dated April 12, 1994, and receipt of joint petitions 94-4(a) and 94-4(b), dated February 25 and March 29, 1994, respectively, filed by New England Telephone and Telegraph Company and Boston Edison Company for the purpose of obtaining a Grant of Location on Haynes Road to install an anchor guy on pole 30/24 and a hip-guy off pole 30/29 for support, and upon recommendation of the Wiring Inspector and Inspector of Buildings, dated May 2, 1994, it was on motion unanimously

VOTED: To grant joint or identical locations to petitioners New England Telephone and Telegraph Company and Boston Edison Company for the erection or construction of a guy wire and anchor on pole 30/24 and a hip-guy off pole 30/29 to be owned and used in common by them and to be located substantially as shown on plan of Haynes Rd., Sudbury, dated February 7, 1994, along and across the following public way of the Town:

Haynes Road - easterly side approximately 600 feet south of Puffer Lane (pole 30/24)
One (1) Guy Wire and Anchor; and

Haynes Road - westerly side opposite Puffer Lane (pole 30/29)
One (1) Hip Guy and Anchor.

Mr. Greenwood of 126 Haynes Road expressed his concern with the old poles strapped to the new poles in the Haynes Road neighborhood and inquired as to the intent of Boston Edison and New England Telephone with regard to removal.

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Mr. Thompson advised that Boston Edison is planning extensive work in North Sudbury this summer and it would be expected that removal of these old poles would take place at that time. Additionally, Boston Edison has been given a list of extra poles in Town to be taken out.

Mr. Greenwood was requested to advise if the pole removal does not take place at that time.

Minutes

It was on motion

VOTED: To approve the minutes of Monday, April 25, 1994, and Wednesday, April 27, 1994.

Council on Aging - Donation

It was on motion unanimously

VOTED: To accept \$84.95 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.

Legislative Petition Submittal

It was on motion unanimously

VOTED: To approve and sign the following petitions to the State Legislature for enactment of Special Acts pursuant to votes of the 1994 Annual Town Meeting: (a) An Act Establishing a Board of Selectmen-Town Manager Form of Administration in the Town of Sudbury [94ATM Art. 2]; and (b) An Act Authorizing the Town of Sudbury to Send Certain Information to Registered Voters in the Town of Sudbury [94ATM Art. 25].

Reserve Fund Transfer No. 94-22

Upon recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To approve Reserve Fund Transfer #94-22, dated May 3, 1994, Account #100-1220-00000-5299, Selectmen General Expense, in the amount of \$780.00 to pay for the initial production of six Town of Sudbury flags.

1994-1995 Selectmen Meeting Schedule

It was on motion of Selectman Drobinski unanimously

VOTED: To approve the proposed 1994-1995 Meeting Schedule as presented.

Petition - Overhead Utilities

Present: Robert L. Beckett, Beckett Associates, and Joseph D. Prendergast.

With regard to consideration of a petition from Robert L. Beckett, Beckett Associates, for grant of permission, in accordance with Town of Sudbury Bylaws Article XX, Section 3E, as amended under Art. 70 of the 1994 Annual Town Meeting, to allow placement of utilities overhead involving the use of two utility poles to service two house lots presently owned by Norman and Eileen Prendergast, on Powers Road, Executive Secretary Richard E. Thompson informed those present that the Selectmen were precluded from such consideration until such time as the Bylaw received the approval of the Attorney General and had been posted and advertised. Mr. Thompson noted that the Town Clerk has thirty days from the final adjournment of the Town Meeting in which to file the amendment with the Attorney General, who then has ninety days to take final action.

Mr. Thompson stated that there were options available at this time which may accommodate Mr. Beckett's schedule: immediate approval of a grant for the ninety-day period allowed under the current Town Bylaw; or approval of a grant for the ninety-day period allowed under the current Town Bylaw commencing on a date that would allow for the approval of the Bylaw amendment by the Attorney General to be completed within the time period.

Mr. Beckett inquired as to whether the Selectmen could roll (combine) an approval of the ninety-day period under the current Bylaw into a permanent decision under the amended Bylaw once approved by the Attorney General. Mr. Thompson replied in the negative.

Mr. Beckett stated that Boston Edison was at least one and one-half months away from presentation of the petition. Ideally, he would like to build, market, and place the homes under contract by September 1.

With the agreement of Mr. Beckett, it was on motion of Chairman Blacker unanimously

VOTED: To grant special permission under Article XX of the Town Bylaws, Prohibition and Regulation of Overhead Utilities, Section 3.E., to Boston Edison Company, for a period not to exceed ninety days commencing July 1, 1994, to place utilities overhead involving the use of two utility poles to service two house lots presently owned by Norman and Eileen Prendergast, Town Property Map B09-201, on Powers Road at the Concord Town Line, subject to receipt of petition from the appropriate utility companies and public hearing therefor, with final approval of the location of structures granted at that time.

Mr. Beckett informed the Board that he would be granting the Town a 10' street widening easement and inquired if the Board preferred siting the poles inside the rock wall.

The Board agreed that the safest location would be within the rock wall.

Selectmen Liaison Assignments

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Relative to the March 24, 1994, communication from Iryna Priester, Chairman, MetroWest Growth Management Committee, regarding appointment of a Sudbury representative to MetroWest to replace former Selectman Cope, Executive Secretary Thompson stated that he has talked with the Town Planner concerning the Planning Board giving its attention to MetroWest Growth Management Committee with the Board of Selectmen concentrating on the Minuteman Advisory Group for Interlocal Coordination (MAGIC), noting that the MAPC agrees with this approach which is used by other communities.

It was on motion unanimously

VOTED: To approve the Board of Selectmen Liaison Assignments 1994-1995, as proposed in a schedule dated May 9, 1994, which will be sent to all Town Boards and Committees.

It was also on motion unanimously

VOTED: To designate Selectman John C. Drobinski as the Selectmen's representative to the Minuteman Advisory Group for Interlocal Coordination (MAGIC); and further

VOTED: To designate Selectman Maryann Clark as Selectmen's representative to the MetroWest Growth Management Committee.

Mr. Thompson informed the Board that he would be attending the MetroWest meeting to be held in Sudbury this Wednesday evening.

Public Hearing - Dog Complaint

Present: Miriam R. Chandler, Robert P. Chandler, Kathleen R. Bower, Lucille Boldizar, Dog Officer Betsy M. DeWallace, Assistant Dog Officer Paula Adelson.

Chairman Blacker opened the hearing on the complaint, dated April 19, 1994, of Ms. Miriam R. Chandler, 45 Great Lake Drive, against the dog harbored by Jozef Boldizar, 353 Hudson Road, for killing of the Chandlers' cat on March 14, 1994, in front of eyewitnesses on the Chandlers' property.

Chairman Blacker informed those present of the protocol for the hearing by reading portions of Section E of the "Selectmen's Policies and Procedures" entitled "Hearing Policy" and the complaint was read into the record. Chairman Blacker noted for the record that notice had been served upon the parties by certified mail letter dated May 3, 1994. All persons expected to give testimony in the matter were sworn by Chairman Blacker.

Mr. & Mrs. Chandler read the statement of Miriam Chandler, dated May 9, 1994, of the events which transpired on March 14th relative to the killing of the Chandler cat by two dogs, one of which was owned by Mr. & Mrs. Boldizar, who live approximately one mile from the Chandler property, and identified the dog as being involved in at least two previous attacks on cats. The incident had been witnessed by the Chandlers' neighbor, Kathleen Bower, and Ms. Bower's daughter. Ms. Bower had positively identified the same dog as living at 353 Hudson Road.

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Dog Officer Betsy DeWallace elaborated on her written report dated May 6, 1994, which was read into the record by Chairman Blacker, and which recommended permanently restraining the Boldizar dog. She informed the Selectmen that in the past she had talked with Mr. Boldizar and had not received a lot of cooperation, but in this instance, the dog was tied up immediately and has so remained.

Ms. DeWallace stated that, after viewing the dog, there was no doubt that the dog owned by the Boldizars killed the cat. The dog was described as a very big, seven-year-old mixed breed, probably part Doberman, Shepherd, Labrador and Newfoundland.

In response to Selectman Drobinski, Ms. DeWallace stated that she had been unable to locate the second dog involved. Ms. Boldizar stated that she believed she could identify the dog for the Dog Officer if it appears again in her yard.

Ms. Boldizar stated that as a result of her husband's release of the dog from the chain, the dog strayed. She further stated that she was very sorry that her dog had killed the cat and that she had offered to replace the cat, but had received no response. She informed the Selectmen that she and her husband were willing to construct a new kennel with a concrete floor and high fenced sides so that the dog will not be on the chain and cannot get out of the yard or, in the alternative, arrangements have been made to take the dog out of town. It was Ms. Boldizar's opinion that other dogs contribute to the Boldizar dog getting out and that he has, in the past, snapped the chain or has been released by her husband. She noted the difficulty in policing the dog because both she and her husband work outside the home, stating that they too have had their pets killed by other dogs.

In response to Selectman Blacker, Ms. Chandler stated that she does not have too much faith that the dog will be restrained; however, the Chandlers do not wish to have the dog destroyed.

Selectman Blacker stated that unless the Boldizars could give a reasonable assurance that they would make their best effort to keep the dog permanently restrained, he would have to recommend that the dog be removed from the Town.

Ms. Boldizar stated that the kennel could possibly be constructed within one month and the dog would be restrained until that time, but indicated that if another dog came into the yard there is no guaranty that he will not get out.

Ms. Chandler asked what action the Selectmen would take if the dog did get out again and was assured by Chairman Blacker that the dog would be removed from Town at that time.

Selectman Clark stated that, regrettably, it would be her recommendation to destroy the dog; since the owners did not seem to be in agreement over control of the dog, if the dog did get out there was too much of a risk that a child could be involved in the next incident.

Ms. Boldizar stated that, rather than go to the expense of building a new kennel, she would have the dog taken out of Town tomorrow, as previously arranged, so that there would be no more chances of her dog's involvement in any incident which may occur.

Therefore, upon recommendation of the Executive Secretary, it was on motion unanimously

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VOTED: That the dog owned by Jozef and Lucille Boldizar, 353 Hudson Road, Sudbury, be removed from the Town of Sudbury within seven days of receipt of the notice hereunder.

Dog Officer Betsy DeWallace was directed to check for compliance with the order and to pick up the dog should there be failure to comply.

Annual Appointments

It was on motion unanimously

VOTED: To make the following annual appointments (all appointments are subject to acceptance):

- Louise J. O'Connor and Edward P. Rawson to the Council on Aging, each for a three-year term to expire April 30, 1997;
- John B. Hepting as Inspector of Buildings, for a one-year term to expire April 30, 1995;
- Earl D. Midgley as Deputy Inspector of Buildings, for a one-year term to expire April 30, 1995;
- Jacqueline Fergione, Michael Gonnerman, Jeffrey Winston, Mark Thompson (ex-officio), and Frederick Walker (ex-officio) to the Cable Television Committee, each for a one-year term to expire April 30, 1995;
- Robert A. Noyes as Superintendent of Cemeteries, for a one-year term to expire April 30, 1995;
- Michael C. Dunne as Director of Civil Defense, for a one-year term to expire April 30, 1995;
- Robert A. Noyes as Assistant Director of Civil Defense, for a one-year term to expire April 30, 1995;
- Marvis M. Fickett as Radio Operator, Civil Defense, for a one-year term to expire April 30, 1995;
- Cheryl J. Baggen and Parker L. Coddington to the Conservation Commission, each for a three-year term to expire April 30, 1997;
- Mary T. Pihl to the Commission on Disability, for a three-year term to expire April 30, 1997.
- Betsy M. DeWallace as Dog Officer/Animal Control Officer for a one-year term to expire April 30, 1995;
- Paula E. Adelson as Assistant Dog Officer/Animal Control Officer for a one-year term to expire April 30, 1995;
- Richard E. Thompson as Executive Secretary, for a one-year term to expire April 30, 1995;

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- Janice M. R. Robinson to the Fair Housing Committee, for a three-year term to expire April 30, 1997;
- Maryann K. Clark, Lawrence L. Blacker, and John C. Drobinski as Fence Viewers, each for a one-year term to expire April 30, 1995;
- Michael C. Dunne as Fire Chief and Forest Warden, for a one-year term to expire April 30, 1995;
- Francis J. Kelly, Marilyn A. MacLean, and Muriel Plonko to the Sudbury Historical Commission, each for a three-year term to expire April 30, 1997;
- Richard E. Thompson as Town Agent, Industrial Accident Board, for a one-year term to expire April 30, 1995;
- Michael Freundlich, Arthur A. Walker, Rosalind R. Gurtler, Nancy Schaffer, and Frank M. Vana, to the Juvenile Restitution Program Committee, each for a one-year term to expire April 30, 1995;
- N. Jane West Young to the Juvenile Restitution Program Committee (Alternate), for a one-year term to expire April 30, 1995;
- Peter B. Lembo, as Keeper of the Lockup, for a one-year term to expire April 30, 1995;
- Richard W. Murphy as Labor Relations Counsel, for a one-year term to expire April 30, 1995;
- L. William Katz to the Long Range Planning Committee, for a three-year term to expire April 30, 1997;
- Richard E. Thompson as Designee to the Massachusetts Bay Transportation Authority, for a one-year term to expire April 30, 1995;
- Richard E. Thompson as Legislative Liaison to the Massachusetts Municipal Association, for a one-year term to expire April 30, 1995;
- Fred H. Hitchcock, Jr. and Elizabeth M. Foley to the Memorial Day Committee, each for a three-year term to expire April 30, 1997;
- John C. Drobinski as Designee to the Middlesex County Advisory Board, for a one-year term to expire April 30, 1995;
- Marjorie R. Wallace, Roy T. Sanford, Wilfred T. Benoit, Jr., Edward S. Campbell, Richard E. Thompson, Ex-officio, and Richard W. Murphy, Ex-officio, to the Negotiating Advisory Committee, each for a one-year term to expire April 30, 1995;
- Mark R. Gainer as Parking Clerk, for a one-year term to expire April 30, 1995;
- Frank Schimmoller to the Permanent Building Committee, for a three-year term to expire April 30, 1997;
- I. William Place as Planning Board General Agent, for a one-year term to expire

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April 30, 1995;

- Peter B. Lembo as Police Chief, for a three-year term to expire April 30, 1997;
- Russell DiMauro as Pound Keeper, for a one-year term to expire April 30, 1995;
- Sally B. Wadman to the Committee for the Preservation and Management of Town Documents, for a three-year term to expire April 30, 1997;
- Robert A. Noyes as Sanitary Landfill Agent, for a one-year term to expire April 30, 1995;
- Courtney W. Atkinson as Sealer of Weights and Measures, for a one-year term to expire April 30, 1995;
- Robert A. Noyes as Street Lighting Agent, for a one-year term to expire April 30, 1995;
- Maryann K. Clark as Sudbury Visiting Nurse Association Representative, for a one-year term to expire April 30, 1995;
- Russell DiMauro as Surveyor of Lumber & Measurer of Wood, for a one-year term to expire April 30, 1995;
- James Vanar as Town Accountant/Director of Finance, for a three-year term to expire April 30, 1997;
- Paul L. Kenny as Town Counsel for a one-year term to expire April 30, 1995;
- I. William Place as Town Engineer for a one-year term to expire April 30, 1995;
- Curtis F. Garfield as Town Historian, for a one-year term to expire April 30, 1995;
- Z. Stanley Taub and Melvyn W. Kramer as Town Physicians, each for a one-year term to expire April 30, 1995;
- Patricia A. Guthy, Cora Holland, and Patricia LeBlanc-Gedney to the Town Report Committee, each for a one-year term to expire April 30, 1995;
- Robert A. Noyes as Tree Warden for a one-year term to expire April 30, 1995;
- Guy L. Dietrich, Elizabeth M. Foley, Ronald J. Griffin, Vincent P. Surwilo, and Winifred C. Grinnell to the Veterans Advisory Committee, each for a one-year term to expire April 30, 1995;
- Mary Jane Hillery as Veterans' Agent and Director of Veterans' Services for a one-year term to expire April 30, 1995;
- Mary Jane Hillery as Veterans' Graves Officer for a one-year term to expire April 30, 1995;
- Robert A. Gottberg to the Wayland-Sudbury Septage Facility, Operational Review Committee for a one-year term to expire April 30, 1995;

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- Warren E. Boyce as Wiring Inspector, for a one-year term to expire April 30, 1995;
- Arthur J. Richard as Deputy Wiring Inspector for a one-year term to expire April 30, 1995;
- John B. Hepting as Zoning Enforcement Agent for a one-year term to expire April 30, 1995;
- Earl D. Midgley as Deputy Zoning Enforcement Agent for a one-year term to expire April 30, 1995;
- James F. Occhialini as Selectmen Representative to the Sudbury Water District Water Resource Protection Committee for a one-year term to expire May 31, 1995;
- Joseph D. Bausk as a (Paid) Special Constable for a one-year term to expire April 30, 1995;
- Earl D. Midgley, John B. Hepting, Warren E. Boyce, and Michael C. Dunne as (Non-Paid) Special Constables, each for a one-year term to expire April 30, 1995;
- George T. Burney, Peter J. Walsh, Wesley M. Woodward, George A. Moore, and Allan Houghton as special Police Officers, each for a one-year term to expire April 30, 1995;
- Richard Brackett and Barbara Greenwood as School Crossing Guards, each for a one-year term to expire April 30, 1995;
- Barbara A. Greenwood, Carol Ann Greenwood, and Pamela L. Conrado as Police Matrons, each for a one-year term to expire April 30, 1995.

Special Constables - Raytheon

It was on motion unanimously

VOTED: To reappoint the following Special Constables Non-Paid, for Traffic Duty only at Raytheon Company, for terms to expire April 30, 1995:

Frank J. Gonsalves, Brian C. O'Halloran, James S. Vandenakker, and Thomas Boulos.

Executive Secretary Thompson informed the Selectmen that all vacant positions would be advertised in the local newspapers. He also noted that the position of Town Counsel would need to be advertised this fall in accordance with the Bylaw. Mr. Thompson expressed his intention to discuss the Traffic Management Committee positions with the Town Planner and with those Chamber of Commerce members and others active in the Village concept group.

Legal Services Review Committee

It was on motion unanimously

VOTED: To dissolve the Legal Service Review Committee.

Resignations

It was on motion unanimously

VOTED: To acknowledge with regret resignations from the following persons not wishing to serve beyond their current terms; and further, to request Executive Secretary Thompson to send letters of thanks for past service to such persons:

Fred N. Haberstroh	-	Council on Aging
R. Christopher Trimper	-	Cable Television Committee
Kathleen E. Marshall	-	Sudbury Cultural Council
Susan Berry	-	Sudbury Housing Partnership Committee
John Thurber	-	Sudbury Housing Partnership Committee
Patricia Huston	-	Town Report Committee
James W. McKinley	-	Traffic Management Committee

It was further on motion unanimously

VOTED: To acknowledge the service of Jane E. Brown and Lidia Scher who have served the maximum allowed terms as members of the Sudbury Cultural Council and cannot be reappointed at the end of their term in August; and further, to request Executive Secretary Thompson to send letters of appreciation.

Voter Information

It was on motion unanimously

VOTED: To approve an open letter to the voters concerning the upcoming Special Town Election of May 23 which provides the expenditures authorized by the 1994 Annual Town Meeting.

Temporary Trailer Permit - 704 Boston Post Road

Present: Brian M. Lewis.

In response to a communication dated May 5, 1994, from Brian M. Lewis of Sudbury, it was on motion unanimously

VOTED: To grant a special permit to Brian M. Lewis for use of a house trailer at 704 Boston Post Road (Lot 1B) for dwelling purposes; said permit to be for a period of eight months while construction of a new home is being completed, subject to Board of Health approval involving connection of the trailer to septic system and water, and an occupancy permit by the Building Inspector.

It was noted that the Health Director had recommended approval.

Early Retirement Incentive Program

Executive Secretary Thompson summarized action to date on development of an Early Retirement Incentive Program for Town Employees stating that, as a result of a survey of Town employees indicating possible savings from an early retirement incentive program, Daniel Sherman of Coopers & Lybrand was contracted to evaluate such a program along with one for Sudbury teachers. The 1994 Town Meeting has since approved a program for teachers which is 50% funded by the state. In conjunction with the actuary, Daniel Sherman, a Town employee program has been developed which requires only the approval of the Board of Selectmen. Information has been forwarded to the Town employees so that sufficient notice is given to employees to allow all early retirements to occur by June 30, 1994.

On the recommendation of Chairman Blacker, it was

VOTED: To table the question of approving an Early Retirement Incentive Program for Town Employees to allow newly elected Selectman Clark to review the March 4, 1994, Report from Daniel W. Sherman of Coopers & Lybrand.

Site Plan Waiver of Plan Size and Scale

With the approval of the Town Engineer and Inspector of Buildings, it was on motion unanimously

VOTED: To approve the request of James Crowther, P.L.S., Project Manager, Colburn Engineering, Inc., dated May 6, 1994, for a waiver from the Site Plan Special Permit Rules and Regulations requiring a maximum sheet size of 36" to allow a sheet size of 36" X 42" and from the scale requirement of 1" = 20' to 1" = 30' for the filing pertaining to a proposed nursing home at 136 Boston Post Road, Sudbury, to be known as Wingate at Sudbury.

4th of July Pie Sale - Town Common

Upon the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To approve the request of Ruth M. Brown, Corresponding Secretary, Sudbury Woman's Club, to conduct the annual pie sale on the Town Common on July 4, 1994, from 9:00 a.m. until the conclusion of the festivities in the early afternoon.

Chapter 90 Reimbursement - Dutton Road Bridge

At the request of the Highway Surveyor and upon the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To sign a Chapter 90 Reimbursement Request form relative to the Sudbury Dutton Road Bridge Project, Agreement No. 6302, in the amount of \$9,746 for the concrete box culvert.

Walkway Committee

Executive Secretary Richard E. Thompson informed the Board that he had spoken with Ralph Tyler concerning the confusion at Town Meeting over the so-called Walkway Committee which is an ad-hoc

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subcommittee of the Planning Board and not a formally appointed Town committee. Mr. Thompson stated his intention to speak with the Town Planner concerning continuance and formal appointment of such a committee jointly by the Board of Selectmen and Planning Board, if such is to continue in the future.

The Board apologized for any confusion that may have been generated by naming and giving the so-called Walkway Committee more credence than was true.

There being no further business, the meeting was adjourned at 9:15 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk