

IN BOARD OF SELECTMEN
MONDAY, APRIL 26, 1999

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

The statutory requirement for notice having been met, the meeting convened at 7:30 p.m. at the Senior Center, 40 Fairbank Road.

Condolences

On behalf of the Board, Chairman Drobinski expressed deepest sympathies for the families in Littleton, Colorado, and emphasized that all communities need to keep a watchful eye over their youth.

Organization of the Board/Meeting Place

It was on motion by Selectman Roopenian and unanimously

VOTED: To elect John C. Drobinski as Chairman.

Chairman Drobinski nominated Selectman Clark as Vice Chairman, who declined the nomination due to increasing involvement with other activities.

It was on motion by Selectman Clark and unanimously

VOTED: To elect Selectman Roopenian as Vice Chairman.

It was on motion unanimously

VOTED: To elect Steven L. Ledoux, Town Manager, as Clerk.

After discussion, it was on motion unanimously

VOTED: To declare Town Hall as the official meeting place for the Board of Selectmen, at 7:30 p.m. on Monday evenings, with occasional meetings held at the Goodnow Library and so publicized.

Sudbury Animal Hospital – SPSP#99-349

At 7:45 p.m. Chairman Drobinski continued a Public Hearing from March 31, 1999 for the purpose of considering Site Plan Special Permit Application #99-349 of John K. and Betsy A. Sinnigen, d/b/a Sudbury Animal Hospital, to construct an addition to the animal hospital at 662 Boston Post Road.

Based upon a determination that the foregoing evidence, together with the plans submitted, conformed to the intent and purpose of the Zoning bylaw requirements, a motion was made and unanimously approved as follows:

VOTED: To grant a Site Plan Special Permit to John K. and Betsy A. Sinnigen, d/b/a Sudbury Animal Hospital, in accordance with Application No. SP99-349, for property located at 662 Boston Post Road, to construct an approximate 800 square foot addition, as shown on plan entitled, "TOPOGRAPHICAL PLAN OF SUDBURY ANIMAL HOSPITAL", dated January 12, 1999, revised, February 23, 1999, drawn by

Sullivan, Connors & Associates, 121 Boston Post Road, Sudbury, Mass., and architectural plans showing foundation, first floor, roof, and north and west elevations, dated May 1, 1998, prepared by Deborah McPhee, R.A., subject to compliance with all governmental laws and regulations including, but not limited to Wetlands Protection Act, Sudbury Wetlands Administration Bylaw, zoning, building and health laws and regulations, and further subject to the following conditions insofar as they apply to the property:

1. Approval of the drainage system, including traps, catch basins, and periodic maintenance as required by the Town Engineer;
2. Placement of all utilities underground;
3. Extension of Sudbury Water District lines to the site by the owner; no wells for water supply to be installed on the site;
4. The grant of an earth removal permit by the Earth Removal Board, if applicable;
5. Approval of signs or advertising devices as required under applicable provisions of the Zoning Bylaw;
6. The grant of a Water Resource Protection Special Permit by the Planning Board;
7. No storage or use of chemicals on site except in conformity with guidelines and requirements of the Board of Health and the Fire Chief; the owner or operator of the site shall comply with the Massachusetts Oil and Hazardous Materials Release Prevention and Response Act, M.G.L. Chapter 21E, as amended, and all regulations issued thereunder;
8. Exterior lighting to be directed away from adjacent residences and have shields;
9. No use of salt or chemical de-icers on site;
10. If applicable, the grant by the owner to the Town of a restrictive covenant to run with the land, governing, restricting or prohibiting the following which shall conform to requirements of the Board of Health, Town Engineer and/or Conservation Commission as appropriate:
 - (a) the disposal or removal of effluent and wastes generated on the site;
 - (b) the use of salt or chemical de-icers on the site;
 - (c) the installation by the owner of one or more monitor wells on the site, including the Town's right of access for periodic testing and monitoring thereof, or another protective device as may be required by the Board of Selectmen;
11. Submission of an "as built" site plan. Any change in the physical condition of the site, including changes in the location or design of structures or systems, following approval of the site plan, will require approval of the Board of Selectmen;
12. No building permit shall be issued until certain items noted above (1 and 6) as specified by the Board, are complied with.

13. No occupancy permit shall be issued until certain items noted above (2, 3, 4, 5, 7, 8, 10, and 11) as specified by the Board, are complied with.
14. This Special Permit shall lapse if construction and a substantial use therefor, have not commenced except for good cause within one (1) year from the effective date of said Permit.

Town Manager Ledoux stated that the final plans have not yet been reviewed for signing.

Minutes

It was on motion unanimously

VOTED: To approve the regular and executive session minutes of March 31, 1999, and regular session minutes of April 5, 1999, and April 7, 1999, as drafted, and executive session minutes of April 6, 1999, as amended.

Council on Aging Donations

It was on motion unanimously

VOTED: To accept \$163.90 in miscellaneous donations to be deposited into the Council on Aging Van Donation Account, and to authorize the Council on Aging to expend same for the purposes of operating and maintaining the Council on Aging vans.

Ambulance Account Donation

It was on motion unanimously

VOTED: To accept a \$50 donation from George Kevorkian, 11 Brentwood Road, in memory of his wife, to be deposited in the Ambulance Gift Account and expended under the direction of the Fire Chief.

Town and School Rubbish Collection

It was on motion unanimously

VOTED: To approve a contract, effective April 1, 1999, with Waste Management, A Division of Waste Management of Massachusetts, for the remainder of calendar year 1999, to replace EARTH Corp., which is no longer in business.

Constable Appointments

It was on motion unanimously

VOTED: To appoint Nelson H. Goldin as Constable for the Town of Sudbury for a three-year period, commencing May 1, 1999, with the term expiring on April 30, 2002.

It was on motion unanimously

VOTED: To reappoint Jerrald M. Vengrow and James D. Conboy as Constables for the Town of Sudbury for a three-year period, commencing May 1, 1999, with the terms to expire on April 30, 2002.

Alcoholic Beverage Sales – May 17, 1999 Town Election

It was on motion unanimously

VOTED: To grant permission to holders of alcoholic beverages restaurant and package store licenses to sell alcoholic beverages during the polling hours of the May 17, 1999 Town Election, in accordance with G.L. c.138 s.33, as amended.

Community Health Network Area (CHNA) Road Race

It was on motion unanimously

VOTED: To grant permission to The Community Health Network Area (CHNA) of Greater MetroWest to hold a youth/adult 5k road race on Saturday, May 1, 1999, as set forth in the April 13, 1999, communication from Renee Foster, CHNA Subcommittee Member, subject to any requirements of the Police Department.

UP99-02 Boston Edison/Nynex – Change of Pole Ownership

It was on motion unanimously

VOTED: To approve Utility Petition 99-02 from Boston Edison and New England Telephone & Telegraph, d/b/a NYNEX, a grant of location to change the sole ownership of NYNEX pole 194/40 (595/125), Wayside Inn Road (southeasterly side, approximately 115 feet northeast of Sudbury Street), to joint ownership.

Special Town Election Warrant – May 17, 1999

It was on motion unanimously

VOTED: To sign the May 17, 1999 Special Town Election Warrant.

Annual Town Cleanup

Chairman Drobinski reminded the assembly and viewers that Saturday, May 1, 1999, is the Annual Town Cleanup and encouraged interested persons to phone Jan Silva at the Town Manager's office for more information.

Overhead Utility Connection – 44 Lakewood Avenue

Present: Michael Lingley, 44 Lakewood Avenue.

The Board reviewed a request, dated April 22, 1999, from Michael Lingley, seeking waiver of Town Bylaws for overhead installation of utility wires at 44 Lakewood Drive, together with a report from the Building Inspector recommending approval.

Following discussion with the applicant, it was on motion unanimously

VOTED: To grant permission under Town Bylaw Article XX.3.E to Michael Lingley to install overhead utility connection from existing pole (#8) on the opposite side of Basswood Avenue to service a new outbuilding at 44 Lakewood Drive.

Bay Avary/Letter of Intent – Frost Farms Senior Housing Development

Town Manager Ledoux stated that the Housing Task Force and the Bid Review and Selection Committee reviewed five proposals, narrowing the choice to Bay Avary of Boston. He stated this contractor exhibited creativeness, and a desire to work cooperatively in an affordable quality project.

Selectman Clark asked about Bay Avary's reputation and history. Mr. Ledoux stated that the Selection Committee reviewed many references, projects done in Massachusetts and New Hampshire, and found them to be satisfactory. Selectman Roopenian stated they had checked this contractor twice due to a question involving date of incorporation.

It was on motion unanimously

VOTED: To accept Bay Avary's letter, dated April 7, 1999, to mutually enter into an agreement for development of senior housing at the Frost Farm site, in accordance with the Town of Sudbury's Letter of Intent, dated March 31, 1999.

Dog Complaint – Leslie Zelamsky/Robert McCart

Present: Leslie Zelamsky, 62 Oakwood Avenue; Marc Cordaro, 62 Oakwood Avenue; Patti McCart, 67 Oakwood Avenue; Betsy DeWallace, Dog Officer; Paula Adelson, Assistant Dog Officer.

At 7:45 p.m. Chairman Drobinski convened a Public Hearing for the purpose of considering the complaint, dated April 8, 1999, filed by Leslie Zelamsky, 62 Oakwood Avenue, against three dogs harbored by Mr. and Mrs. Robert McCart, 67 Oakwood Avenue. All parties were contacted by certified mail, return receipt requested. Chairman Drobinski swore in all parties planning to testify.

The Board was in receipt of the following:

1. Dog Complaint, dated April 8, 1999, of Leslie Zelamsky, 62 Oakwood Avenue, against dogs owned by Robert McCart, 67 Oakwood Avenue. Complaint accompanied by letter, dated April 1, 1999, from Leslie Zelamsky and Marc Cordaro, outlining their complaint.
2. Copies of Dog Licenses for Molly, Digger, and Meeko, Miniature Doberman Pinschers, owned by Robert and Patti McCart, 67 Oakwood Avenue.
3. Memo, dated April 22, 1999, from Betsy DeWallace, Dog Officer, recommending that the dogs not be allowed to run loose, in accordance with the Town of Sudbury's new 24-hour leash law, and that this action be reviewed after 90 days.

4. Phone Log, dated April 22, 1999, from Paula Adelson, Assistant Dog Officer, listing complaints against the three dogs owned by Robert and Patti McCart, 67 Oakwood Avenue, beginning January 5, 1999, through April 8, 1999.
5. Violation Report, dated April 22, 1999, from Paula Adelson, Assistant Dog Officer, outlining the quarantine of two mini-Pinscher dogs (Meeko and Digger) at 67 Oakwood Avenue, for 10 days beginning December 21, 1998, as a result of biting a Sudbury resident on the leg; and stating that a ticket violation had been issued to Robert McCart, 67 Oakwood Avenue, on January 28, 1999, for a loose dog. Violation was not paid within 21 days; court order issued, and fine subsequently paid before court appearance.

Ms. Leslie Zelamsky, 62 Oakwood Avenue, briefly described the difficulties she and her husband have been having with the dogs owned by the McCarts at 67 Oakwood Avenue. She stated that the dogs are often loose (off leash), harassing neighbors and passersby, and basically out of control, and added that the dogs do not come when called by their owner. She related incidents of being chased into her own garage, and being stuck in her car with her baby and not being able to get out without being chased. She stated that the Dog Officer had recommended to keep calling and reporting the incidents, thus establishing a phone log of occurrences.

Ms. Zelamsky stated she and her husband tried to be understanding, as the McCarts had recently had a new baby. She noted that the barking at 3 a.m. was particularly annoying, and opted not to report it to the Dog Officer in the middle of the night, though it happened many times. Ms. Zelamsky stated the situation has become intolerable, prompting the filing of the complaint.

Ms. Patti McCart, 67 Oakwood Avenue, stated she and her husband own three miniature Doberman Pinschers, and pointed out that none of the dogs weigh more than ten pounds, indicating the dog known as Molly, in her lap. She admitted the dogs can be obnoxious and bark at people. She stated her husband had built a kennel but because it was winter at the time, he could not dig into the ground, and the dogs were able to scoot under the fence. She stated her husband installed a permanent, wrought iron kennel three weeks ago. Ms. McCart stated their four children live with them, ages two months, 8, 9, and 11 years, and that the dogs are very gentle, sleeping next to the baby's crib. She expressed disbelief that the dogs could be considered aggressive. She stated the next door neighbors often ask if the dogs can come over. She expressed surprise that such little dogs could chase people into a garage. She stated that she teaches children and would never have aggressive dogs that could hurt anyone. She stated further that if the dogs are barking at 3 a.m. that her household would also hear them and this has not happened. She insisted her dogs have never bitten anyone or exhibited vicious behavior. She stated neighborhood children come to her house to play with the dogs.

Betsy DeWallace, Dog Officer, stated the McCarts have built a nice pen for the dogs but that the dogs still get out.

Paula Adelson, Assistant Dog Officer, stated there have been no complaints since April 8, 1999, the last date noted on the phone log. She stated that on December 14, 1998, two of the three dogs were out and had bitten someone, and she subsequently quarantined the dogs. Ms. McCart said she was never contacted by the person who claimed to have been bitten and denied the allegation. Ms. Adelson stated that a friend of hers, Janet Buchwald, who lives in the neighborhood, witnessed the attack (bite). Ms. McCart stated she had been in her yard washing her vehicle and no one told her they had been bitten. She added that there was a man pushing two small children in a stroller, and he did not tell her anything about her dogs bothering him.

Ms. Adelson stated that the man apparently had not realized the skin had been broken because she was notified by the hospital, which required that the dogs be quarantined.

Ms. Zelamsky stated that the issue is not of the dog's size but that a bite is still a bite. A raccoon is not a large animal, and if it is rabid, a bite can be serious. She stated that she is an obedience trainer, and is concerned with their behavior, not their size. She stated her parents were chased while they were out with the baby in the stroller. She expressed disbelief that the owner insists these dogs never get out.

Ms. McCart stated she and her husband have spent a lot of time and money perfecting the kennel they now have, and it seems to be working.

Ms. Adelson reminded Ms. McCart that when she came to put the quarantine on the dogs, that one of the dogs was pulling on her pant leg with his teeth, and she asked Ms. McCart to remove the dog from her pant leg. She stated further that when she came to remove the quarantine, she chose not to come inside the house because she was wearing tight-fitting breeches and did not want the risk of being bitten.

Selectman Clark asked if the McCart children have access to the kennel door and might be letting the dogs out. Ms. McCart stated the children have been instructed to play with the dogs inside the kennel but that the dogs can only come out on leashes. Ms. McCart stated the kennel also has a lock.

Marc Cordaro, 62 Oakwood Avenue, stated he and his wife Ms. Zelamsky simply want their own family to be safe and not to be awakened in the middle of the night.

Selectman Roopenian asked about the kennel improvements. Ms. McCart stated that Molly had squeezed between a space between the closed door and the side of the kennel so more wire was applied to that space. She stated two more instances of having improved the kennel due to the dogs' creativeness in getting out. Ms. Adelson stated she has not seen the improved kennel.

Chairman Drobinski stated there is a bylaw in the Town of Sudbury requiring dogs be under control 24 hours a day and recommended that the hearing be continued for 90 days to allow the Dog Officer time to inspect the kennel premises and allow for modification in the dogs' behavior. He stated also that the excessive barking must be controlled. Mr. Drobinski stated that, as neighbors, the parties should try to work these things out before it gets to the Selectmen level.

Ms. McCart stated they did try to put up a kennel during the winter but it was not secure enough to hold the dogs.

Selectman Roopenian stated the area is a well-traveled one and expressed concern for these dogs running across the street to the Zelamsky/Cordaro residence when they could be hit by cars. She noted also that six other neighbors complained about the dogs.

It was on motion unanimously

VOTED: To continue this matter for 90 days to allow the Dog Officer to inspect the premises, and to monitor neighbors' complaints regarding the dogs' behavior and excessive barking.

Memorial Tree Planting

Chairman Drobinski reminded the Board that the tree planting in memory of Wayland Selectman Randy Hoes would take place on Saturday, May 1, 1999, at 12:15 p.m. at the Common on Route 20 in Wayland.

Special Town Meeting Election

The Board reminded the assembly and viewers of the special Town Meeting Election on Monday, May 17, 1999, and encouraged non-registered voters to register.

Dog Complaint – Toscano/Governale

Present: Betsy DeWallace, Dog Officer; Paula Adelson, Assistant Dog Officer; Carmen E. Governale, 21 Curtiss Circle; Elzantia L. Governale, 21 Curtiss Circle; Karen Toscano, 82 Old Garrison Road; William Toscano, 82 Old Garrison Road; Lydia Garcia, 106 Old Garrison Road; Bruce Garcia, 106 Old Garrison Road; Maureen Hines, 49 Stock Farm Road; Janet Pendleton, 89 Shadow Oak Drive; Carmel O'Connell, 69 Pinewood Avenue; Harold Homefield, 16 Curtiss Circle.

At 8:15 p.m. Chairman Drobinski convened a public hearing for the purpose of considering the April 6, 1999 complaint of Assistant Dog Officer Paula Adelson, the April 8, 1999 complaint of Karen Toscano, 82 Old Garrison Road, and the April 9, 1999 complaint of Lydia Garcia, 106 Old Garrison Road, against two dogs harbored by Carmen and Elzantia Governale, 21 Curtiss Circle. All parties were notified by certified mail, return receipt requested. Chairman Drobinski swore in all parties intending to testify.

The Board was in receipt of the following:

1. Complaint, dated April 9, 1999, from Lydia Garcia, 106 Old Garrison Road, against dogs harbored by Carmen and El Governale, 21 Curtiss Circle. Complaint was accompanied by letter outlining incidents in detail.
2. Complaint, dated April 8, 1999, from Karen Toscano, 82 Old Garrison Road, against dogs harbored by Carmen and El Governale, 21 Curtiss Circle. Complaint was accompanied by letter outlining incident.
3. Complaint, dated April 6, 1999, from Paula Adelson, Assistant Dog Officer, against dogs harbored by Carmen and El Governale, 21 Curtiss Circle. Complaint was accompanied by her report outlining incident on March 31, 1999 and her subsequent actions.
4. Dog licenses, expiration date December 31, 1999, for Rottweilers, known as Cody and Jade, residing at 21 Curtiss Circle.
5. Report, dated April 22, 1999, from Betsy DeWallace, Dog Officer, recommending that the dogs be kept on the owners' property in accordance with Sudbury's new 24-hour leash law.

Lydia Garcia, 106 Old Garrison Road, stated the first incident was September 20, 1998. While her children were in their back yard playing, two Rottweilers came into the yard and followed the children into the garage and up the stairs. Ms. Garcia stated she had to shut the door in the dogs' faces or they would have

entered the house. At that time she called Animal Control because the dogs would not leave their garage. She stated they contacted the Governales who indicated it was a mistake and would never happen again. Ms. Garcia stated the dogs were out again in December, but they were successful in shooing them away. Referring to the Toscano attack, she expressed concern that her children can be attacked in their own yard.

Karen Toscano, 82 Old Garrison Road, tearfully related the story of the incident when her beagle (on a runner) was attacked and she placed herself between the beagle and the Rottweilers. She stated the dogs started attacking the beagle, weighing about 30 pounds, and estimated the Rottweilers' weight at 130 pounds each. She stated she attempted to pull the dogs off the beagle, sustaining injury to her hand. She stated the only reason the attack stopped was because the dogs got tired. The dogs sat down a short distance away, and after she got one of her dogs inside the house, they advanced on the other. She was able to shoo the dogs away before they attacked the second one. Shortly thereafter the police and fire department arrived and were unable to get into the drive because the dogs were still there. She stated the officials told her she should never have put herself in that situation.

Ms. Toscano stated Ms. Adelson, Assistant Dog Officer, then arrived and examined her dogs. Ms. Toscano went to the hospital where she received a tetanus shot, plus Novocaine, Percoset and IV antibiotic drip for the 12 dog bites. She was unable to use her hands. She stated she went to the hospital three times a day for the next two days for antiseptic treatment because dog bites cannot be stitched, as they are bacteria ridden and cannot be sealed. Later that week the doctor sent her to a rehabilitation surgeon who advised strengthening exercises and antibiotics. At this point she was able to remove the gauze. She visited this doctor again, as well as her primary care physician, and had the dogs examined by the veterinarian.

Ms. Toscano stated that the leash law fines are simply not enough. She stated that, for a town as affluent as Sudbury, a \$50 fine is nothing, and suggested the fines be raised to \$250 or \$500. She stated it is the responsibility of the owners to accept responsibility for the conduct of their pets. She related an incident with one of these dogs from six years earlier. She expressed doubt that all the dog owners in Sudbury license their dogs and are aware of the leash law. She stated she did not feel comfortable when the ten-day quarantine was lifted because the dogs could roam again.

Carmen Governale, 21 Curtiss Circle, expressed apologies to Ms. Toscano for her injury, and stated this behavior is uncharacteristic of his dogs. He stated that when they do get out, they can be intimidating because they are large. He stated he and his wife have two children, and that the dogs are very gentle. The children even use the dogs as pillows when they watch television. He stated they try to contain the dogs in a kennel with chain link fence and wooden fence, buried deep so that they cannot dig out. He acknowledged that their house is a "magnet" for neighborhood children and suspected that occasionally the kennel door is left open. He stated they have subsequently put in an invisible fence, and taken the dogs for obedience training. When they first moved to Sudbury, they walked through the neighborhood to have the residents meet the dogs and become familiar with them, in order to dispel fears of the breed. He stated they are cautious about introducing new dogs to their animals, and do so on neutral territory. He stated they socialize the dogs with children and elderly people so that they are accustomed to being with all kinds of people.

Paula Adelson, Assistant Dog Officer, stated she had not met the dogs before this incident, and stated further that when she went to remove the quarantine, the dogs virtually ignored her, did not jump on her, nor bark at her. After she determined they were rabies free, she lifted the quarantine.

Maureen Hines, 25 Curtiss Circle, stated she has lived next door to the Governales for six years and that the Rottweilers are much better behaved than her own dogs. She stated that during that time she has

never seen any indication of vicious behavior from the Rottweilers. Her children, Mollie and Lilly, even ride on Cody's back.

Ms. Toscano stated that, if a dog were socialized with people in his own neighborhood, there will be little problem, but in this instance, the dogs were out of their own area.

Chairman Drobinski stated that, while these dogs may be gentle and obedient in their own confines, they do not behave that way out of their own territory and need to be controlled. He expressed concern for people, particularly small children, who are fearful of large dogs on the loose.

Carmel O'Connell, 69 Pinewood Avenue, stated that Mrs. Governale had hired her as a babysitter for children, and this included time she would be alone with the dogs in the house. Ms. O'Connell stated she was first apprehensive about doing this, but met the dogs on two occasions during which they were very affectionate and gentle in demeanor. She stated that, for the two days she was at the house, they behaved extremely well.

Janet Pendleton, 89 Shadow Oak Drive, stated that the dogs have been present during soccer games at the common while her sons and the Governale children participated in games. She stated she brought her own dog, a 12-pound Norfolk Terrier, to the soccer games where the dogs all played together and that the larger dogs would simply walk away after playing for a while. She stated that this experience has greatly changed her opinion of the breed and that she has no reason to believe they are anything but good dogs.

Betsy DeWallace, Dog Officer, stated that when she picked them up in September, the dogs were well behaved and exhibited no vicious behavior.

Harold Homefield, 16 Curtiss Circle, a neighbor of the Governales, stated that these dogs have always been well behaved if they came into his yard and have never exhibited any hostility.

Bruce Garcia, 106 Old Garrison Road, stated his concern is primarily that the dogs should be kept within their own territory where, by all testimony, the dogs are reliable and well behaved. He requested that the owners be required to more effectively control their pets.

Selectman Clark stated that dogs generally have two personalities, one for their home turf where they are gentle, and one for when they are out "hunting" where their natural instincts take over. She opined that Ms. Toscano's beagle was easy prey because he was tied. Ms. Clark asked about the distance between the homes on Old Garrison Road and Curtiss Circle. Mr. Garcia stated the properties abut in the back by the woods, estimating the distance to be a couple hundred yards.

Mr. Governale asked why Selectman Clark referred to the dogs as "hunting". She stated the dogs came into a yard where a small animal was tied and could be cornered. Mr. Governale stated that the dogs are just curious and will go up to strangers and just smell them but not bother them. He suggested that perhaps the dogs approached the beagle intending to play. Selectman Clark reminded him that, no matter what their intent or behavior, Sudbury has a 24-hour leash law.

Selectman Clark asked Ms. Toscano about her veterinarian and hospitalization bills. Ms. Toscano stated she had not received all the bills yet. She added that Ms. Governale had left a telephone message on her answering machine to the effect that all the bills would be taken care of.

Selectman Clark asked Mr. Governale if the invisible fence was childproof, in the sense that the control for the electrical charge would be inaccessible to their children. He responded that, at this time, the control unit is too high for the children to reach.

Selectman Roopenian asked Mr. Governale if the dogs were inside a kennel within the invisible fence. He answered that the fence is on the perimeter of the property with the kennel inside a chain link fence. Ms. Roopenian asked if the dogs could get shocked if they ran out the front door of the home. Mr. Governale stated that the dogs wear their collars all the time.

Selectman Roopenian stated that a 20-minute attack is an “extraordinarily long time”, no matter what the size of the dog. Addressing Ms. Toscano, she stated that the Town of Sudbury has some constraints on how they can enforce the dog laws. She stated that the Commonwealth of Massachusetts controls the amount of the dog fine, thus the fines cannot be raised as Ms. Toscano suggested. Ms. Roopenian stated that, due to the dissolution of Middlesex County, the Town has reviewed the dog laws with the intent to make them as stringent as possible. She added that, at the bottom of the dog license form, the Dog Control Law is printed, very clearly.

Chairman Drobinski stated that, while it would be nice for all residents to comply in every way, new residents often do not. It usually takes a problem or inconvenient situation for people to discover the nuances of town government. He stated that residents have a responsibility to comply, but that, as officials of the Town, they have the responsibility to enforce the bylaws.

Chairman Drobinski asked Mr. Governale about the invisible fence and its precise location. He replied the fence follows the perimeter of the backyard, outside the chain link fence, and added that there have been times when workers have been on the property and left the garage door open. Mr. Drobinski asked Betsy DeWallace, Dog Officer, if she has inspected this enclosure. She responded she had not yet done so.

It was on motion unanimously

VOTED: To continue this hearing for 90 days, that the owners keep their dogs on their property in accordance with the 24-hour leash law, that the Governales reimburse the Toscanos for all veterinary, hospital and physician fees, that the dogs be on leash when not inside the enclosure, that the dogs wear their electric collars at all times, that the electric surge be maintained at all times to ensure the dogs’ performance at staying on the property, that the Dog Officer inspect the enclosure and other restraining devices, and that the Governales make any improvements the Dog Officer recommends.

Sudbury Historical Society

Present: June Allen, Clay Allen.

June Allen announced that the “Abandoned Sudbury Bus Tour – Part II” is scheduled for Sunday, May 2, 1999. She described this bus tour as a means by which to rediscover historical areas of Sudbury, and that this particular tour will focus on the northeast quadrant of town. Please call 443-9390 for information.

Permanent Landscape Committee

Present: June Allen, Clay Allen.

June Allen announced that the Permanent Landscape Committee has been working on putting in plantings around the new Goodnow Library and asked for volunteers to assist them. Volunteers are asked to report to the Library at 10 a.m. on Saturday, May 22, and at noon on Sunday, May 23.

Ms. Allen stated that, at a later date, work will be done to clean the traffic islands. She announced that all the mulch, salt and sand has to be removed before further work can proceed. She stated there will be a fundraising event to help defray costs.

Selectmen Reports

Selectman Clark stated that she and Chairman Drobinski recently attended a SuAsCo Watershed workshop on April 10, 1999, at Intel in Hudson. They attended sessions on Wastewater Treatment Plants, and Business and Environment.

Selectman Roopenian mentioned the recent *Boston Globe* article on the Wayside Inn and its algae problems caused by the Marlborough Easterly Wastewater Treatment Plant, and opined that it was a good way to publicize how long this has been going on.

Selectman Roopenian stated she attended a hearing on the Community Preservation Act at the State House on April 14. She stated that Senator Robert Durand indicated to her that Governor Cellucci was not inclined to favor anything but a flat surcharge and would veto anything that mentioned a local option.

Selectman Roopenian stated she attended a Suburban Coalition hearing at the State House where circuitbreaker legislation, Education Reform, and MBTA Ride were discussed.

Town Manager Ledoux stated that Sudbury's request for information regarding the Marlborough Easterly Wastewater Treatment Plant is being handled by the Secretary of State's office following non-compliance by Glenn Haas of the EPA.

Executive Session

At 9:20 p.m. it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss litigation matters concerning the Meachen-Meggs purchase, Marlborough Easterly Wastewater Treatment Plant, and AT&T. (Chairman Drobinski, aye, Selectman Clark, aye, Selectman Roopenian, aye).

Chairman Drobinski announced that public session would not reconvene following Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 10:01 p.m.

Attest: _____
Steven L. Ledoux
Town Manager-Clerk