

IN BOARD OF SELECTMEN
MONDAY, SEPTEMBER 9, 1996

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

The statutory requirements of notice having been met, the meeting was convened at 7:30 p.m. in the Sudbury Town Hall.

Chairman's Opening Statement

Chairman Blacker noted that the Board had appointed the members of the Strategic Planning Committee. He said that it had not been an easy task. He related that some 40 applicants had applied for the 15 positions.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of August 26, 1996.

Council on Aging - Donations

It was on motion unanimously

VOTED: To accept \$179.01 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.

Strategic Planning Committee - Appointments

A. Board of Assessors

The Board was in receipt of the following:

1. Communication, dated July 17, 1996, from William J. Keller, Jr., member of the Board of Assessors, urging the Board to consider adding a representative from the Board of Assessors to the Strategic Planning Committee. Mr. Keller volunteered to serve as the Assessors' representative should the Board determine to add such a representative.
2. Communication, dated July 25, 1996, from the Board of Assessors, Joseph H. Nugent, Jr., and William J. Keller, Jr., requesting the Board to consider adding to the Strategic Planning Committee a representative from the Board of Assessors. It noted that expertise in the area of property value assessments, land use, tax revenue generation, property tax exemption and tax abatement would be valuable to the Strategic Planning Committee.
3. Communication, dated September 5, 1996, from Town Manager Steven Ledoux recommending that the Board include a representative from the Board of Assessors on the Strategic Planning Committee and noting that if the Board were to do so the Strategic Planning Committee would still have a majority of citizens members.

It was on motion unanimously

VOTED: To include on the Strategic Planning Committee a representative from the Board of Assessors, and to appoint William J. Keller, Jr., 31 Churchill Street, in that position.

B. Historical Commission

The Board was in receipt of a communication, dated September 3, 1996, the Sudbury Historical Commission, asking the Board to consider including a representative from the Sudbury Historical Commission on the Strategic Planning Committee.

On motion it was unanimously

VOTED: To include on the Strategic Planning Committee a representative from the Sudbury Historical Commission, and to appoint the designee to be named by the Commission in that position.

(Subsequent to the Board meeting, the Sudbury Historical Commission designated Winifred Fitzgerald, 200 Concord Road, as its representative to the Strategic Planning Committee.)

Council on Aging - Resignation

On motion it was unanimously

VOTED: To accept with regret the resignation of William H. Maurhoff, dated September 3, 1996, from the Council on Aging.

The Board directed that a letter of appreciation be sent to Mr. Maurhoff for his services (past and present) to the Town.

Board of Assessors - Resignation

On motion it was unanimously

VOTED: To acknowledge with regret the resignation of David E. Tucker, dated August 13, 1996, effective August 14, 1996, from the Board of Assessors, and to express the Town's appreciation for his service to the community.

The Board further acknowledged receipt of a Memorandum from the Board of Assessors, dated August 26, 1996, noting the resignation of member David E. Tucker, and the resulting vacancy on the Board of Assessors. The Board of Assessors requests that a joint meeting be scheduled with the Board of Selectmen for the purpose of filling, by roll call vote, the vacancy until the next town election, in accordance with Massachusetts General Laws, Chapter 41, Section 11, as amended.

Town Report Committee - Appointment

On recommendation by the Town Report Committee, it was on motion unanimously

VOTED: To appoint Jane B. McDonald, 10 Washbrook Road, to the Town Report Committee for a term to expire April 30, 1997.

Hop Brook Ponds System - Acceptance of Funds

On motion it was unanimously

VOTED: To accept \$5,750 from the Department of Environmental Management under the 1996 Lake and Pond Grant Program to be used for drainage control and mapping projects in the Hop Brook Ponds System.

FY95 Audit Reports

Town Manager Ledoux presented for acceptance the FY95 audit reports, dated March 26, 1996, from Powers & Sullivan, Certified Public Accountants, as follows:

- 1) Town of Sudbury, Massachusetts Management Letter, June 30, 1995;
- 2) Town of Sudbury, Massachusetts Report on Schedule of Federal Financial Assistance, Year Ended June 30, 1995; and
- 3) Town of Sudbury, Massachusetts Report on Examination of General Purpose Financial Statements and Additional Information, Year ended June 30, 1995.

Selectman Clark suggested that this issue be continued until October when Selectman Drobinski will be back from his vacation. Chairman Blacker concurred.

Town Manager Ledoux noted that the Finance Committee will be reviewing the documents this coming Thursday.

On motion is was unanimously

VOTED: To continue Board consideration of the FY95 Audits until October, 1996, at which time Selectman Drobinski will be available to attend the meeting of the Board.

Acceptance of Easements - Fairbank Road

On motion it was unanimously

voted to accept the following easements pertaining to sidewalk installation on Fairbank Road:

- a) Walkway Easement dated April 26, 1996, granted by Arthur H. and Marguerite E. Shaw, shown on "Plan Showing Walkway Easement over land of Arthur H. Shaw and Marguerite E. Shaw, 6 Parmenter Road, Sudbury, MA, dated October 2, 1995, drawn by Town of Sudbury Engineering Dept.
- b) Walkway Easement dated July 13, 1996, granted by Mark I. Savel and Deborah L. Savel, shown on "Plan Showing Revised Walkway Easement over land of Mark I. Savel and Deborah L. Savel, 171

Fairbank Road, Sudbury, MA”, dated September 29, 1995, revised March 7, 1996, drawn by Town of Sudbury Engineering Dept.

c) Walkway Easement dated May 17, 1996, granted by Mary Dorothy and Mary Jane Grinham, Trustees of the Jemeah Realty Trust, shown on “Plan Showing Walkway Easement over land of Mary Dorothy and Mary Jane Grinham, Trustees of the Jemeah Realty Trust, 97 Fairbank Road, Sudbury, MA”, dated June 30, 1995, drawn by Town of Sudbury Engineering Dept.

d) Walkway Easement dated July 16, 1996, granted by Constantine J. and Angelica L. Digenis, shown on “Plan Showing Revised Walkway Easement over land of Constantine J. and Angelica L. Digenis, 5 Parmenter Road, Sudbury, MA” dated May 28, 1996, drawn by Town of Sudbury Engineering Dept.

e) Walkway Easement dated May 28, 1996, granted by Cynthia J. Newell, shown on “Plan Showing Walkway Easement over land of Cynthia J. Newell, 47 Fairbank Road, Sudbury, MA” dated June 26, 1996, drawn by Town of Sudbury Engineering Dept.

f) Drain and Access Easement dated May 17, 1996, granted by Mary Dorothy and Mary Jane Grinham, shown on “Plan Showing Proposed Drain Easement over the Lands of Balaban & Grinham, Fairbank Road, Sudbury, MA”, dated November 8, 1995, drawn by Town of Sudbury Engineering Dept.

Contract Approval - LAN/WAN Installation

Town Manager Ledoux noted that at the Annual Town Meeting \$15,000 was approved in the 1997 operational budget for moving the Town accounting offices into the Flynn Building. Subsequently, he has determined that the lowest bid to provide for the installation of a data networking system between the Flynn Building and other Town offices is \$61,000. Due to the shortfall, Town Manager Ledoux said that he is attempting to determine if other Town Departments might share in the costs of the system from their respective budgets. He stated, for example, that the School’s share alone is \$17,000. He also said that he plans to ask local computer industries for contributions in the form of funds or equipment. For these reasons, he asked that the Board approve the proposed contract subject to the acquisition of funding. He noted that the proposal satisfies both the needs of the Town and School.

On motion it was unanimously

VOTED: To approve the LAN/WAN installation contract with the firm of Advance Network Associates in the amount of \$61,000, subject to the acquisition of funding.

Local Government Week - Resolution

The Board was in receipt of a communication, undated, from Geoffrey C. Beckwith, Executive Director, and David Humphrey, President, Massachusetts Municipal Association, informing the Town of the Association’s second annual “Local Government Week” in Massachusetts slated for September 28-October 5, 1996. The Association also suggested various activities communities might offer to increase public awareness of the positive contributions local governments make each day.

Town Manager Ledoux stated that he was working with the schools and was considering a mock town meeting to showcase local government practices to Town students.

Chairman Blacker stated that it is a worthwhile endeavor and suggested that perhaps next year the Town consider a more extensive series of activities to celebrate local government. He also volunteered to speak at organized events this year.

On motion it was unanimously

VOTED: To adopt a resolution pledging the Town's support and participation in "Local Government Week", September 28-October 5, 1996.

EXECUTION: The Board executed the resolution proclaiming and supporting "Local Government Week", September 28 - October 5, 1996.

Reports from the Board and Town Manager

Town Manager Ledoux reported:

Echouafni Dog Case: The appeal in this matter has been continued until September 29, due to the illness of Mr. Echouafni's lawyer.

Town Hall/Noyes School Traffic Flow on Election Day: Due to Precincts 3 and 4 now voting at Town Hall, a meeting was conducted with Noyes School and Town Staff to discuss and plan traffic flow on election day. Traffic will flow in and out of the entrance off Old Sudbury Road, the gate at Concord Road will be opened, school personnel will park at the Methodist Church, and Officer Ronald Conrado, Safety Officer, will be present at the Noyes drop-off point during drop-off and pick-up times.

Youth Commission: He had met with the Youth Commission on September 6, 1996, and that the Commission had not spent any money in FY97. He said that the Commission suggests that a person be hired full or part-time to coordinate appropriate youth activities and services and to pursue more grant funding for these programs.

FY98 Budget Process: The FY98 budget process has commenced. Budget requests have gone out to all Town Departments and Commissions. Once those requests are returned, under the recently adopted Town Manager Act, the Town Manager is responsible for submitting the operating and capital budgets to the Finance Committee. Town Manager Ledoux stated that he plans to meet with Departments and Commissions in November and submit the proposed budgets to the Finance Committee in mid December. Town Manager Ledoux stated that the Finance Committee has requested a "level service" operating budget, meaning no new personnel or expenditures. Regarding the capital budget, Town Manager Ledoux stated that such is to be considered by the Long Range Planning Committee in September and October. He will then incorporate those results into the budget submitted to the Finance Committee. He said that a unified budget document will be presented to the Finance Committee. He noted that this is a new process for the Town.

Colonial Fair and Muster of Fifes and Drums: The Sudbury Companies of Militia and Minutemen and the Sudbury Ancient Fife and Drum Company plan to hold their annual Colonial Fair and

Muster of Fifes and Drums on the grounds of the Wayside Inn between the hours of 10:00 a.m. and 5:00 p.m. on Saturday, September 28, 1996. In case of inclement weather, the event will be held on Sunday, September 29, 1996. No alcoholic beverages will be served. The organizers have contacted Sudbury Police Department regarding traffic and parking issues; the Board of Health for a permit to sell food and the Sudbury Fire Department for permission to have open fires for cooking.

The Board approved the requested event.

Selectman Clark related that the annual muster has been a long-standing tradition in the Town.

Request for Executive Session: Chairman Blacker requested that the Board go into executive session to discuss a litigation issue after the conclusion of the public hearings.

Board of Appeals: Town Manager Ledoux reported that the Board of Appeals had turned down the Biela Corporation's request for a permit to sell motor vehicles at 119 Boston Post Road.

He also reported that the Board of Appeals had established requirements for screening on Route 20 and exterior lighting for the Drumlin Assisted Living project.

Finance Department: Town Manager Ledoux informed the Board that the Town of Bellingham was coming to the Town to make a presentation on how it met Town Charter requirements for the establishment of a Finance Department.

Hop Brook Association: Town Manager Ledoux noted that the Environmental Protection Agency (EPA) had issued a Draft Permit for review and comment relative to the Marlborough Treatment Plant pollutant discharge elimination system.

At the request of the Hop Brook Protection Association and with the concurrence of Selectman Clark, Chairman Blacker directed the Town Manager to write a letter on behalf of the Town in support of the EPA position on the phosphorous level as set forth in the draft permit (.1mg/l).

Wingate: Selectman Clark related that Wingate had officially opened and that it is a nice addition and that they had done a terrific job.

Dog Hearing: Williams/Clemens (Guarente)

Present: B. Robert Williams and Ann E. Guarente, formerly Ann E. Clemens, Betsy DeWallace, Dog Officer, and others.

At 8:00 p.m., the Board convened a hearing on a complaint, dated August 26, 1996, of B. Robert Williams, 11 Bradley Place, against three dogs owned by Ann E. Clemens, 14 Bradley Place, contending that such dogs are a nuisance by reason of vicious disposition, excessive barking and other disturbance, in that, the three dogs charged an adult, two dogs and a five-month-old infant on Thursday, August 22, 1996. The complainant requested a hearing in order to restrain, muzzle or dispose of said dogs.

The Board was in receipt of the following:

1. Complaint, dated August 26, 1996, of B. Robert Williams.

2. Communication, dated September 9, 1996, from Betsy DeWallace, Dog Officer, noting that the complaint had been filed as a result of an incident that had occurred on August 22, 1996, which she related as follows: On that date, three shepherd dogs, owned by Ann Clemens, ran out of her home at 14 Bradley Place and over to the Williams' property at 11 Bradley Place. The dogs are alleged to have charged over to the Williams' two golden retrievers and their five-month old baby who was in a carriage being attended by a sitter. Ms. Clemens admits to the incident declaring that she and a friend were moving personal effects out of her home when the dogs escaped out the front door. Ms. Clemens states that she immediately retrieved her dogs from the Williams' property. The Williams' have asked for this hearing in order to obtain a permanent restraining order on Ms. Clemens' three dogs.
3. Communication, dated August 26, 1996, from Kathy Middleton, Town Clerk, noting that Town records show no dogs were registered at either 11 or 14 Bradley Place.
4. Communication, faxed on September 9, 1996, from Jennifer Henson, #2 Mountain View Rd., Johnson City, Tn. 37602, stating that on Thursday, August 22, she "...was approached rapidly by a German Shepherd that came from 14 Bradley Place. The dog was growling and was within 5-10 feet of both me and my five month old nephew at 11 Bradley Place in the driveway. I asked the dog to STOP, which he did. To my knowledge the dog owner was not in the vicinity. In my opinion the dog was acting in a aggressive manner."
5. Communication, dated September 9, 1996, from Heidi J. Storer, 42 Massasoit Ave., advising that the two dogs at 14 Bradley Place have been an on-going problem. She states that she and her husband are awoken about four times a week to the dogs barking, crying or jumping on the door to get back into the house. She states that each time it lasts 10-30 minutes. She also states that she and her husband are often awoken in the morning to the same noises since the dogs are put out early. She notes that, since the noise is always from the dogs trying to get in, the owner should either let them in or train them to stay outside. She clarified that she did not wish any harm to these dogs. She did state, however, that she did not believe it is fair for the neighbors to have to tolerate this problem any longer.
6. Petition, undated, signed by seven individuals in addition to the complainant and his spouse, acknowledging concern about the temperament and disposition of two ("Dante" and "Maggie") of the three dogs residing at 14 Bradley Place, noting (1) their vicious/aggressive disposition, (2) excessive barking during late night and early morning hours (3) fighting other dogs and (4) running free without a leash. Four other individuals signed the petition, but only as to excessive barking and from all *three* dogs. Two of those individuals expounded further by communication and testimony. See item five above and testimony of Roger Manwaring below. The petition requests the Board to immediately remove the two dogs from the neighborhood to ensure public safety.
7. Communication, dated September 7, 1996, from Terry L. Purbaugh, VMD, Wayland Animal Clinic, stated that he has provided veterinary care to Ann Guarente's three German Shepherds, "Sasha", "Maggie" and "Dante" since 1988 and 1995 respectively. He states that he has not observed, in a clinical setting, any evidence of aggressive behavior in either a single dog or as a group. He related that the dogs always behaved in a friendly manner and displayed no threatening behaviors.

Chairman Blacker administered the oath to the witnesses.

B. Robert Williams stated that he had filed the complaint based on his sister Jennifer Henson's, statement. He said that he was not present when the incident occurred. He said that he lives in a small,

dense neighborhood. He said that he considers Ann a friend and that the complaint was not a personal attack. He said that he was concerned about the future. He said that there are three German Shepherds, an old one, a three-year-old and a puppy. He said that the three-year-old dog has had some "protective" training. He said that the dog is aggressive, in both his opinion and his sister's. He said that he does not want to have to wait for something serious to happen. He said that he is a parent and that there are a lot of children in the neighborhood. He said that it is Ann's responsibility, but it may be too late. He said that he had passed a petition around the neighborhood and that he also had a letter from one neighbor. He presented those items to the Board. (*See*, items six and five noted above.)

Chairman Blacker asked when the incident occurred.

Mr. Williams responded that it was in the late morning.

Chairman Blacker explained what action the Board could take. He said that the Board could decide to: (1) take no action; (2) confine the dogs; (3) ban the dogs; or (4) order the dogs destroyed.

Mr. Williams stated that in general the dogs are confined. However, he said that if they get out, he is without protection.

Mr. Roger Manwaring, 46 Massasoit Avenue, stated that he and his wife only signed the petition with regard to the barking issue. He said that he and his wife like dogs and that his wife is a veterinary nurse. He said for the five years that they have lived in the neighborhood he and his wife have been awoken by the barking. He said that, although things have improved, it is still a problem.

Betsy DeWallace, Dog Officer, stated that she had examined the dogs and they appear to be fine. She said they are friendly and there is a nice fenced enclosure for them. She said that there is no history of complaints regarding them.

Mrs. B. Robert (Sandra) Williams stated that the dogs have come over to her property three times before barking at her dogs or fighting with them. She said that she resolved those incidents informally, but that now she has a son and is concerned regarding his safety.

Ann Guarente stated that her dogs are now registered and offered to show the Board copies of their registration papers. She said the incident occurred when two men were moving a fish tank and the dogs escaped when the front door was inadvertently left open. She said that she has a seven-year-old daughter and often has other children over for visits. She said that the dogs have never so much as scratched a child. She stated that the Williams' dogs have gone after her dogs. She said that her dogs are docile and not vicious; they have never been in a dog fight. She said that she keeps them inside the house or in the fenced backyard. She said the incident was an accident. She said that she has taken measures to prevent this occurring again by putting in a locked gate in the kitchen to prevent them from gaining access to the front door. She said that she has lived in Sudbury for some ten years and is concerned because the neighbors, who signed the petition, were told that her dogs went after a baby.

When asked about the noise problems, she said that they might bark at a squirrel. She said that she has asked neighbors to let her know if children are napping and she will bring the dogs inside.

She said that the dogs come from a good breeder and that their veterinarian has described them as nice dogs. *See* item seven noted above.

She said that the three-year-old dog has had obedience training. She said that he is protective. She said that she is a single parent living alone and that he makes her feel safe.

She said that when she leaves during the day or in the evening she keeps the dogs inside.

She said that she was willing to let them out at 6:00 a.m. to relieve themselves and bring them right back inside the house.

Selectman Clark stated that with an infant one has to be cautious. She said that an infant could mean competition for them. She asked about the type of fence used for the dogs' enclosure.

Ms. Guarente responded that it is a six foot stockade fence with wire at the top.

Chairman Blacker noted that from Ms. Henson's statement she had asked the dog to stop and the dog did so.

Mr. Williams stated that a child would not think or be capable of doing so.

Chairman Blacker noted that Town has a leash law and dogs are not supposed to be out without a leash. He stated that a threshold factual finding includes (1) barking and (2) the dogs went across the street, seemed aggressive and when an adult said "Stop.", the dog stopped.

Mrs. Roger (Kathy) Manwaring said that she had called the dog officer years ago about the noise, but nothing came of it. She said the dogs would bark at 11:00 p.m., 1:00 a.m., 3:00 a.m., 5:00 a.m. and 6:00 a.m. She said that she and her husband's concern is the noise.

Ms. Guarente said that there have been a couple of times when she fell asleep after the dogs had been put out. However, she said that she is always home when the dogs are out. She said her neighbors could have called her, but have not done so. She said that she has a seven-year-old daughter and does not want to be kept up all night either. She said that she felt the problem was being exaggerated.

Roger Manwaring stated that it seemed as if they were being painted as "extremists". He said that dogs are supposed to be kept quiet at night. He said that the barking problem had existed for a long period of time, although it has improved of late. He said that the problem has been so severe that he has even thought of selling his home.

Chairman Blacker stated that he did not consider Mr. Manwaring an extremist. He said that the Board had two issues to consider: whether the dogs posed a nuisance by either (1) vicious disposition or (2) excessive barking. He stated that he did not believe that he had heard sufficient evidence to indicate that they were vicious, but that he had heard enough evidence to find "excessive barking."

Chairman Blacker asked Ms. Guarente if it were possible to keep the dogs inside until 7:00 or 8:00 a.m. Ms. Guarente responded that they need to go out earlier than that. He then suggested 6:30 a.m. provided that Ms. Guarente remain at hand to immediately let them back inside. Ms. Guarente said that that would be fine. She also agreed to a similar routine at 10:00 p.m. each evening.

Mr. Manwaring said that he would prefer 7:00 a.m. each morning, but the plan seemed adequate to him so long as Ms. Guarente remains responsive to letting the dogs back inside once they have relieved themselves.

Betsy DeWallace, Dog Officer, suggested that Ms. Guarente may wish to consider using de-bark collars.

Mr. Williams inquired as to what constituted a "vicious disposition".

Chairman Blacker stated that it is difficult to define. He said if the animal charges other humans, goes after other animals and is constantly fighting it would be found to be vicious.

Mr. Williams stated that his wife was on the phone and could see the incident from the kitchen window. He said that the dogs were "barking like crazy" and came up behind his sister. He said that they started fighting with his dogs that were in the garage. He opined they were aggressive and said that he does not want his child to be hurt.

Ms. Guarente stated that she could not see how Mrs. Williams could have seen the incident from her kitchen window. She said that she immediately went out to retrieve her dogs.

Officer Ronald Conrado stated that if there were any further problems to call the Police Department. He said that they would respond immediately. He said that it is their duty to ensure public safety and to protect lives. He said that it is also their duty to ensure tranquillity. He noted that Betsy DeWallace, Dog Officer, works closely with the Police Department and that they would be responsive to the concerns raised in this matter.

It was on motion unanimously

VOTED: To require Ann E. Guarente, formerly Ann E. Clemens, of 14 Bradley Place, owner of three dogs, to keep each of her dogs within her residence from the hours of 8:00 p.m. to 7:00 a.m. each day, except that at 10:00 p.m. and at 6:30 a.m., at which times Ms. Guarente may allow her dogs outside for a reasonable period of time, approximately 15 minutes, so that they might relieve themselves. During such times, Ms. Guarente shall be within their immediate sight and sound so that she might allow them to re-enter her home without the need for barking or whining. Furthermore, during the day, from the hours of 7:00 a.m. until 8:00 p.m., Ms. Guarente may allow her dogs to be outside for exercise, provided that if they start barking, she is to bring them back inside the house. Finally, when the dogs are outside the residence, they shall at all times be restrained either within a fenced enclosure or under leash. This order shall be in full force and effect for a period of 90 days after which time the Board shall review this matter.

Haynes/Pantry Road Intersection

Present: I. William Place, Town Engineer; Ronald Conrado, Police Safety Officer; Robert A. Noyes, Highway Surveyor; Ralph Tyler, and others.

Notice to abutters, dated September 3, 1996, was provided by Town Manager Ledoux.

At 8:50 p.m. the Board convened a discussion on the problems with the Haynes/Pantry intersection.

The Board was in receipt of the following:

1. Communication, dated September 6, from Town Manager Ledoux, setting forth the following report: The Board had previously considered design improvement at the Haynes/Pantry intersection. It was noted then that the intersection has been the site of many accidents usually caused by drivers failing to yield when making a left turn onto Haynes while northbound on Pantry. Townspeople present that evening believed that a four-way stop would be effective and the matter was returned to Town staff for review. Town Manager Ledoux met with Town Engineer Place, Safety Officer Conrado and Highway Surveyor Noyes. He advised that it is their opinion that a four-way stop would result in a traffic hazard due to the potential for rear end collisions which would increase on account of motorists' speeds on Pantry. Additionally, the rise in grade on Pantry Road north of the intersection would have to be cut down to improve visibility of motorists approaching Pantry from Haynes, and this is the bulk of the costs associated with the original design plan. He, along with other Town Staff, recommend that the Board proceed with the implementation of the original design plan. He noted that if Mr. Sharkey can provide new survey information that refutes current information, the Town will need to incorporate the new survey. With regard to Mr. Tyler's concerns that the realignment of Haynes will cause automobile lights to shine into his home, the Town is willing to explore raising his berm or lowering the intersection to mitigate the impact.

I. William Place, the Town Engineer, stated that a "Yield Ahead" sign had been installed. However, he said that the problem is the speed. He noted that the speed limit on Concord Road is 40 mph. He said that 250 feet of sight distance is needed for a stop sign and it is not there. Regarding the lights flashing into the Tyler residence, he said that Pantry would have to be lowered another foot. He said that the water main and gas lines would also have to be lowered. He stated that if just a stop sign is put in at Pantry, it would only be asking for liability.

Ronald Conrado, Safety Officer, said that there have been no recent accidents at the intersection. He said that they had only recently installed an even larger sign indicating a dangerous intersection and the need to yield. He said that it seemed that motorists are more aware of the situation.

Robert Noyes, Highway Surveyor, concurred with the Town Engineer. He agreed that there was not enough sight distance for a stop sign. He said that it would be costly to redesign the intersection, but that it might save someone's life. He said that with all of the other intersections that have been reconstructed, there have been less accidents.

Mr. Sharkey contended that there was 300 feet from the intersection to work with.

Town Engineer Place stated that "sight distance" was calculated to show the amount of distance a driver can see from his position in the automobile and not simply linear distance. He said that he had not physically measured it, but would be willing to do so.

Mr. Sharkey said that everyone speeds and that even Town trucks are going 45 mph. He said that if you know there is a stop sign you will have to slow down. He noted that the other Yield sign had only just been installed.

Ralph Tyler said that no one has yielded for him, but that more signs have helped. He said that at a minimum stop signs are needed. He said lowering the grade, including the water and gas lines, makes a lot of sense.

Chairman Blacker inquired about the possibility of using a "stop ahead" sign in conjunction with a stop sign.

Town Engineer Place said it might be possibility.

Chairman Blacker suggested that the Town Engineer review the site to determine if the minimum "sight distance" is there. He also suggested that he consider reducing the grade and determine the necessary easements. He urged a review to determine the least amount of expenditures needed to resolve the potential for accidents.

Mr. Tyler suggest that a four-way stop be installed as a phase one. He suggested in phase two that the grade be reduced to give the motorist the proper "sight distance".

Safety Officer Conrado suggested waiting a month since the signs had only recently been installed.

Eric Christianson countered that this matter had been reviewed several months ago. He said that three Town agencies had reviewed it and that the Town should proceed with the intersection design that they produced.

Chairman Blacker contended that that is not what he had heard the Town staff to say.

Mr. Christianson suggested that the yellow center line on Pantry should be straightened out so that it does not suggest that those going north on Pantry have the right of way to immediately proceed down Haynes.

Chairman Blacker agreed and said that such should be done.

Mr. Tyler said that he has a concern about motorists getting rear ended. He said whatever it takes, stop signs, warning signs, it must be done thoroughly and expeditiously, as he was concerned about Town liability.

Town Engineer Place said that he could review the site to determine the sight distances needed for both south and north bound traffic and have an assessment within the next three to four weeks.

Mr. Sharkey inquired as to how a "\$66,000 island" will slow down traffic. He said that he agreed with the stop signs and re-aligning the yellow center line, but questioned the effectiveness of a traffic island. He said that on some of the islands in Town signs on the islands make it difficult to see. He also noted that at Haynes and Marlboro there is a horrendous curve and that that should be reviewed as well.

Highway Surveyor Noyes said that signs are attempted to be placed so that they do not obstruct views, but with cars of different heights it is difficult.

Safety Officer Conrado said that many islands have worked to reduce accidents.

The Board continued discussion of the matter until three to four weeks hence to await further information from Town staff.

Executive Session

Chairman Blacker moved to go into executive session to consider a pending litigation matter.
Selectman Clark concurred.

Thus, it was unanimously

VOTED: To enter into executive session to discuss legal strategy for appeal on an Open Meeting Ruling by
Middlesex District Attorney dated September 4, 1996.

(Selectmen Blacker and Clark in favor; Selectman Drobinski absent.)

Chairman Blacker stated that the Board would not return to public session.

The meeting was adjourned at 9:55 p.m.

Attest: _____
Steven Ledoux
Town Manager-Clerk