

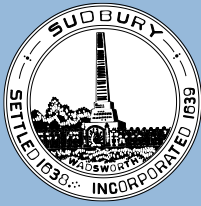
SUDBURY BOARD OF SELECTMEN  
TUESDAY JUNE 14, 2016  
6:30 PM, TOWN HALL - LOWER LEVEL

Item #	Time	Action	Item
	6:30 PM		CALL TO ORDER
<b>TIMED ITEMS</b>			
1.	6:30 PM	<i>VOTE</i>	Joint meeting with Sudbury School Committee: Discussion and possible vote on whether the Fairbank Community Center Study Task Force should plan for the future office needs of the Sudbury Public Schools in its recommendations for building options and design. Jim Kelly to attend.
	7:20 PM		Opening remarks by Chairman
			Reports from Town Manager
			Reports from Selectmen
			Citizen's comments on items not on agenda
<b>PUBLIC HEARING</b>			
2.	7:30 PM	<i>VOTE</i>	Public Hearing pursuant to M.G.L. c.140, s.157 to determine whether the dog owned and/or kept by Beverly Whitcomb at 53 Highland Ave., Sudbury, is a Nuisance Dog or Dangerous Dog as those terms are defined in the statute (continued from June 7).
<b>MISCELLANEOUS</b>			
3.		<i>VOTE</i>	Discussion and possible vote to update Selectmen's Liaison Assignments for 2016-2017
4.		<i>VOTE</i>	Vote whether to sign the amended Inter-Municipal Agreement for the Regional Housing Services Office for FY17. Liz Rust, RHSO, to attend.
5.			Citizen's Comments (Cont)
6.			Discuss Future Agenda Items
<b>CONSENT CALENDAR</b>			
7.		<i>VOTE</i>	Vote to Grant a Special Permit to the Sudbury Education Association, to Hold the "Wally 'Bells On' 5K & Kids 1K" on Sunday September 11, 2016, from 10:00 A.M. through approximately 12:00 P.M., subject to Police Department safety requirements, Proof of Insurance Coverage and the assurance that any litter will be removed at the race's conclusion.

*These agenda items are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.*

<b>Item #</b>	<b>Time</b>	<b>Action</b>	<b>Item</b>
8.		<i>VOTE</i>	Vote to appoint Mark Howrey, 55 Old Coach Rd, as the Capital Improvement Advisory Committee (CIAC) representative to the Strategic Financial Planning for Capital Funding Committee, for a term ending 5/31/17, as recommended by Mark Howrey, CIAC Chair.
9.		<i>VOTE</i>	Vote to approve award of contract by the Town Manager for construction of textured (brick) crosswalks at the Town Center, as requested by Bill Place, DPW Director.

*These agenda items are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.*



SUDBURY BOARD OF SELECTMEN

Tuesday, June 14, 2016

**TIMED ITEM**

**1: SPS Administration joint meeting**

REQUESTOR SECTION

Date of request:

Requestor: Chair Iuliano

Formal Title: Joint meeting with Sudbury School Committee: Discussion and possible vote on whether the Fairbank Community Center Study Task Force should plan for the future office needs of the Sudbury Public Schools in its recommendations for building options and design. Jim Kelly to attend.

Recommendations/Suggested Motion/Vote: Joint meeting with Sudbury School Committee: Discussion and possible vote on whether the Fairbank Community Center Study Task Force should plan for the future office needs of the Sudbury Public Schools in its recommendations for building options and design. Jim Kelly to attend.

Background Information:  
Attached documents provided by Jim Kelly.

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Patricia A. Brown	Pending
Board of Selectmen	Pending

06/14/2016 6:30 PM

**Town Of Sudbury  
School Administration Addition Program**

SPACE DESIGNATION	NAME	REQUIRED AREA - 100 SF WORKSTATIONS	NOTES	REQUIRED AREA - 56 SF WORKSTATIONS
Entry Lobby/ Waiting		500		500
Superintendent	Anne	200	private office	200
Superintendent Exec Asst	Karen W.	100	open office	56
Superintendent's Conf. Room		700	35 people	700
Assistant Superintendent	Kim S.	150	private office	150
Assistant Superintendent Exec Asst	Heather	100	open office	56
Curriculum Coordinator #1	Maggie	100	open office	56
Curriculum Coordinator #2	Jen	100	open office	56
Curriculum Specialist #1	Betsy	100	open office	56
Curriculum Specialist #2	Holly	100	open office	56
Curriculum Library/Work/Storage		400	16-20 people meeting	400
ELL Lead Teacher		100	open office	56
METCO Director	Steve	100	open office	56
Technology Director	Michael	150	private office	150
Data Specialist	Bernie	100	open office	56
Technician #1	Andrew	100	open office	56
Technician #2	Michelle	100	open office	56
Inst Tech Spec #1	Shannon	100	open office	56
Inst Tech Spec #2	Liz	100	open office	56
Work Area/Meeting		200	secured area for working/ meeting for 6-8 people	200
Director of Student Services	John	150	private office	150
Admin Support #1	Sarah	100	open office	56
Admin Support #2	Karen M.	100	open office	56
District Social Worker	Jen V.	150	private office	150
Out of District Coordinator	Luan	75	shared private office with Aspirations Coordinator	75
Aspirations Coordinator	Laine	75	shared private office with Out of District Coordinator	75
Director of Early Childhood	Stephanie	150	private office	150
Admin Asst	Michelle H.	100	open office	56
File Storage Room		300	number of files TBD	300
Director of Business & Finance	Mary	175	Private Office	175
Business & HR Admin Asst		100	open office	56
Business & HR Admin Asst		100	open office	56
Business Asst	Melissa	120	private office	120



**Town Of Sudbury  
School Administration Addition Program**

SPACE DESIGNATION	NAME	REQUIRED AREA - 100 SF WORKSTATIONS	NOTES	REQUIRED AREA - 56 SF WORKSTATIONS			
Accounts Payable/Payroll	Marilyn	150	private office	150			
Food Service/Trans coord	Annalisa	150	private office	150			
Mail Coord	Christine	100	open office	56			
Director of HR	Kim P.	150	private office	150			
HR Specialist	Laurajane	100	open office	56			
HR Files & Storage		300	lockable. Number of files TBD	300			
Facilities Supervisor	Joe K	120	private office	120			
Kitchen/Staff Room		300	table for 6-8 would be ideal	300			
Copy & General Supply		200		200			
Men's Toilet Room		250	3 fixtures	250			
Women's Toilet Room		250	3 fixtures	250			
Custodial		50		50			
IT/Server Room		120		120			
General Storage		200		200			
Wellness Room		50		50			
REQUIRED AREA TOTAL		7785		6905			
TOTAL GROSS (x1.3)		10120.5		8976.5			

# TOWN OF SUDBURY SCHOOL ADMINISTRATION ADDITION

Sudbury, MA  
10/19/15

CONCEPTUAL DESIGN - NOT FOR CONSTRUCTION



Attachment to: 2015-10-19 Town of Sudbury School Administration Addition Drawings (1805: SPS Administration Joint Meeting)

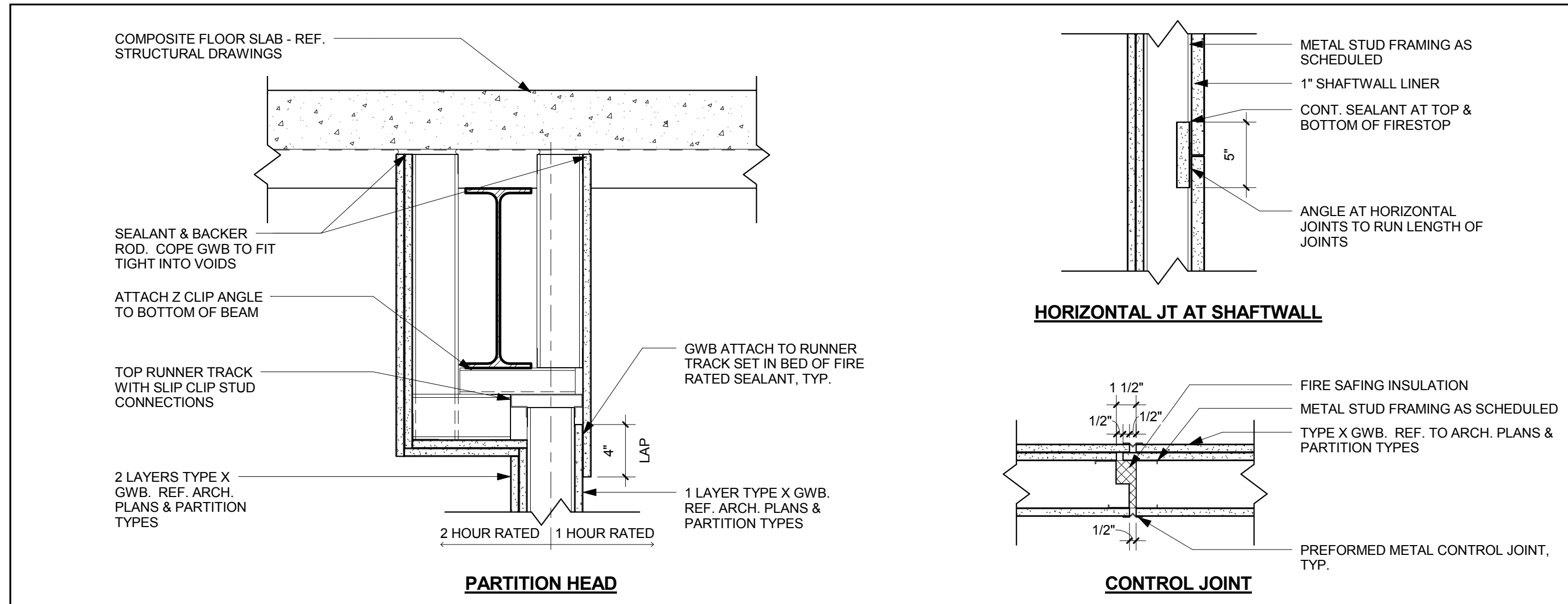


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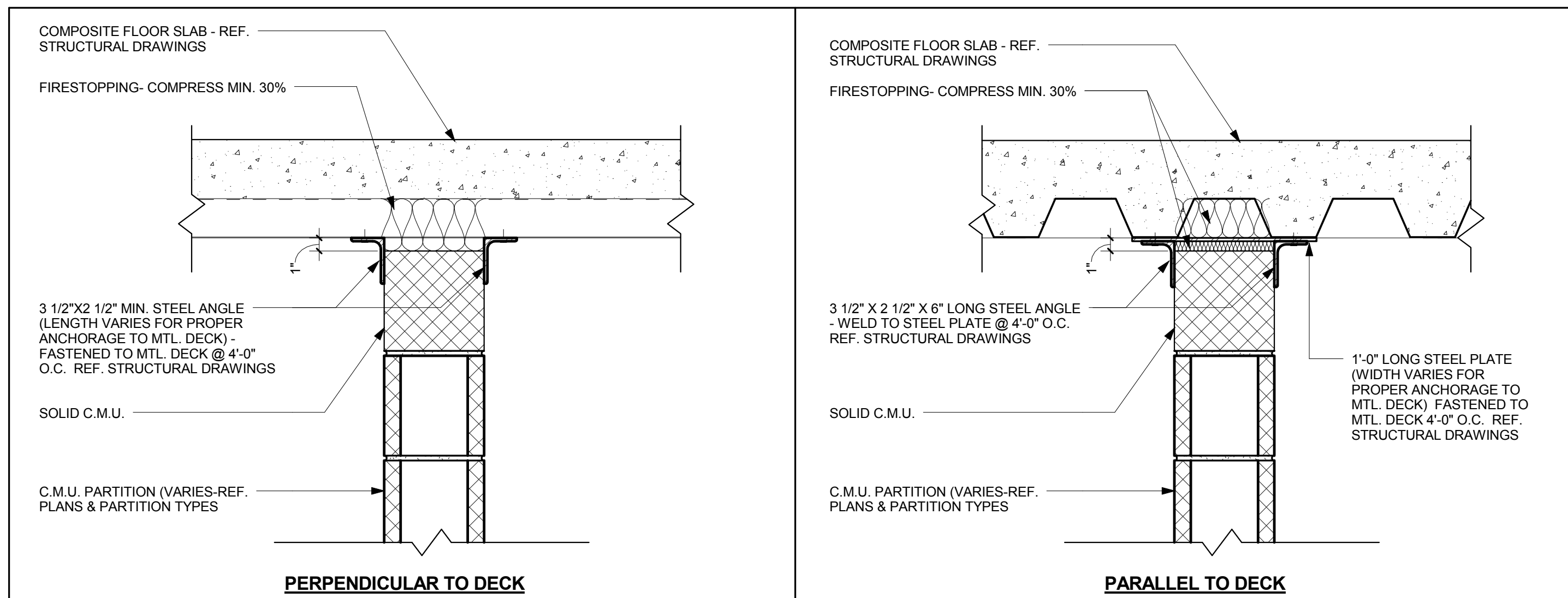
CODE	ELECTRICAL	M/P/FP	STRUCTURAL
<b>HAROLD CUTLER</b> 165 LANDHAM ROAD SUDBURY MA 01776	<b>THOMPSON ENGINEERING COMPANY, INC.</b> 10 CITY SQUARE BOSTON MA 02129	<b>TMP</b> 52 TEMPLE PLACE BOSTON MA 02111	<b>BOSTON BUILDING CONSULTANTS</b> 241 A STREET SUITE 220 BOSTON MA 02210
tel 978-443-7088	tel 617-227-6818	tel 617-357-6060	tel 617-542-3933

	EXTERIOR ELEVATION		DOOR NUMBER		PARTITION: NEW CONSTRUCTION
	INTERIOR ELEVATION		ROOM NAME AND NUMBER		PARTITION: EXISTING TO REMAIN
	BUILDING SECTION		WINDOW / LOUWER TYPE		PARTITION: EXISTING TO DEMOLISH
	WALL SECTION		PARTITION TYPE		CMU AT DETAIL
	SECTION DETAIL		DEMOLITION / KEY NOTE		CONCRETE
	BUILDING DETAIL		FIXTURE / FURNITURE / EQUIPMENT		BATT INSULATION
			FIRST FLOOR		RIGID INSULATION
			SPOT ELEVATION MARK		STEEL
			CEILING / SOFFIT HEIGHT		SAND
					EARTH

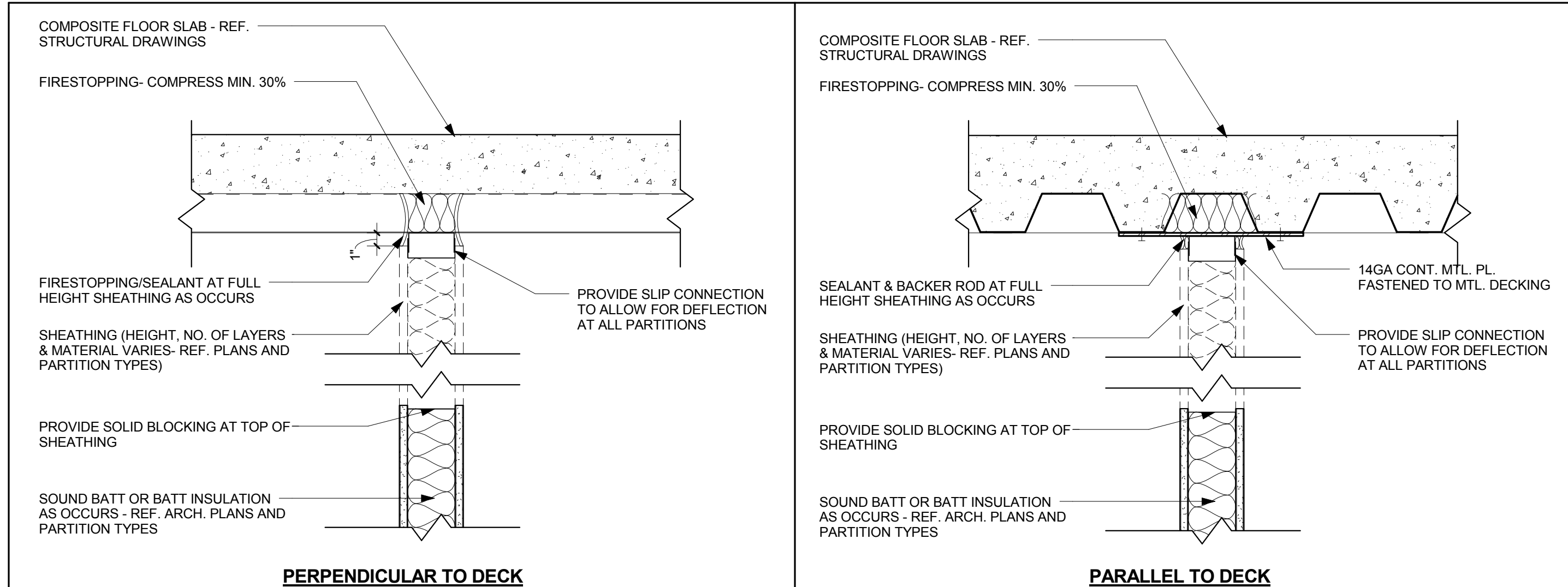
SYMBOL LEGEND



TYPICAL FIRE-RATED PARTITION DETAILS



TYPICAL CMU PARTITION HEAD DETAIL

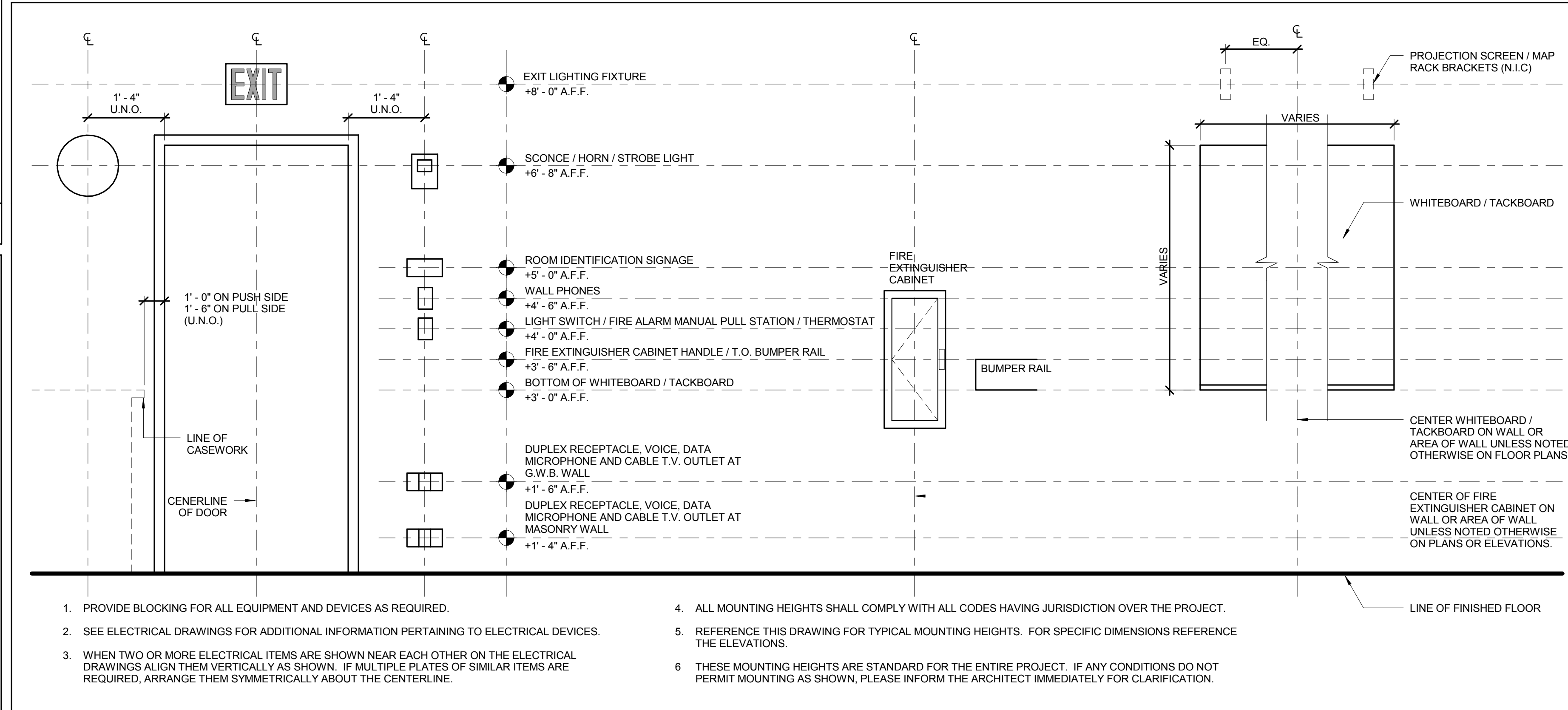


TYPICAL MS PARTITION HEAD DETAIL

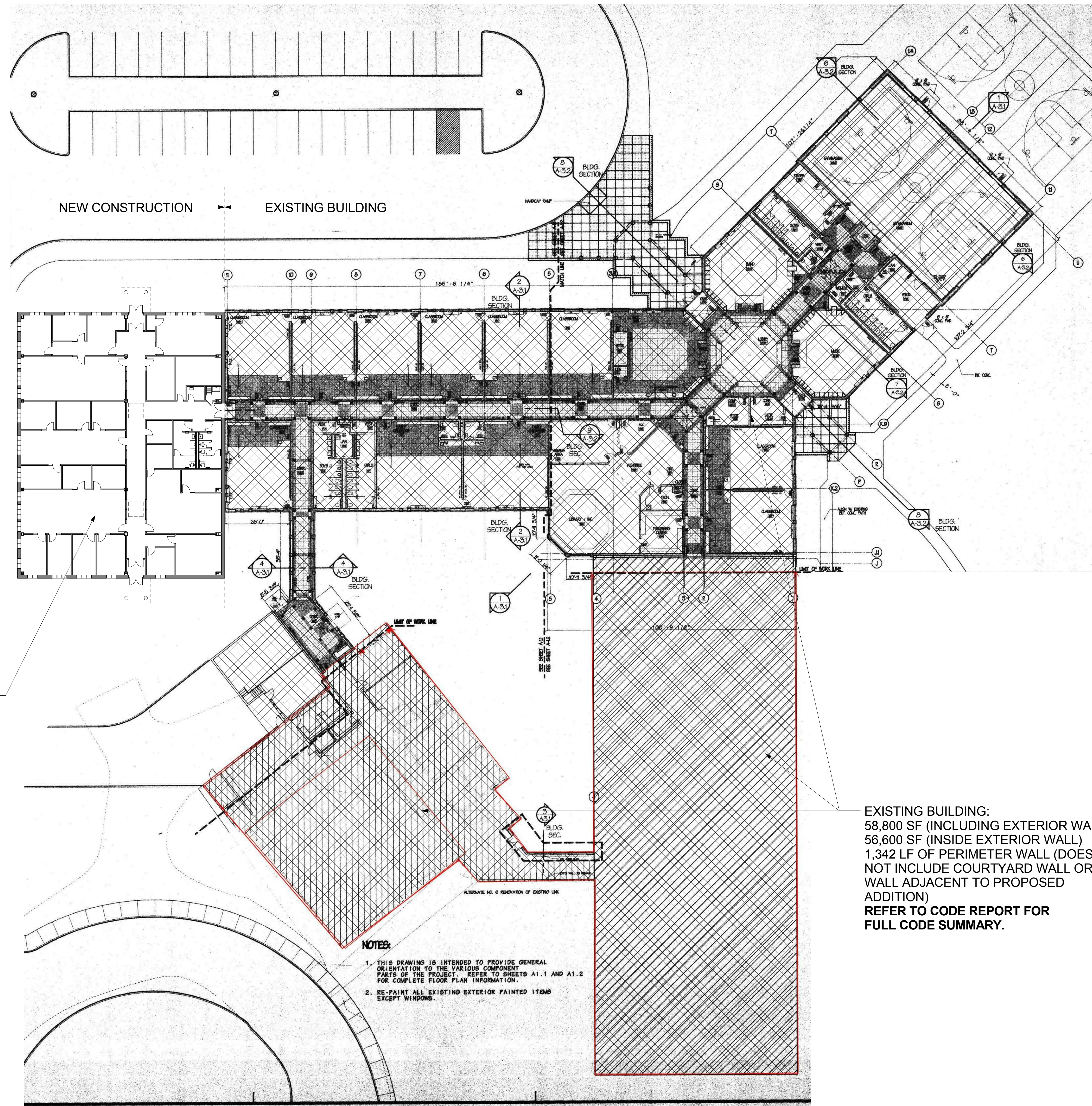
& @ CL	AND AT CENTERLINE	FDN FIN FIXT FLG FLR FLR FR FR FR FR	FOUNDATION FINISH FIXTURE FLOORING FLOOR FLOOR MOUNTED FIREPROOFING FOOTING FURNITURE	PLMB PLY PNI PNLG POL PREFAB PREFIN PTN PVT PWR	PLUMBING PLYWOOD PANEL PANELING POLISHED PREFAB PREFINISHED PARTITION PAVEMENT QUARRY TILE QUANTITY
# / %	ANCHOR BOLT AREA DRAIN ACCESS PANEL ABOVE AC ACCESS ACT ADD ADDL ADH ADJ AFF AL ALD AND AUTO	G.B. G.C. G.R. G.S. GA GALV GEN GFR	GRAB BAR GENERAL CONTRACTOR GUARDRAIL GALVANIZED STEEL GALVANIZED GLASS FIBER REINFORCED CONCRETE GROUND GRADE GYPSUM GYPSUM WALL BOARD	R R.D. R.H. R.H.R. R.O. RE RECP REF REFG REIN	RADIUS ROOF DRAIN RIGHT HAND RIGHT HAND REVERSE ROUGH OPENING REFER RECEPTACLE REFERENCE REFRIG REINFORCED
B.M. B.O. B.U. BD BTUM BLDG BLK BLKG BOT BSMT	BENCH MARK BY OTHERS BUILT-UP BOARD BITUMINOUS BUILDING BLOCK BLOCKING BOTTOM BASEMENT	H.M. H.P. HC HDW HDWD HOR HT HVAC	HOLLOW METAL HIGH POINT HANDICAP HANDWARE HARDWOOD HORIZONTAL HEIGHT	REOD RESIL REV RFG ROOM	REQUIRED RESILIENT REVISION ROOFING ROOM
C.F.C.I. C.G. C.I. C.L.F. CIR CJ CLG CLR CMU COL CONC COND CONST CONT CPT CTR CW	CONTRACTOR FURNISH CONTRACTOR INSTALL CORNER GUARD CONSTRUCTION JOINT CHAIN LINK FENCE CIRCLE CONTROL JOINT CEILING CLEAR CONCRETE MASONRY UNIT COLUMN CONCRETE CONDITION CONSTRUCTION CONTINUOUS CARPET CERAMIC TILE CENTER CURTAIN WALL	K.D. K.O. K.O. L.H. L.L. L.P. L.W.C. LAV LB LOC LT LVR	KNOCK DOWN KNOCK OUT LEFT HAND LOCATION LOW POINT LIGHT WEIGHT CONCRETE LAVATORY FOUND LOCATION LIGHT LOUVER	RESUR ST ST PART. ST STL STC STD STER STEEL STR SUB SUP SURF SUSP SUSP CLG.	SOLID CORE STORM DRAIN SQUARE FOOT SCHEDULE SCREEN SECTION SIMILAR SPECIFICATION SPEAKER SOLID SURFACE STREET STEEL PARTITION STAINLESS STEEL STANDARD STERILIZER STEEL STRUCTURAL SUBSTITUTE SUPPORT SURFACE SUSPENDED SUSPENDED CEILING
D.F. DEG DEMO DET DIA DIFF DIM DIST DIV DN DOC DP DR DS DWG	DRINKING FOUNTAIN DEGREE DEMOLITION DETAIL DIAMETER DIFFER DIMENSION DISTANCE DIVISION DOWN DOCUMENTS DAMP PROOFING DOOR DOWNSPOUT DRAWING	M.E. M.O. MACH MAX MB MECH MEMB MEZZ MFR MIN MISC ML MTD MTG MTG.HT. MTL MUL MULT	MATCH EXISTING MASONRY OPENING MACHINE MAXIMUM MARKERBOARD MECHANICAL MEMBRANE MEZZANINE MANUFACTURER MINIMUM MISCELLANEOUS MATCH LINE	T&B T&S T.B. T.O.C. T.O.P T.O.P T.O.M T.O.S T.O.W T.O.P T.S. TEL TEMP TERR THK THR THRU TYP	TOP & BOTTOM TONGUE & GROOVE TACK BOARD TOP OF TOP OF CONCRETE TOP OF MASONRY TOP OF STEEL TOP OF WALL TOP OF PAVEMENT TUBE STEEL TELEPHONE TEMPORARY TERRAZZO THICK THRESHOLD THROUGH TYPICAL
E E.B. E.J. E.P. E.T.R. EA EL ELEC ELEV EMER ENCL ENT EQ EQUIP EXIST EXP EXT	EAST EXPANSION BOLT EXPANSION JOINT ELECTRICAL PANEL EXISTING TO REMAIN EACH ELEVATION DATUM ELECTRICAL ELEVATOR EMERGENCY ENCLOSURE ENTRANCE EQUAL EQUIPMENT EXISTING EXPANSION EXPOSED EXTERIOR	N N.C. N.S. N.F.P.A. N O.C. O.F.C.I. O.F.O.I. O.F.S. OA OD OH OPNG OPP OPPH ORIG P.LAM P.T. PAR	NORTH NOT IN CONTRACT NOT TO SCALE NATIONAL FIRE PROTECTION ASSOCIATION ON CENTER(S) OWNER FURNISHED CONTRACTOR INSTALL OWNER FURNISHED, OWNER INSTALL OUTSIDE FACE OF STUD OVERALL OUTSIDE DIAMETER OVERHEAD OPENING OPPOSITE OPPOSITE HAND ORIGINAL PROPERTY LINE PLASTIC LAMINATE PRESSURE TREATED PARALLEL	UNF UNFINISHED UNLESS NOTED OTHERWISE UNDERCUT UNDERGROUND UNDERWRITERS LABORATORIES, INC. UNFINISHED	UNLESS NOTED OTHERWISE UNDERCUT UNDERGROUND UNDERWRITERS LABORATORIES, INC. UNFINISHED VAPOR BARRIER VINYL COMPOSITION TILE VERIFY IN FIELD VARIES VENTILATION VENT VERTICAL
F.A. F.D. F.D.C. F.E. F.E.C. F.F. F.F.C. F.D.	FIRE ALARM FLOOR DRAIN FIRE DEPARTMENT CONNECTION FIRE EXTINGUISHER FIRE EXTINGUISHER CABINET FACE OF FIRE DAMPER	OPNG OPP OPPH ORIG P.LAM P.T. PAR	OPENING OPPOSITE OPPOSITE HAND ORIGINAL PROPERTY LINE PLASTIC LAMINATE PRESSURE TREATED PARALLEL	W W.C. W.P. W.R. W.S. W.T.W. W.W.F. W.W.M. W W.D W.D W.P X	WEST WATER CLOSET WORKING POINT WATER-RESISTANT WEATHER STRIPPING WALL TO WALL WELDED WIRE FABRIC WELDED WIRE MESH WITH WITHOUT WOOD WATERPROOFING BY (AS SHOWN)

GENERAL NOTES

ABBREVIATIONS



TYPICAL MOUNTING HEIGHTS



ADDITION  
 9,000 SF (INCLUDING EXTERIOR WALL)  
 8,830 SF (NOT INCLUDING EXTERIOR WALL)  
 304 LF OF PERIMETER WALL  
 REFER TO CODE REPORT FOR FULL CODE SUMMARY

EXISTING BUILDING:  
 58,800 SF (INCLUDING EXTERIOR WALL)  
 56,600 SF (INSIDE EXTERIOR WALL)  
 1,342 LF OF PERIMETER WALL (DOES NOT INCLUDE COURTYARD WALL OR WALL ADJACENT TO PROPOSED ADDITION)  
 REFER TO CODE REPORT FOR FULL CODE SUMMARY.

- NOTES:**
1. THIS DRAWING IS INTENDED TO PROVIDE GENERAL ORIENTATION TO THE VARIOUS COMPONENT PARTS OF THE PROJECT. REFER TO SHEETS A1.1 AND A1.2 FOR COMPLETE FLOOR PLAN INFORMATION.
  2. RE-PAINT ALL EXISTING EXTERIOR PAINTED ITEMS EXCEPT WINDOWS.



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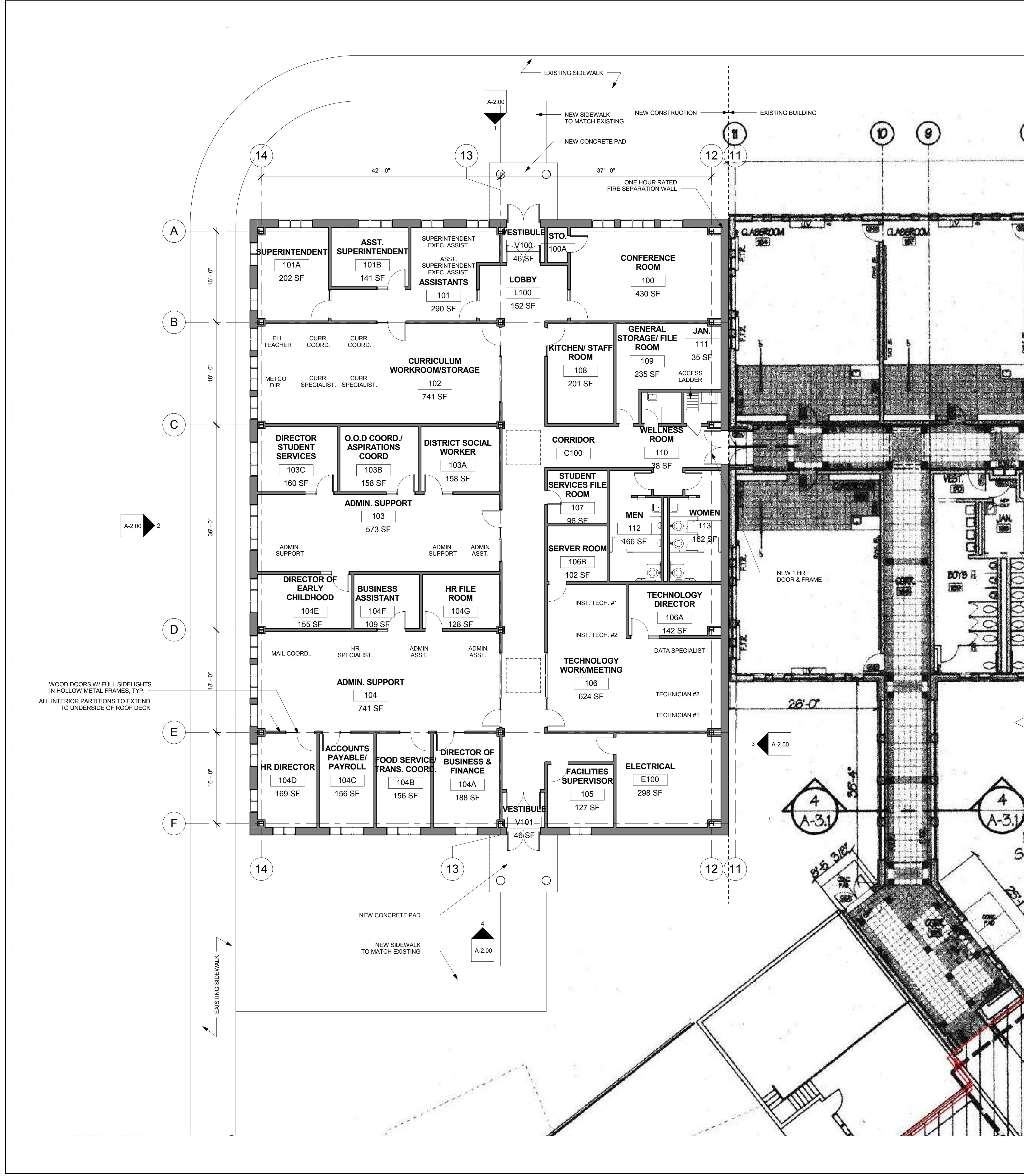
TOWN OF SUDBURY  
 SCHOOL ADMINISTRATION  
 ADDITION  
 Sudbury, MA

NO.	REVISION	DATE

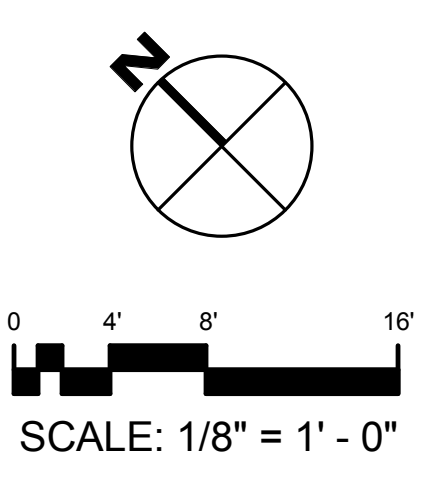
OVERALL BUILDING PLAN		
NO.	REVISION	DATE

**A-1.00**  
 CONCEPTUAL DESIGN - NOT FOR CONSTRUCTION  
 SCALE: 1" = 20'-0"  
 JOB NO: 1539  
 DATE: 10/19/2015  
 DRAWN BY: Author  
 FILE NAME: Overall Building Plan





FINISH SCHEDULE						
ROOM NAME	ROOM NUMBER	FLOOR TYPE	BASE TYPE	WALL TYPE	WALL FINISH	CEILING TYPE
FIRST FLOOR						
CONFERENCE ROOM	100	CARPET TILE	RUBBER	GWB	PTD	2' X 2' ACT
STO.	100A	CARPET TILE	RUBBER	GWB	PTD	2' X 2' ACT
ASSISTANTS	101	CARPET TILE	RUBBER	GWB	PTD	2' X 2' ACT
SUPERINTENDENT	101A	CARPET TILE	RUBBER	GWB	PTD	2' X 2' ACT
ASST. SUPERINTENDENT	101B	CARPET TILE	RUBBER	GWB	PTD	2' X 2' ACT
CURRICULUM WORKROOM/STORAGE	102	CARPET TILE	RUBBER	GWB	PTD	2' X 2' ACT
ADMIN. SUPPORT	103	CARPET TILE	RUBBER	GWB	PTD	2' X 2' ACT
DISTRICT SOCIAL WORKER	103A	CARPET TILE	RUBBER	GWB	PTD	2' X 2' ACT
O.O.D COORD./ ASPIRATIONS COORD	103B	CARPET TILE	RUBBER	GWB	PTD	2' X 2' ACT
DIRECTOR STUDENT SERVICES	103C	CARPET TILE	RUBBER	GWB	PTD	2' X 2' ACT
ADMIN. SUPPORT	104	CARPET TILE	RUBBER	GWB	PTD	2' X 2' ACT
DIRECTOR OF BUSINESS & FINANCE	104A	CARPET TILE	RUBBER	GWB	PTD	2' X 2' ACT
FOOD SERVICE/ TRANS. COORD.	104B	CARPET TILE	RUBBER	GWB	PTD	2' X 2' ACT
ACCOUNTS PAYABLE/ PAYROLL	104C	CARPET TILE	RUBBER	GWB	PTD	2' X 2' ACT
HR DIRECTOR	104D	CARPET TILE	RUBBER	GWB	PTD	2' X 2' ACT
DIRECTOR OF EARLY CHILDHOOD	104E	CARPET TILE	RUBBER	GWB	PTD	2' X 2' ACT
BUSINESS ASSISTANT	104F	CARPET TILE	RUBBER	GWB	PTD	2' X 2' ACT
HR FILE ROOM	104G	CARPET TILE	RUBBER	GWB	PTD	2' X 2' ACT
FACILITIES SUPERVISOR	105	CARPET TILE	RUBBER	GWB	PTD	2' X 2' ACT
TECHNOLOGY WORK/MEETING	106	CARPET TILE	RUBBER	GWB	PTD	2' X 2' ACT
TECHNOLOGY DIRECTOR	106A	CARPET TILE	RUBBER	GWB	PTD	2' X 2' ACT
SERVER ROOM	106B	VINYL TILE	RUBBER	GWB	PTD	2' X 2' ACT
STUDENT SERVICES FILE ROOM	107	VINYL TILE	RUBBER	GWB	PTD	2' X 2' ACT
KITCHEN/ STAFF ROOM	108	VINYL TILE	RUBBER	GWB	PTD	2' X 2' ACT
GENERAL STORAGE/ FILE ROOM	109	VINYL TILE	RUBBER	GWB	PTD	2' X 2' ACT
WELLNESS ROOM	110	CARPET TILE	RUBBER	GWB	PTD	2' X 2' ACT
JAN.	111	VINYL TILE	RUBBER	GWB	PTD	NONE
MEN	112	PORCELAIN TILE	PORCELAIN TILE	CEMENTITIOUS BACKER BOARD	PORCELAIN TILE	2' X 2' MR ACT
WOMEN	113	PORCELAIN TILE	PORCELAIN TILE	CEMENTITIOUS BACKER BOARD	PORCELAIN TILE	2' X 2' MR ACT
CORRIDOR	C100	VINYL TILE	RUBBER	GWB	PTD	2' X 2' ACT
ELECTRICAL	E100	SEALED CONCRETE	RUBBER	GWB	PTD	NONE
LOBBY	L100	VINYL TILE	RUBBER	GWB	PTD	2' X 2' ACT
VESTIBULE	V100	WALK-OFF MAT	RUBBER	GWB	PTD	2' X 2' ACT
VESTIBULE	V101	WALK-OFF MAT	RUBBER	GWB	PTD	2' X 2' ACT
FIRST FLOOR: 34						



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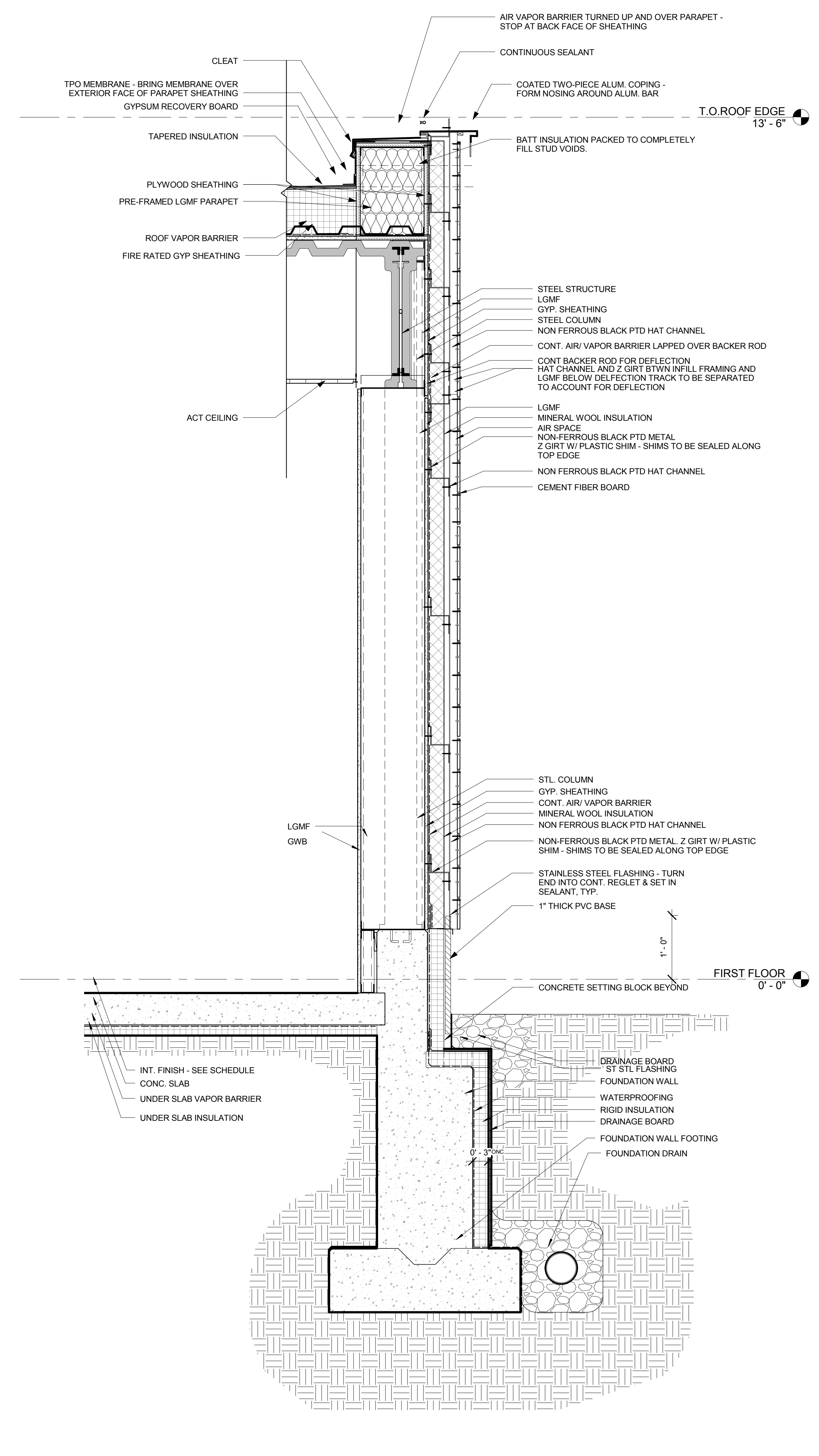
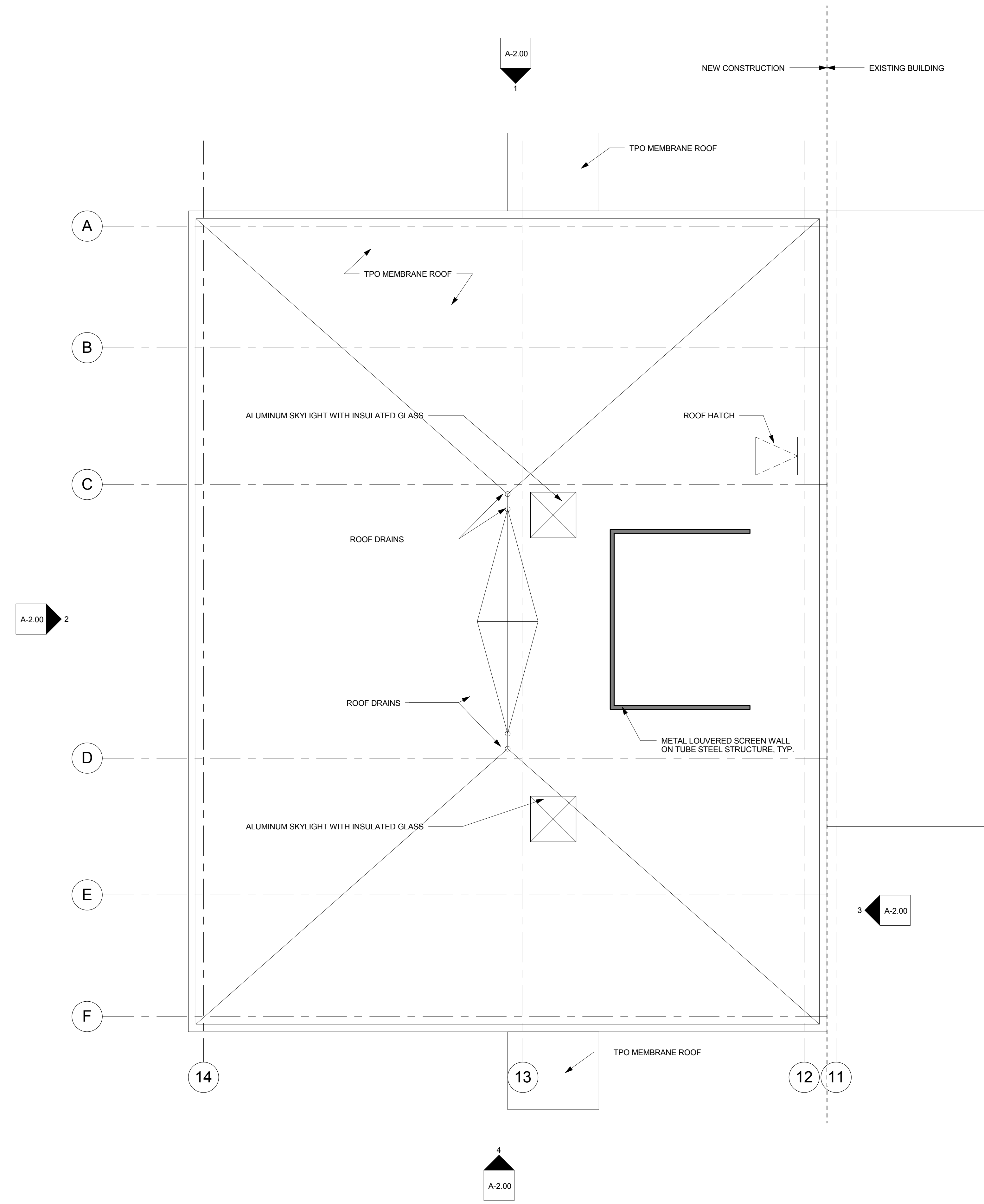
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TOWN OF SUDBURY  
**SCHOOL ADMINISTRATION ADDITION**  
Sudbury, MA

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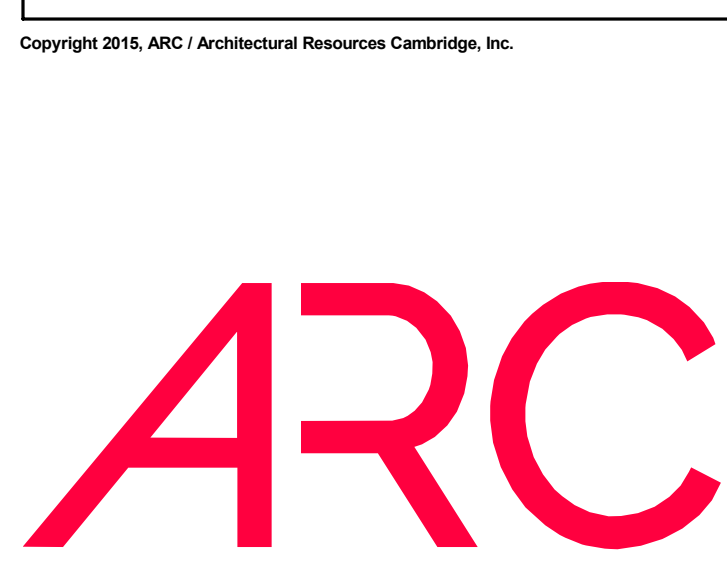
FIRST FLOOR PLAN		
NO.	REVISION	DATE

**A-1.01**  
CONCEPTUAL DESIGN - NOT FOR CONSTRUCTION  
SCALE: 1/8" = 1' - 0"  
JOB NO: 1539  
DATE: 10/19/2015  
DRAWN BY: Author  
FILE NAME: FIRST FLOOR PLAN



2 ROOF PLAN  
1/8" = 1'-0"

1 TYPICAL WALL SECTION  
1" = 1'-0"



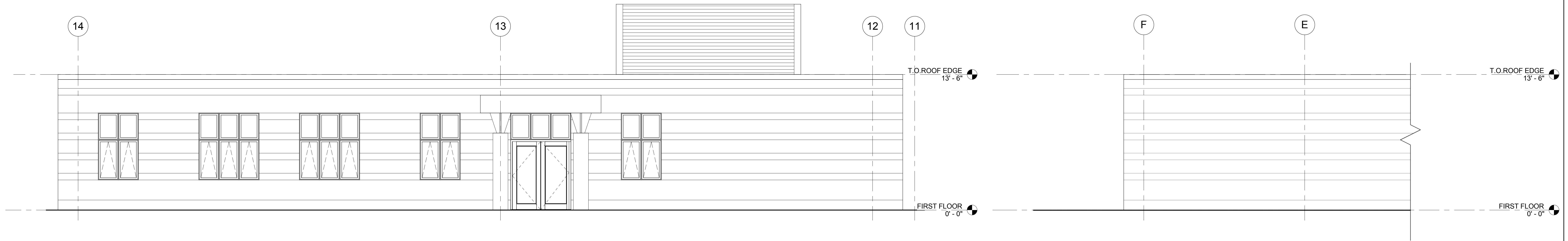
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TOWN OF SUDBURY  
 SCHOOL ADMINISTRATION  
 ADDITION  
 Sudbury, MA

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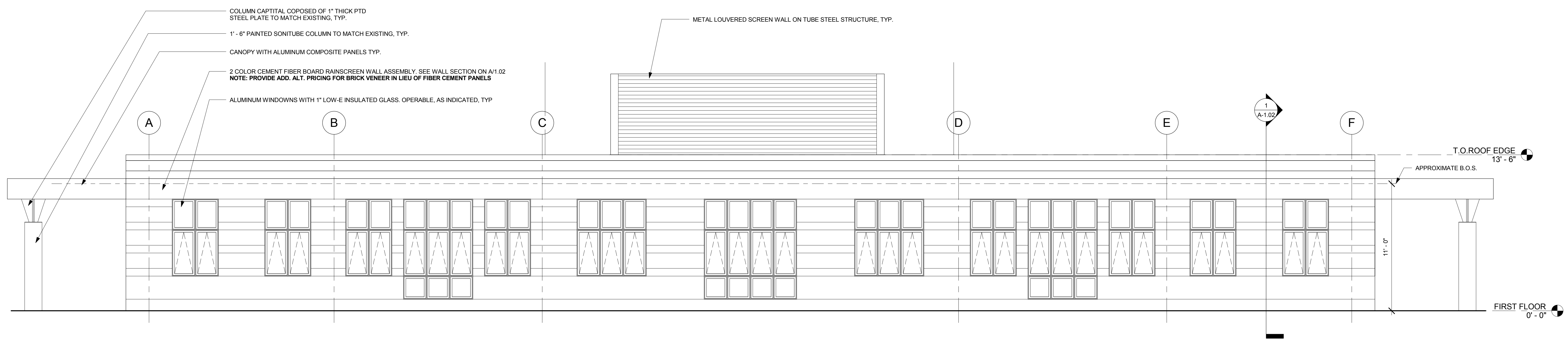
ROOF PLAN & WALL SECTION		
NO.	REVISION	DATE

**A-1.02**  
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 SCALE: As indicated  
 JOB NO: 1539  
 DATE: 10/19/2015  
 DRAWN BY: Author  
 FILE NAME: ROOF PLAN & WALL SECTION



4 SOUTH WEST ELEVATION  
1/4" = 1'-0"

3 SOUTH EAST ELEVATION  
1/4" = 1'-0"



2 NORTH WEST ELEVATION  
1/4" = 1'-0"

1 NORTH EAST ELEVATION  
1/4" = 1'-0"



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TOWN OF SUDBURY  
SCHOOL ADMINISTRATION  
ADDITION  
Sudbury, MA

NO.	REVISION	DATE

EXTERIOR ELEVATIONS		
NO.	REVISION	DATE

**A-2.00**  
CONCEPTUAL DESIGN - NOT FOR CONSTRUCTION  
SCALE: 1/4" = 1'-0"  
JOB NO: 1539  
DATE: 10/19/2015  
DRAWN BY: Author  
FILE NAME: EXTERIOR ELEVATIONS

*F. SCHOOL ADMINISTRATION PROGRAMMING ASSESSMENT AND RECOMMENDATIONS*

The Sudbury Permanent Building Committee requested bh+a to review the School Administration department needs and program their offices into the existing Town Hall as an alternative option to the Town Offices. Their concern was that the Town Offices needed a lot of extra space in a large addition that would also drive up the cost of the project. Since the School Administration is slated to move out of the Fairbank Community Center, the Town Hall building could be their new headquarters. The second part of this study reviews the School Administration existing conditions, their department space needs and programs their offices into the Town Hall building.

The School Administration department heads filled out a space planning questionnaire, provided by bh+a, to the best of their ability. Bh+a met with the Superintendent and Director of Business and Finance to discuss space needs and department adjacencies. Bh+a also took an inventory of the current office layout, furniture configurations, file storage, kitchen areas, and printing/copying needs in the Fairbank Community Building. For more detailed information, see the Space Planning Questionnaires, the Programming Matrix, and Inventory Plans in the Appendix.

**Existing Conditions**

The School Administration provides supervision, direction, and administrative support to the operation of the Sudbury Public Elementary and Middle Schools and oversees the academic, cultural, artistic, emotional, and physical development of the student population. The Town schools include 4 elementary schools and 1 middle school. The high school is regionalized with the Town of Lincoln and has its own separate school district. The department currently has a staff of 23 full-time and 4 part-time employees. Ideally, the new department would provide space for 29 full-time and 4 part-time employees. The School Administration department is broken down into 5 distinct departments: Superintendent, Teaching and Learning, Technology, Special Education, and Business and Human Resources.

The School Administration Department currently operates out of one wing of the Fairbank Community Center and occupies about 5,750 square feet of program space. This department presently uses 6 classroom spaces that were subdivided to accommodate their office space needs. Office spaces and meeting spaces are inadequate in terms of size, provision of privacy, and working and meeting space. There is only one meeting room for the department. This room is undersized and always occupied. There is no dedicated meeting space in this building for the School Committee. There are Curriculum Specialists located in other Sudbury school buildings that should be combined into one work area in the School Administration offices. They are dispersed because of inadequate space in the current Curriculum Specialists work area. The Business and Human Resources Department foresees the need for one more administrative assistant. The Technology Department could also expand if the current pilot program of a 1:1 ratio of students to computers in the Middle School is continued. Storage space is inadequate and the kitchen/staff room is too small. The restroom facilities on this wing of the building are child-size and shared by the children participating in programs at the community center. These shared facilities are not suitable for this department. The department also requires parking for 8 vans that are used by the schools.

The office and meeting space in the Fairbank Community Center is too small to accommodate current operations, the building may need upgrades, and the Community Center may need the space occupied by the School Administration for use as an expanded community center. The School Administration was studied by bh+a to determine their current and future space needs. Bh+a has programed the department into the Town Hall building if the Town Offices do not move to the Town Hall.

Attachment 1.c: School Admin space needs 2015 (1805 : SPS Administration joint meeting)



Existing School Administration layout in the Fairbank Community Center

Attachment 1.c: School Admin space needs 2015 (1805 : SPS Administration joint meeting)

## Existing Program

### Superintendent's Office



Superintendent's Office



Superintendent's Administrative Assistant



Superintendent's Conference Room

The Superintendent's Office oversees the Sudbury School District and School Administrative Departments. The department includes the Superintendent, the Superintendent Administration Assistant, and a dedicated conference room.

The Superintendent's office should be very private and out of the main traffic area. The office should accommodate the existing 6-8 person meeting table and a large desk. The Superintendent and Assistant communicate frequently. The door to the Superintendent's office should be located off of the Assistant and not off of the hallway. This department interacts with the other School departments, but adjacency to other departments is not crucial. A public counter/table to display materials is needed and a counter in front of the Assistant's workstation would be helpful for privacy for the assistant. The department uses the shared copy/printer in the copy room.

All of the files in the department should be secure but easily accessible. More storage areas at the Assistant's workstation and one bookshelf are needed.

Meetings are held daily with other School departments, teachers, and user groups. Since this is the only conference room for the School Departments, it is frequently overbooked. The Superintendent would like a dedicated conference room for the Superintendent's department and a second conference room for the use of other School Departments. The conference room should be able to hold 20-25 people, have a coffee/food bar and water cooler area.

### Teaching and Learning Department



Assistant Superintendent's Office



Assistant Superintendent Administrative Assistant

The Teaching and Learning Department oversees and coordinates all teaching and learning activities in the Sudbury Public Schools. Daily tasks include communication activities, acquisition, storage, organization, and dissemination of materials. This department includes the Assistant Superintendent, Assistant Superintendent Administrative Assistant, five Curriculum Specialists including the English Language Arts, Mathematics, Sciences & Engineering Technology, Wellness, and Technology Integration. One more part-time Technology Integration should be included if space allows. Currently, only the English Language Arts and Mathematics Specialists have workstations in the Fairbank building. The other Curriculum Specialists are distributed in other Sudbury schools but should be combined in one office.

Visitation varies from 5 to 20 people per day for student registration, material delivery and interactions with other departments. The existing layout has the Assistant, Curriculum Specialists, and Library/Work room all in one open room. Ideally, the Assistant Superintendent would have a private office off of the Administrative Assistant's work area, and the Curriculum Specialists would have an open work area with a private Library/Work room. The Assistant needs a better area for student registration information and a work area. A counter in front of the Assistant workstation would be helpful for privacy. The existing work room table is not used often because of privacy issues. Verbal communication among the department is useful but visual supervision is not required. This department should be adjacent to the Technology Department because Technology operates under Teaching and Learning. The department should also be close to the Superintendent's office for collaboration between all aspects of learning.

The department holds meetings daily. Private meetings are held in the Assistant Superintendent's office, at open workstations, in the kitchen, and in the Superintendent's Conference room. Meetings should accommodate about 2-15 people. They should be located in a dedicated Technology & Learning shared meeting/work space. Another conference room should be provided for up to 20 people with a projector and whiteboard.

The office stores curriculum material, district professional development records, & office supplies. Remote storage is located in school buildings (Nixon, Haynes, ECMS) because there is not enough room in the Fairbank offices and they need to be near the people that use them. The department uses the shared copier, printer, and fax machine in the copy room. There should be a designated document production area to assemble teaching materials for Curriculum Specialists and staff to assemble mass mailings.



Curriculum Specialists work area



Curriculum Library/Work Room/Storage

Attachment 1.c: School Admin space needs 2015 (1805 : SPS Administration joint meeting)



### Technology Department



Technology Office



Technology Curriculum Specialist

This department supports a full range of technology services used in a modern school. They maintain over 1,200 computers and 24 servers for all teachers and students and online systems. Most of the state reports come out of this office. The department is involved in a full range of planning, deployment and support from network infrastructure to classroom presentation tools and emerging technologies. The department includes a Director of Technology, Data Specialist, Technician, Technology Curriculum Specialist and 1 part-time Technology Curriculum Specialist. The department does not officially know their future needs because the Middle School is in a pilot program to have a 1:1 ratio of students to computers. If this is continued, a second Technician and a second full-time Technology Curriculum Specialist would be needed. A part-time Aspirations Coordinator shares the part-time desk but is not included in the department.

The existing configuration has an office for the full and part-time Technology Curriculum Specialists and one office/work area for the rest of the Technology department. The servers are in the work area, requiring the air conditioning to be set on full blast to keep the room to a low temperature. Ideally, the Director and Data Specialists would have private offices and the three Curriculum specialists would share an office. These private offices would provide focus and quiet conditions rather than the current loud work area. The Data Specialists works daily with confidential student and teacher information.

The Technician area (2 workstations and work tables) should be at the entrance to the department. The work area should have a minimum of 4 work tables to set up laptops. The department usually has 12 laptops and 6 desktops on work tables plus 100 laptops in the summer. If the school district adopts the 1:1 computing ratio, the Technology Department would require space for 400 computers.

The department maintains the School District's central services for thousands of accounts on the servers. Eight servers on two racks are located in the work space. Ideally, these servers should be on open tables in a designated server room.

The department receives about 6 visitors per day, but most people are serviced through emails, video conferencing and remote work. Visitors currently wait in the lunch room but would like a better waiting area. The department offices should be located close to each other because communication among the department is constant and continual. They should also be close to the Assistant Superintendent's office because they operate under the Teaching and Learning department's direction and oversight. The Curriculum Specialists provide focused feedback where technology is needed in the curriculum. Librarians provide curriculum/research direction. Secretaries in the schools make sure the data in the system is collected and accurate.

One bookcase to store printed backup for state reports should be located in the Data Specialist's office. Office supplies are currently stored in the Assistant Superintendent's area. The department needs storage for cables, keyboards, mice, laptops and repair parts. Remote storage for servers is located in the Sudbury Schools and Fairbank Building.

Technology Department

The department holds two meetings per week in the lunchroom. Ideally, they should have a meeting table in the technology area. A separate meeting area is needed for 8-12 people for meetings and small group trainings.



Server and work area



Work area

Attachment 1.c: School Admin space needs 2015 (1805 : SPS Administration joint meeting)

Special Education Department



Special Education Administrative Assistants



Special Education Director



Social Worker's Office



Early Childhood Director and Admin office

The Special Education Department oversees and administers all aspects of special education, 504 accommodation plans, guidance and counseling, nursing services, homeless education, and early childhood. The department includes a Social Worker, Out of District Coordinator, Special Education Director, two Special Education Administrative Assistants, Early Childhood Director, and one part-time Early Childhood Administrative Assistant.

The Department receives about 10 visitors per day, which are mostly parents dropping off paperwork or for scheduled meetings and conferences. The Special Education Administrative Assistants currently act as greeters for the department because they are located at the door to the department. Their workstations serve as service counters for transactions. A lobby and waiting area for visitors would be helpful to keep the public out of the assistant's work area. Shared work tables would be beneficial in the Assistant work area. The Social Worker and Early Childhood Director do not have adequately sized offices. The Early Childhood Director should have a separate office from the Assistant. Private offices should have small meeting tables. There is ongoing and constant communication and supervision throughout the department. This department should be adjacent to the Special Education Department.

This department has an abundance of files. The 400+ student files and inactive student files must be kept for 7 years in secure filing cabinets. The files also contain financial information for the School departments. Eight filing cabinets are stored in the Special Education Director's private office due to lack of space. Ideally, 9 file cabinets for active students should be in the Assistants' office for easy access and 5 file cabinets for inactive files should be in a separate storage room. The Early Childhood Director stores registration materials for kindergarten & preschool. These files should be stored in a locked office.

Meetings are held 2 to 3 times per week with small and large groups. The department would like small meeting spaces and a larger space to accommodate 20 to 30 people.

Business and Human Resources Department



Business and Human Resources Admin



Director of Business and Finance Office



Accounts Payable Manager



Transportation Director/ Food Service Coordinator

The Business and Human Resources Department runs the business, operations and human resources for the Sudbury School District. The department includes the Director of Business & Finance, a part-time Business & Finance Administrative Assistant, Human Resources Director, Human Resources Administrative Assistant, Transportation Director/Food Service Coordinator, Accounts Payable, and Facilities Director.

The department receives about 25 visitors per day that enter in the Human Resources and Business & Finance Assistants work area. The Transportation Director and Accounts Payable have to go through the Copy/Mail room to get to their offices. A more efficient layout would cluster the offices by their function and have one open area for the HR/Business Assistants. One more HR/Business Assistant is needed in the immediate future. A work table is desired in the Assistant area and meeting tables are desired in the private offices. Human Resources and Accounts Payable offices require privacy. A counter or barrier to separate the public from the staff would be helpful, especially at the Business Assistant and Transportation Director's desk. These departments handle money and should have some privacy. The department works with the other School Departments as well as Town Departments, parents, the public, and vendors. They also use the shared color copier a few times a week.

The department stores staff files, accounting paperwork, financial paperwork, student finances and paperwork, and Human Resources paperwork in 10 large file cabinets for Human Resources and 5 large file cabinets for the Business office. These filing cabinets should be in a designated file storage room and at workstations. Remote storage is located at the schools that should be stored at the department. The Facilities Director does not have adequate storage in the small office. The private offices would like storage closets.

Meetings are held weekly in private offices and Superintendent's conference room for 5-10 people including the public, school staff & other employees. A shared conference room for 15-20 people would also be helpful to hold meetings.

## Recommendations

### Typical Office Requirements

After collecting information from each department, it was analyzed to produce a required amount of space for each department. The existing office layouts were reviewed and noted inefficiencies in layout, circulation, storage, and location were taken into consideration for future space planning. Typical area requirements for commercial offices were also reviewed and helped determine the space requirement for the School Administration in the renovated Town Hall. The area per department is based on the number of private offices, workstations, and work tables each suite required, as well as storage needs and waiting areas.

This chart provides typical area requirements for private offices, workstations, and work tables. These areas were used to help determine space requirements for School Administration

Typical Office Space	Area	
Superintendents	14'x14'	200 sf
Department head office	12'x13'	150 sf
Administrative workstation	10'x12'	120 sf
Work tables	3'x5'	50 sf

### Required Program

A required building program was developed to aid in conceptual drawings and layouts for the Sudbury Town Hall renovation. The program includes the School Administration, Town Clerk, and Selectmen/School Committee meeting room. The chart on the next page takes in to account all of the main program spaces as well as support spaces, mechanical, circulation, wall thickness, etc. The required area is approximately 14,800 gross square feet, while the existing building is only 14,700 gross square feet. The existing building does not have an efficient circulation system because of multiple levels per floor, abundant hallways, excess stairs, and multiple lobbies. A greater floor area is used up by just circulation alone. A new addition is recommended to provide the needed space for all of the departments relocated to Town Hall.

Existing and Required Town Hall Program for School Administration Study

Space Designation	Existing Area	Area per Department	Required Area	Area per Department		
<b>School Administration</b>						
Superintendent	290 SF	830 SF	200 SF	750 SF		
Superintendent's Administrative Assistant	225 SF		200 SF			
Superintendent's Conference Room	315 SF		350 SF			
Assistant Superintendent	215 SF	920 SF	150 SF	1,100 SF		
Assist. Super. Admin. Assistant	205 SF		150 SF			
Curriculum Specialists (5 workstations)	200 SF		600 SF			
Curriculum Library / Work Room / Storage	300 SF		200 SF			
Director of Technology	540 SF	760 SF	150 SF	920 SF		
Data Specialist	shared		120 SF			
Technology Curriculum Specialists (3 workstations)	220 SF		300 SF			
Technicians (2 workstations + work tables)	shared		350 SF			
Special Education Director	265 SF	1,075 SF	150 SF	1,070 SF		
Special Education Administrative Assistants	300 SF		250 SF			
Special Education Department File Storage	0 SF		100 SF			
Early Childhood Director	150 SF		150 SF			
Early Childhood Administrative Assistant	shared	1,450 SF	120 SF	1,195 SF		
Out of District Coordinator	240 SF		150 SF			
Social Worker	120 SF		150 SF			
Director of Business & Finance	320 SF		175 SF			
Business & Human Resources Administrative Assistants	410 SF	1,450 SF	350 SF	1,195 SF		
Human Resources Director	155 SF		150 SF			
Human Resources File Storage	85 SF		100 SF			
Accounts Payable Manager	150 SF		150 SF			
Transportation Director / Food Service Coordinator	220 SF		150 SF			
Facilities Director	110 SF		120 SF			
<b>Subtotal for School Administration</b>	<b>5,035 SF</b>				<b>5,035 SF</b>	

Town Clerk

Open Office	665 SF	1,990 SF	500 SF	2,030 SF
Town Clerk Office	225 SF		150 SF	
Computer Room	220 SF		200 SF	
Work Room (currently Kitchen)	240 SF		200 SF	
Vaults	160 SF		200 SF	
File Storage	included		200 SF	
Ballot & Archive Storage	480		480 SF	
Waiting Area	included		100 SF	

Additional Program

Selectmen / School Committee Meeting Room / Voting	1,740 SF	2,280 SF	1,000 SF	5,240 SF
Cable Studio	70 SF		90 SF	
Conference Room	n/a SF		250 SF	
Kitchen / Staff Room	165 SF		300 SF	
Supply Storage	n/a SF		80 SF	
AV Equipment Storage	n/a SF		80 SF	
Storage	n/a SF		500 SF	
Mail Room (can be eliminated if Flynn has mail room)	225 SF		150 SF	
Copy Rooms (2 at 110 SF each)	80 SF		220 SF	
IT/Server Room	n/a SF		120 SF	
Custodial (1 Per Floor at 50 SF each)	n/a SF		150 SF	
Restrooms	n/a SF		500 SF	
Mechanical	n/a SF		500 SF	
Entry and Lobby Spaces	n/a SF		1,000 SF	
Elevator	n/a SF		300 SF	

Required Area Total

12,305 SF

Total Gross Square Feet (x1.2)

14,766 GSF

Existing Town Hall Gross Square Feet

14,700 GSF

**Sudbury Town Hall**  
**Conditions Assessment and Feasibility Study**  
 Sudbury, Massachusetts  
 November 2013

## Renovation Concepts and Plans

### Renovation / Addition Goals

A series of conceptual options based on the programming needs identified as part of this analysis were prepared. The Sudbury Town Hall is located in a National Register District and a renovation / addition project should follow the Secretary of the Interior's Standards for Rehabilitation as well as be approved by the local Sudbury Historical Commission. The Committee is interested in Community Preservation Act funds to supplement the cost of the renovation.

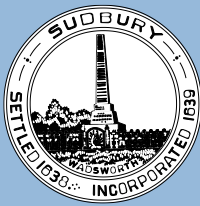
The Sudbury Permanent Building Committee's goals are to minimize modifications to the exterior, other than removing recent additions or components not contributing to the historic character of the building. The Committee is interested in gaining as much usable space in the building by removing extra circulation or raised levels of the original building.

Renovation and addition goals:

- Provide an accessible entrance near the parking lot
- Provide a lobby for way-finding and congregating
- Provide horizontal circulation through the building, mitigating the existing floor level changes as much as possible
- Create code-compliant vertical circulation with a new elevator and fire stairs
- Retain the 1955 one-story addition and its foundations
- Try to fit the School Administration program in the existing footprint if possible. If needed, provide a new addition at the rear of the Town Hall that is sympathetic to the massing and character of the Town Hall and adjacent Loring Parsonage
- Upgrade all building systems including electrical, plumbing, HVAC, and fire suppression
- Renew finishes at interior of existing building
- Re-grade the site for a more natural slope at the south elevation and remove the retaining walls and asphalt at the basement level

Programming goals:

- Meet program needs and required sizes for departments
- Use the basement for storage and not occupancy
- Locate the Selectmen's and School Committee Meeting Room on the first floor for easy accessibility. Ideally, this space could function when the rest of the building is closed
- Locate the Town Clerk on first floor for easy accessibility
- Locate the Superintendent in a private and quiet section of the building
- Do not split up departments. Locate the Business and Finance department offices together and the Special



SUDBURY BOARD OF SELECTMEN

Tuesday, June 14, 2016

**PUBLIC HEARING**

**2: Dangerous Dog Hearing - Continued from 6/7**

REQUESTOR SECTION

Date of request:

Requestor: Evans J. Carter, P.C, Attorney for complainant

Formal Title: Public Hearing pursuant to M.G.L. c.140, s.157 to determine whether the dog owned and/or kept by Beverly Whitcomb at 53 Highland Ave., Sudbury, is a Nuisance Dog or Dangerous Dog as those terms are defined in the statute (continued from June 7).

Recommendations/Suggested Motion/Vote: Public Hearing pursuant to M.G.L. c.140, s.157 to determine whether the dog owned and/or kept by Beverly Whitcomb at 53 Highland Ave., Sudbury, is a Nuisance Dog or Dangerous Dog as those terms are defined in the statute (continued from June 7).

VOTE: Upon conclusion of the public hearing, an examination of the complainant under oath, and based on the credible evidence and testimony presented, the Board of Selectmen finds as follows:

\_\_\_\_\_

\_\_\_\_\_

—

Background Information:

Attached documents

Financial impact expected:

Approximate agenda time requested: 30 minutes

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Patricia A. Brown	Pending
Board of Selectmen	Pending

06/14/2016 6:30 PM



**EVANS J. CARTER, P.C.**

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 Telefax: (508) 875-1449

E-Mail: [ejcatty1@Verizon.net](mailto:ejcatty1@Verizon.net)  
 Office: 860 Worcester Road (Rt. 9), 2<sup>ND</sup> Floor  
 Framingham, MA 01702

March 25, 2016

Patricia A. Brown, Chairperson  
 Sudbury Board of Selectmen  
 Town Hall  
 322 Concord Road  
 Sudbury, MA 01776

Re: G.L. Chapter 140, Section 157  
 Request for Hearing to Determine if Mrs. Whitcomb's  
 Dog, "Sophie," is a Nuisance, Vicious and Dangerous  
 Dog and Request for a Euthanization Order  
 Claimant: Nancy Grellier

RECEIVED  
 BOARD OF SELECTMEN  
 SUDBURY, MA  
 2016 MAR 28 P 1:54

Dear Chairperson Brown:

I am legal counsel to the claimant, Mrs. Nancy Grellier, who is a Sudbury resident, and as an aside, I am also a Sudbury resident.

The dog "Sophie," owned by Mrs. Whitcomb but uncontrollable by her, is an habitual offender who has harassed and intimidated Sudbury residents for years and is dangerous and a public safety concern.

I was shocked to learn that Sophie had, with no provocation, attacked numerous people, such as a boy riding a bike, a neighbor on Highland Avenue and residents of Springhouse Pond Condominium unit owner.

Why this has not been resolved by the town in the past is indeed troubling. I suggest the town report all claims relative to this dog and Mrs. Whitcomb's insurance carrier as well as the town's insurance carrier.

In any event, the town's dog officer and police chief are fully aware of the details of the dog attack on Mrs. Nancy Grellier on Friday, February 19, 2016. It is abundantly clear that this was yet another *unprovoked* attack by a dog with a well known pattern of extremely aggressive behavior toward any person who walks along the established pathway easement between Springhouse Pond and the Shaw's Plaza. As has been witnessed by a number of people who regularly use this pathway, the dog routinely barks and snarls at and bounds toward walkers on

**EVANS J. CARTER, P.C.**

Patricia A. Brown, Chairperson  
Sudbury Board of Selectman  
*Page No. 2*  
*March 25, 2016*

the path. The dog is usually kept in check only by what is presumed to be an electric wire only a few feet from the pathway public easement.

I have suggested to Chief Nix that the law does not permit even one (1) bite and that his suggestion of permitting Mrs. Whitcomb to erect a two (2) dog kennel is not in the best interests of Sudbury residents, or the law or the Society or the Prevention of Cruelty to Animals, and is too little, too late. I think that if "Sophie" should ever, for any reason, bit another person, the town will face "strict liability" as an accessory.

I am enclosing copies of:

1. My letter of March 9, 2016 to the dog officer; and
2. Springhouse Pond Condominium Trust letter of 3/1/16 to the dog officer.

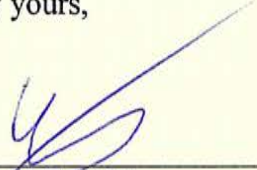
Pursuant to the facts stated in said letters, demand is herewith made that the Board of Selectmen schedule an investigation hearing pursuant to G.L. Chapter 140, Section 157, so that the dog called "Sophie" can be determined to be a nuisance, vicious and a dangerous dog and that a euthanization/disposal order be made that "Sophie" be humanely put down.

Also, the town might want to consider a referral to the District Attorney's Office under G.L. Chapter 277, Section 77 (Cruelty to Animals).

Please note that time is of the essence covering this request and that it should be handled expeditiously as this concerns public safety.

Thanking you for your assistance and attention to this matter, I remain

Very truly yours,



---

EVANS J. CARTER

EJC/aec  
Enclosures

cc: Rosemary B. Harvell, Sudbury Town Clerk

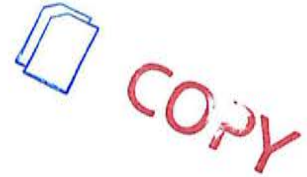
**EVANS J. CARTER, P.C.**

Patricia A. Brown, Chairperson  
Sudbury Board of Selectman  
*Page No. 3*  
*March 25, 2016*

Leila S. Frank, Administrative Assist to the Board of Selectman  
Barbara Saint Andre, Esq., Town Counsel  
Ms. Beverly Whitcomb  
Ms. Jennifer Condon, Dog Officer, Town of Sudbury  
R. Scott Nix, Police Chief, Town of Sudbury  
Mrs. Nancy Grellier  
David Egan, Springhouse Pond Condominium Trust.

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Office: 860 Worcester Road (Rt. 9), 2<sup>ND</sup> Floor  
Framingham, MA 01702

March 9, 2016

Ms. Jennifer Condon  
Dog Officer for the Town of Sudbury  
147 Parker Street  
Maynard, MA 01754

Re: Beverly Whitcomb of 53 Highland Avenue, Sudbury, MA  
and her dog "Sophie" (a German Sheppard Mix)

Dear Ms. Condon:

I reside in the Springhouse Pond Condominium development on Nobscot Road in Sudbury, and on behalf of my wife, Barbara A. Carter, and Mrs. Nancy Grellier and as their legal counsel, I will attend the Condominium Trustees' meeting on Wednesday, March 16, 2016 at 8:30 a.m., and I hope to meet and discuss this dog problem with you.

I am enclosing a copy of David Egan's letter to you of March 1, 2016. Also, I am enclosing copies of G.L. Chapter 140, Section 157 and Chapter 140, Section 155.

The dog called "Sophie" is a vicious and dangerous dog and, hopefully, you will be able to have it removed from the Town of Sudbury by next month.

I am troubled by the fact that Mrs. Whitcomb has, to date, refused or failed to remove "Sophie" from Sudbury and that she has not only failed to restrain her dog, but she has acted and continues to act in a dishonest, deceitful, deceptive, fallacious and mendacious manner when she, in bad faith, questioned the motives of my clients and wrongfully alleged that the Springhouse Pond Condominium unit owners are not entitled to use the footpath to Sudbury Plaza. She apparently has not read the Easement of 2/27/01, recorded with Middlesex South Registry of Deeds.

Many of the Springhouse Pond Condominium unit owners are dog owners and in the 1970's I was a consultant to the American Kennel Club in New York City, and we are all dog friendly but we will not tolerate or permit a dangerous and vicious dog to remain in Sudbury and to interfere with the quality of our lives.

**EVANS J. CARTER, P.C.**

*Ms. Jennifer Condon*

*Page No. 2*

*March 9, 2016*

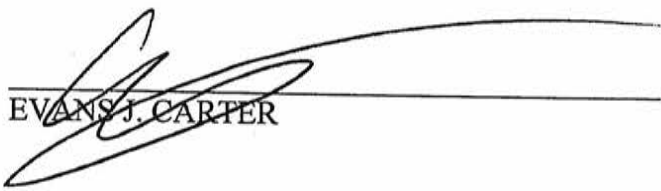
I would appreciate it if you could obtain a copy of Mrs. Whitcomb's homeowner's insurance policy coverage page for me and see if she will remove the dog voluntarily.

Please also send me a copy of your report covering this matter as if the dog is still in Sudbury next month, I must request the Board of Selectmen to hold a hearing on this matter.

Thank you for your help.

I remain

Very truly yours,

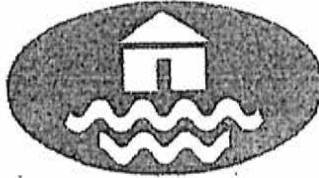


EVANS J. CARTER

EJC/aec

Enclosures

cc: Mrs. Nancy Grellier  
Mr. David B. Egan



## *Springhouse Pond Condominium Trust*

Board of Trustees

March 1, 2016

Ms. Jennifer Condon  
Dog Officer for the Town of Sudbury  
147 Parker St  
Maynard, MA 01754

*Delivered via email*

Ms. Conlan,

On behalf of the Trustees and homeowners of our *Springhouse Pond* community, I am writing to voice our dismay and grave concerns about the recent attack on and significant injury caused to a member of our community by a dog which is owned by, and has long resided on the property of the Whitcombs, 53 Highland Ave., Sudbury.

You are already aware of the details of a dog attack on Mrs. Nancy Grellier, on Friday, February 19<sup>th</sup>. It is abundantly clear that this was an *unprovoked* attack by a dog with a well known pattern of extremely aggressive behavior toward *any* person who walks along the established pathway between *Springhouse Pond* and the Shaw's Plaza. As has been witnessed by a number of people who regularly use this pathway, the dog routinely barks and snarls at, and bounds toward walkers on the path. The dog is usually kept in check only by what we presume is an electric wire, so-called "invisible fence" which keeps him away from the pathway – and walkers – by no more than a few feet. Apparently, on the day this dog attacked and injured Mrs. Grellier, this critical and necessary safety measure was not in place. This exposed our neighbor – and *anyone* who might traverse that path – to the real and completely avoidable danger of attack and injury by an aggressive and uncontrolled animal.

You may be unaware that this is the *second* attack on a *Springhouse Pond* homeowner by this same aggressive dog. During winter 2014, another neighbor, Mr. Sheldon Lesser, was attacked by the same dog, at nearly the same spot. Mr. Lesser was fortunate enough to avoid injury. But the trousers he was wearing were ripped and destroyed by the dog's biting attack; and as you can imagine, it was a frightening experience for him. The Sudbury Police became involved in that incident, and talked with all parties, including the Whitcombs. Mr. Lesser recalls that, as part of the follow-up, Police advised him that, if there were another documented attack by this dog, the animal would be dealt with severely; Mr. Lesser presumed that could include removal or euthanasia of the dog.

Another member of our *Springhouse Pond* community has now suffered a second, documented attack by the same aggressive dog. Although many of us remain robust and spry, *Springhouse*

*Pond* is a community of 55+ and older adults, who have certainly earned the right to walk into, out of, and around in *our own community* without fear of being attacked and perhaps seriously injured by an overly aggressive, seemingly untrained, and unmanaged dog. I would add that many of us here are grandparents; on many occasions, one or another of us has walked that pathway accompanied by small children. What an unforgivable tragedy it might've been had such a small, innocent child been with Nancy or Sheldon on the days they were attacked.

I am aware of the Whitcombs' contention that the pathway on which Mrs. Grellier and Mr. Lesser were attacked is on their property; they have made such a claim previously. Even if that was the case – and extensive documentation makes clear that is *not* a correct claim – whether or not a person was or was not walking on Whitcombs' property does *not* excuse or diminish the seriousness of this most recent attack by a dog that has proven itself to be an aggressive, menacing animal.

According to property plan documents approved by the Town of Sudbury, and public easements granted by the Commonwealth of Massachusetts, the *whole* of the paved pathway in question lies within a clearly defined public easement affected on the properties of both *Springhouse Pond* and Shaw's Plaza. Moreover, the legal property lines as exhibited in the easement documents make clear that the paved pathway and the easement are contained *in whole* within the boundaries of our *Springhouse Pond* property. In fact, *no* portion of the walkway or public easement cross the legally documented boundary of the Whitcombs' property. These two dog attacks occurred in a defined public area, *outside* the bounds of the Whitcombs' property.

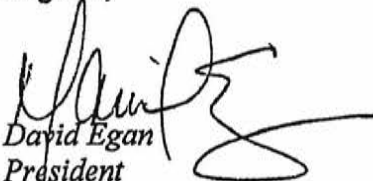
#### Actions.

To help the Trustees address our homeowners' concerns on this matter, and to keep us informed about steps that have and will be taken by your office and the dog owners, I ask that you attend our next upcoming Monthly Meeting of Trustees and homeowners, to be held in our Clubhouse on Wednesday, March 16<sup>th</sup> beginning at 8:30am.

It is not our intent to hold you up to scorn or undue criticism. We are clear that we have no role in determining what appropriate steps should be taken to rectify what is clearly a concerning and dangerous situation. However, we believe we *can* demand swift, appropriate and concrete actions by the owners of an animal proven to be dangerous, and by your office, to insure that our community members, and others, who rightly use a public pathway can do so without fear of being harassed or attacked by a dog that clearly can be regarded as a menace to our community and the public at large.

I look forward to welcoming you to our meeting.

Regards,

  
David Egan  
President

## WESTLAW

Massachusetts General Laws Annotated

Part I. Administration of the Government (Ch. 1-182)

Title XX. Public Safety and Good Order (Ch. 133-148a)

**§ 157. Nuisance or dangerous dogs; orders for remedial action; appeal; violation of order**

Massachusetts General Laws Annotated Chapter 140, Licenses (Pets &amp; Animals) Part I. Administration of the Government (Ch. 1-162) Effective: October 31, 2012 (Approx. 3 pages)

Effective: October 31, 2012

M.G.L.A. 140 § 157

**§ 157. Nuisance or dangerous dogs; orders for remedial action; appeal;  
violation of order**

Currentness

(a) Any person may file a complaint in writing to the hearing authority that a dog owned or kept in the city or town is a nuisance dog or a dangerous dog; provided, however, that no dog shall be deemed dangerous: (i) solely based upon growling or barking or solely growling and barking; (ii) based upon the breed of the dog; or (iii) if the dog was reacting to another animal or to a person and the dog's reaction was not grossly disproportionate to any of the following circumstances:

- (1) the dog was protecting or defending itself, its offspring, another domestic animal or a person from attack or assault;
- (2) the person who was attacked or threatened by the dog was committing a crime upon the person or property of the owner or keeper of the dog;
- (3) the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog; or
- (4) at the time of the attack or threat, the person or animal that was attacked or threatened by the dog had breached an enclosure or structure in which the dog was kept apart from the public and such person or animal was not authorized by the owner of the premises to be within such enclosure including, but not limited to, a gated, fenced-in area if the gate was closed, whether locked or unlocked; provided, however, that if a person is under the age of 7, it shall be a rebuttable presumption that such person was not committing a crime, provoking the dog or trespassing.

The hearing authority shall investigate or cause the investigation of the complaint, including an examination under oath of the complainant at a public hearing in the municipality to determine whether the dog is a nuisance dog or a dangerous dog. Based on credible evidence and testimony presented at the public hearing, the hearing authority shall: (i) if the dog is complained of as a nuisance dog, either dismiss the complaint or deem the dog a nuisance dog; or (ii) if the dog is complained of as a dangerous dog: (A) dismiss the complaint; (B) deem the dog a nuisance dog; or (C) deem the dog a dangerous dog.

(b) If the hearing authority deems a dog a nuisance dog, the hearing authority may further order that the owner or keeper of the dog take remedial action to ameliorate the cause of the nuisance behavior.

(c) If the hearing authority deems a dog a dangerous dog, the hearing authority shall order 1 or more of the following:

- (i) that the dog be humanely restrained; provided, however, that no order shall provide that a dog deemed dangerous be chained, tethered or otherwise tied to an inanimate object including, but not limited to, a tree, post or building;

## NOTES OF DECISIONS (17)

Validity  
Elements of violation  
Nuisance  
Attacks on livestock  
Noncompliance with removal order  
Evidence  
Review



(ii) that the dog be confined to the premises of the keeper of the dog; provided, however, that "confined" shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area upon the premises of the owner or keeper; provided further, that such pen or dog run shall have a secure roof and, if such enclosure has no floor secured to the sides thereof, the sides shall be embedded into the ground for not less than 2 feet; and provided further, that within the confines of such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect the dog;

(iii) that when removed from the premises of the owner or the premises of the person keeping the dog, the dog shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length;

(iv) that the owner or keeper of the dog provide proof of insurance in an amount not less than \$100,000 insuring the owner or keeper against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of the dog or proof that reasonable efforts were made to obtain such insurance if a policy has not been issued; provided, however, that if a policy of insurance has been issued, the owner or keeper shall produce such policy upon request of the hearing authority or a justice of the district court; and provided further, that if a policy has not been issued the owner or keeper shall produce proof of efforts to obtain such insurance;

(v) that the owner or keeper of the dog provide to the licensing authority or animal control officer or other entity identified in the order, information by which a dog may be identified, throughout its lifetime including, but not limited to, photographs, videos, veterinary examination, tattooing or microchip implantations or a combination of any such methods of identification;

(vi) that unless an owner or keeper of the dog provides evidence that a veterinarian is of the opinion the dog is unfit for alterations because of a medical condition, the owner or keeper of the dog shall cause the dog to be altered so that the dog shall not be reproductively intact; or

(vii) that the dog be humanely euthanized.

No order shall be issued directing that a dog deemed dangerous shall be removed from the town or city in which the owner of the dog resides. No city or town shall regulate dogs in a manner that is specific to breed.

(d) Within 10 days after an order issued under subsections (a) to (c), inclusive, the owner or keeper of a dog may bring a petition in the district court within the judicial district in which the order relative to the dog was issued or where the dog is owned or kept, addressed to the justice of the court, praying that the order be reviewed by the court or a magistrate of the court. After notice to all parties, the magistrate shall, under section 62C of chapter 221, review the order of the hearing authority, hear the witnesses and affirm the order unless it shall appear that it was made without proper cause or in bad faith, in which case the order shall be reversed. A party shall have the right to request a de novo hearing on the complaint before a justice of the court.

(e)(1) Pending an appeal by an owner or keeper under subsection (d), a hearing authority may file a petition in the district court to request an order of impoundment at a facility the municipality uses to shelter animals for a dog complained of as being a dangerous dog. A municipality shall not incur liability for failure to request impoundment of a dog under this subsection.

(2) A justice of a district court, upon probable cause to believe that a dog is a dangerous dog or that a dog is being kept in violation of this section or in violation of an order issued under this section by a hearing authority or a court, may issue an order: (i) of restraint; (ii) of confinement of the dog as considered necessary for the safety of other animals and the public; provided, however, that if an order of confinement is issued, the person to whom the order is issued shall confine the dog in accordance with clause (ii) of subsection (c); or (iii) of impoundment in a humane place of detention that the municipality uses to shelter animals; or (iv) any other action as the court deems necessary to protect other animals and the public from the dog.

(f) A justice of the district court shall hear, de novo, an appeal filed under subsection (d). Based upon credible evidence and testimony presented at trial, the court shall, whether the dog was initially complained of as a nuisance dog or as a dangerous dog: (i) dismiss the

complaint; (ii) deem the dog a nuisance dog; or (iii) deem the dog a dangerous dog. The decision of the court shall be final and conclusive upon the parties.

(g) If a court affirms an order of euthanasia, the owner or keeper of the dog shall reimburse the city or town for all reasonable costs incurred for the housing and care of such dog during its impoundment and throughout the appeals process, if any. Unpaid costs shall be recovered by the municipality in which the owner or keeper of the dog resides on behalf of the hearing authority by any of the following methods: (i) a lien on any property owned by the owner or keeper of the dog; (ii) an additional, earmarked charge to appear on the vehicle excise of the owner or keeper of the dog; or (iii) a direct bill sent to the owner or keeper of the dog.

All funds recovered by a municipality under this subsection shall be transferred to the organization or entity charged with the responsibility of handling dog complaints and impoundment. If the organization or entity falls under the management or direction of the municipality, costs recovered shall be distributed at the discretion of the municipality.

If the court overturns an order of euthanasia, the city or town shall pay all reasonable costs incurred for the housing and care of the dog during any period of impoundment.

(h) If an owner or keeper of a dog is found in violation of an order issued under this section, the dog shall be subject to seizure and impoundment by a law enforcement or animal control officer. If the keeper of the dog is in violation, all reasonable effort shall be made by the seizing authority to notify the owner of the dog of such seizure. Upon receipt of such notice, the owner may file a petition with the hearing authority, within 7 days, for the return of the dog to the owner. The owner or keeper shall be ordered to immediately surrender to the licensing authority the license and tags in the person's possession, if any, and the owner or keeper shall be prohibited from licensing a dog within the commonwealth for 5 years. A hearing authority that determines that a dog is dangerous or a nuisance or that a dog owner or keeper has violated an order issued under this section shall report such violations to the issuing licensing authority within 30 days.

(i) Orders issued by a hearing authority shall be valid throughout the commonwealth unless overturned under subsection (d) or (f).

#### Credits

Amended by St.1934, c. 320, § 20; St.1976, c. 530; St.1978, c. 478, § 73; St.1985, c. 455; St.1995, c. 286; St.2012, c. 193, § 32, eff. Oct. 31, 2012.

#### Editors' Notes

##### RESEARCH REFERENCES

###### ALR Library

79 ALR 1060, Dogs as Nuisance.

###### Treatises and Practice Aids

10A Mass. Prac. Series § 42:13, Dog Bite.

14C Mass. Prac. Series § 17.214, Domestic Animals--Dogs.

17A Mass. Prac. Series § 45.4, Damage by Dogs.

#### Relevant Notes of Decisions (17)

[View all 17](#)

Notes of Decisions listed below contain your search terms.

#### Validity

Term "excessive barking" in dog control statute was not unconstitutionally vague, inasmuch as it gave authorities more than sufficient guidance by which to carry out their responsibility under statute. *Com. v. Ferreri* (1991) 572 N.E.2d 585, 30 Mass.App.Ct. 966. [Animals](#) [3,5](#) (3); [Constitutional Law](#) [3](#) 4311

Dog control statute did not violate dog owner's right to jury trial on issue of need for restraint or removal of dogs due to excessive barking. *Com. v. Ferreri* (1991) 572 N.E.2d 585, 30 Mass.App.Ct. 966. [Jury](#) [19](#) (15)

#### Elements of violation

## WESTLAW

## Massachusetts General Laws Annotated

## Part I. Administration of the Government (Ch. 1-182)

## Title XX. Public Safety and Good Order (Ch. 133-148a)

§ 155. Liability for damage caused by dog; minors; presumption and burden of proof  
 Chapter 140C: Licenses, Permits & Alimos  
 Massachusetts General Laws Annotated Part I. Administration of the Government (Ch. 1-182) (Approx. 2 pages)

## M.G.L.A. 140 § 155

§ 155. Liability for damage caused by **dog**; minors; presumption and  
 burden of proof

## Currentness

If any **dog** shall do any damage to either the body or property of any person, the owner or keeper, or if the owner or keeper be a minor, the parent or guardian of such minor, shall be liable for such damage, unless such damage shall have been occasioned to the body or property of a person who, at the time such damage was sustained, was committing a trespass or other tort, or was teasing, tormenting or abusing such **dog**. If a minor, on whose behalf an action under this section is brought, is under seven years of age at the time the damage was done, it shall be presumed that such minor was not committing a trespass or other tort, or teasing, tormenting or abusing such **dog**, and the burden of proof thereof shall be upon the defendant in such action.

## Credits

Amended by St.1934, c. 320, § 18; St.1968, c. 281.

## Editors' Notes

## LAW REVIEW AND JOURNAL COMMENTARIES

Liability for attack by mad **dog** known to be vicious. (1921) 34 Harv.L.Rev. 770.  
 Strict liability; **dog** bite statute. Peter A. Donovan, 15 Ann.Surv.Mass.L. 55 (1968).

## RESEARCH REFERENCES

## ALR Library

- 61 ALR 5th 635, Damages for Killing or Injuring Dog.  
 68 ALR 5th 599, Liability for Injury Inflicted by Horse, Dog, or Other Domestic Animal Exhibited at Show.  
 64 ALR 4th 963, Who "Harbors" or "Keeps" Dog Under Animal Liability Statute.  
 4 ALR 4th 349, Liability of Owner of Dog for Dog's Biting Veterinarian or Veterinarian's Employee.  
 142 ALR 436, Validity, Construction, and Effect of Statute Eliminating Scienter as Condition of Liability for Injury by Dog or Other Animal.  
 107 ALR 1323, Owner or Keeper of Trespassing Dog as Subject to Injunction or Damages.

## Encyclopedias

- 85 Am. Jur. Proof of Facts 3d 1, Proof of Landlord's Liability for Injury Inflicted by Tenant's Dog.  
 33 Am. Jur. Trials 195, Pit Bull Dog Attack Litigation.  
 Am. Jur. 2d Animals § 78, Liability Imposed by Statute.

## Treatises and Practice Aids

- 10A Mass. Prac. Series § 42:13, Dog Bite.  
 14C Mass. Prac. Series § 17.214, Domestic Animals--Dogs.  
 17A Mass. Prac. Series § 45.4, Damage by Dogs.  
 17B Mass. Prac. Series § 59.159, Dog Bite--Child Under Seven.

## NOTES OF DECISIONS (70)

Purpose  
 Nature and scope of liability  
 Owner or keeper  
 Duty of care  
 Owner or keeper, duty of care  
 Injured person, duty of care  
 Children, duty of care  
 Parents, duty of care  
 Knowledge of vicious propensities  
 Common law application  
 Trespass  
 Teasing, tormenting, or abusing  
 Physical injuries  
 Mental injuries  
 Property damage  
 Veterinary costs  
 Consequential damages  
 Joint liability  
 Burden of proof

## Relevant Notes of Decisions (63)

View all 70

Notes of Decisions listed below contain your search terms.

### Purpose

Purpose of **statute** governing liability for damage caused by a **dog** is to protect all persons, whatever may be their age or condition, who, through no fault of their own, are exposed to attacks from **dogs**, and to induce their owners and keepers to hold them under proper restraint and control. *Irwin v. Degtiarov* (2014) 8 N.E.3d 296, 85 Mass.App.Ct. 234. Animals [c= 66.5\(1\)](#)

### Nature and scope of liability

The strict liability **dog bite statute** is indifferent to any question of negligence on the part of the owner. *Audette v. Com.* (2005) 829 N.E.2d 248, 63 Mass.App.Ct. 727, on remand 2005 WL 4721379. Animals [c= 66.5\(1\)](#)

In Massachusetts, by **statute**, owners and keepers of **dogs** are strictly liable for any harm done by their animal. *Audette v. Com.* (2005) 829 N.E.2d 248, 63 Mass.App.Ct. 727, on remand 2005 WL 4721379. Animals [c= 66.5\(1\)](#)

Principles of sovereign immunity precluded imposition of strict liability in police officer's action against Commonwealth, in which officer sought damages for personal injuries sustained when he was bitten by a police-trained **dog** in the care of a state trooper. *Audette v. Com.* (2005) 829 N.E.2d 248, 63 Mass.App.Ct. 727, on remand 2005 WL 4721379. States [c= 112.2\(2\)](#)

Whether sister of **dog's** owner, who was staying in owner's home as an overnight guest, was acting as a "keeper" of **dog** when she sought to let **dog** outside in the morning while residents of home were at work, and thus could not recover from owner under **statute** imposing strict liability for damage caused by a **dog**, was issue for jury in action brought by sister, who sustained injuries after **dog** pulled her to the ground while she was holding **dog** by its collar. *Salisbury v. Ferioli* (2000) 730 N.E.2d 373, 49 Mass.App.Ct. 485, review denied 432 Mass. 1106. Animals [c= 74\(8\)](#)

Whether actions of **dog** proximately caused injuries sustained by sister of **dog's** owner, who was overnight guest in owner's home, when **dog** pulled sister to the ground as sister was holding on to **dog's** collar while taking **dog** outside, was issue for jury in action brought by sister against owner under **statute** imposing strict liability for damage caused by a **dog**. *Salisbury v. Ferioli* (2000) 730 N.E.2d 373, 49 Mass.App.Ct. 485, review denied 432 Mass. 1106. Animals [c= 74\(8\)](#)

Fact that claimant had only brief connection with the **dog** weighs against a finding that claimant was a "keeper" of **dog**, and thus barred from recovery against owner under **statute** imposing strict liability for damage caused by a **dog**. *Salisbury v. Ferioli* (2000) 730 N.E.2d 373, 49 Mass.App.Ct. 485, review denied 432 Mass. 1106. Animals [c= 66.5\(3\)](#)

Evidence that **dog** had barked at man approaching **dog** owner's trailer to bring cylinder of propane gas, that man complained to his boss, that boss called **dog** owner's mother, who had once lived at trailer, that mother called **dog** owner, and that **dog** owner responded by tying **dog** down near barn on property, rather than near porch of trailer, and thus at longer distance from person entering premises, was insufficient to charge mother or father of **dog** owner, as landowners, with breach of duty of care so as to render them liable for injuries sustained by person bitten on nose by **dog**. *Brown v. Bolduc* (1990) 556 N.E.2d 1051, 29 Mass.App.Ct. 909. Animals [c= 74\(5\)](#)

Under this section, owner or keeper is liable for injuries resulting from act of **dog** without proof that owner or keeper was negligent or otherwise at fault, or knew, or had reason to know that **dog** had any extraordinary, dangerous propensity, and even without proof that **dog** in fact had any such propensity. *Rossi v. DelDuca* (1962) 181 N.E.2d 591, 344 Mass. 66. Animals [c= 66.5\(1\)](#); Animals [c= 66.5\(2\)](#)

R.S.1836, c. 58, § 13, giving a remedy to "any person injured" by a **dog** against its owner or keeper, included injuries to other animals. *Brewer v. Crosby* (1858) 77 Mass. 29, 11 Gray 29.

Owner of **dog** attacked and injured by another **dog** was entitled to recover the resulting veterinary costs from other **dog's** owner, pursuant to **statute** providing that owners and

keepers of dogs are strictly liable for any harm done by their animal; household pets, and dogs in particular, belonged to a unique category of "special purpose personal property," such that limiting damages to market value of dog or measuring damages by diminution in dog's market value would not be a fair and reasonable measure of owner's loss, awarding owner the reasonable amount paid in veterinary costs was well within trial court's proper exercise of discretion and wholly consistent with goal of returning owner to position he was in prior to the wrongful conduct, veterinary costs were not consequential damages, and even if they were, they were recoverable under the statute. *Irwin v. Deresh* (App. Div. 2012) 2012 Mass.App.Div. 142, 2012 WL 2702960, Unreported, affirmed 8 N.E.3d 296, 85 Mass.App.Ct. 234. Animals  $\simeq$  1.5(4); Animals  $\simeq$  81

#### Owner or keeper

The owner or keeper of a dog is liable under the Dog-Bite statute for injury resulting from an act of the dog without proof that its owners or keeper was negligent or otherwise at fault, or knew, or had reason to know, that the dog had any extraordinary, dangerous propensity, and even without proof that the dog in fact had any such propensity. *Nutt v. Florio* (2009) 914 N.E.2d 963, 75 Mass.App.Ct. 482, review denied 918 N.E.2d 91, 455 Mass. 1106. Animals  $\simeq$  66.5(1); Animals  $\simeq$  66.5(2)

As a general rule, barring special situations, status of "keeper" of dog, for purposes of statute imposing strict liability for damage caused by a dog, involves harboring with an assumption of custody, management, and control of the dog. *Salisbury v. Ferioli* (2000) 730 N.E.2d 373, 49 Mass.App.Ct. 485, review denied 432 Mass. 1106. Animals  $\simeq$  66.5(3); Animals  $\simeq$  66.5(7)

Veterinary technician who was bitten by a dog in her care, on whom she was attempting to place a muzzle before dog was spayed, was a "keeper" of dog, for purposes of statute imposing strict liability for damage caused by a dog, and thus could not recover under statute against owners of dog; owners surrendered all custody of dog for veterinary care, and custody was accepted knowingly and for material benefit, and was an intimate one with an understood, determined objective. *Salisbury v. Ferioli* (2000) 730 N.E.2d 373, 49 Mass.App.Ct. 485, review denied 432 Mass. 1106. Animals  $\simeq$  66.5(3)

"Keepership" under this section means at least harboring with assumption of custody, management and control of dog. *Brown v. Bolduc* (1990) 556 N.E.2d 1051, 29 Mass.App.Ct. 909.

Fact that parents owned trailer and related ground where daughter, who owned dog, lived, that daughter lived in trailer rent free, that parents kept two horses and pony temporarily at barn on property, and that mother visited twice a day to feed and groom horses and occasionally filled dog's water pail, did not render parents "keepers" of dog for purposes of this section. *Brown v. Bolduc* (1990) 556 N.E.2d 1051, 29 Mass.App.Ct. 909. Animals  $\simeq$  66.5(7)

Mere presence of dog causing injury on defendants' premises or acquiescence in its presence did not show ownership or keeping, making defendants liable. *Mallett v. Mininno* (1929) 165 N.E. 15, 266 Mass. 86. Animals  $\simeq$  66.5(7)

Agricultural society could not be charged as keeper of dog on exhibit, which remained in owner's possession and physical control. *Cruickshank v. Brockton Agr. Soc.* (1927) 157 N.E. 357, 260 Mass. 283. Animals  $\simeq$  66.5(7)

One who harbored a dog temporarily was not liable as its keeper to one injured thereby. *O'Donnell v. Pollock* (1898) 49 N.E. 745, 170 Mass. 441. Animals  $\simeq$  66.5(7)

The fact that a dog, owned by and licensed in the name of the superintendent of a poor farm of a city, was kept at the farm, with the knowledge of one of the overseers of the poor of the city, and, without objection by him, was fed with food furnished by the city for use at the farm, and, during a portion of the time, was allowed the run of the farm, did not, as matter of law, show that the city was a keeper of the dog within G.S.1860, c. 88, § 59. *Collingill v. City of Haverhill* (1880) 128 Mass. 218.

The mere ownership of the premises upon which a dog is kept does not alone render the property owner liable as a keeper of the dog even where the dog continues upon the premises with the knowledge, acquiescence or even permission of the property owner. *Sullivan v. Morse* (App. Div. 1985) 1985 Mass.App.Div. 185.

Genuine question of material fact as to whether defendants in second action to recover for dog bite injuries, together with defendants in first such action filed by plaintiff, in which action plaintiff prevailed, were all owners and keepers of dog, so as to be liable for plaintiff's injuries, precluded summary judgment in favor of defendants in second action. *Labier v. Robinson* (App. Div. 2012) 2012 Mass.App.Div. 200, 2012 WL 5830703, Unreported. Judgment  $\approx$  181(33)

Evidence established that defendant was keeper of dog, as element for liability under dog-bite statute; dog, which had been purchased by defendant's girlfriend, had lived with defendant and girlfriend for ten years, defendant sometimes walked the dog and fed it, he was alone with it on many occasions, and when defendant was asked why he put a sign on his door warning people of the dog's presence in his home, he responded, "Why, because I have a dog." *Reed v. Phillips* (App. Div. 2003) 2003 Mass.App.Div. 157, 2003 WL 22244974, Unreported. Animals  $\approx$  66.5(7)

#### Duty of care--Owner or keeper

The owner or keeper of a dog is liable for injury resulting from an act of the dog without proof that its owner or keeper was negligent or otherwise at fault, or knew, or had reason to know, that the dog had any extraordinary, dangerous propensity, and even without proof that the dog in fact had any such propensity. *Audette v. Com.* (2005) 829 N.E.2d 248, 63 Mass.App.Ct. 727, on remand 2005 WL 4721379. Animals  $\approx$  66.5(1); Animals  $\approx$  66.5(2)

#### --- Injured person, duty of care

There could be no recovery by a person bitten by a dog, where he failed to exercise due care, or was bitten as the result of his own negligence or misconduct. *Ryan v. Marren* (1914) 104 N.E. 353, 216 Mass. 556. Animals  $\approx$  66.5(4)

In action for damages for bite of dog, evidence that plaintiff, junk dealer, entered defendant's premises, and while taking up a rope on the grass, the dog bit him, and that there was a sign on the barn, "Beware of the Dog," supported verdict that plaintiff was not in exercise of due care. *Spellman v. Dyer* (1904) 71 N.E. 295, 186 Mass. 176. Animals  $\approx$  66.5(4)

Where plaintiff, a junk dealer, was bitten by defendant's dog while picking up a rope on defendant's premises, an instruction that if plaintiff did not take the rope with intent to steal it, and did not do anything but what an ordinary junk dealer would properly do, the jury could find that he was exercising due care, while, if he was not acting as an ordinary junk dealer, and he took the rope intending to steal it, they might find he was not exercising due care, was sufficiently favorable to plaintiff. *Spellman v. Dyer* (1904) 71 N.E. 295, 186 Mass. 176. Animals  $\approx$  74(7)

That plaintiff put his hand on neck of a dog in his custody, to fetch him along and prevent a fight with defendant's dog, lying under a wagon, four or five feet away, did not, as matter of law, show failure on plaintiff's part to exercise due care, which would prevent his recovering for a bite inflicted by defendant's dog, which immediately thereafter sprang on plaintiff's dog, and struck plaintiff's finger. *Matteson v. Strong* (1893) 34 N.E. 1077, 159 Mass. 497. Animals  $\approx$  66.5(4)

#### --- Children, duty of care

Where a boy 13 years old was bitten by a dog which he had incited to bite by striking with a stick, it was proper to instruct the jury that the boy was nevertheless entitled to recover if he exercised as much care as is generally exercised by boys of ordinary intelligence of his age. *Plumley v. Birge* (1878) 124 Mass. 57, 26 Am.Rep. 645; *Munn v. Reed* (1862) 86 Mass. 431, 4 Allen, 431.

The owner of a dog which has inflicted an injury on a child could not exempt himself from the liability because it appeared that a child did not act with the discretion and judgment of a person of mature years; but he was liable, if the child was bitten while using such care as is usual with children of its age, and there was no want of ordinary care in the person having the care of the child. *Munn v. Reed* (1862) 86 Mass. 431, 4 Allen, 431.

#### --- Parents, duty of care

If, in an action to recover for an injury inflicted upon plaintiff, a child by a dog, the case was submitted to the jury under instructions requiring them to find that neither the fault of the child nor of the mother, who had the care of the child, contributed to the injury, a verdict for the plaintiff would not be set aside because the judge refused to instruct the jury, at the

request of the defendant, that it was prima facie evidence of want of care for a mother to allow her child to play with a strange dog. *Munn v. Reed* (1862) 86 Mass. 431, 4 Allen, 431.

The owner of a dog which has inflicted an injury on a child was not entitled to an instruction that it was evidence of want of care for the mother to allow her child to play with strange dogs. *Munn v. Reed* (1862) 86 Mass. 431, 4 Allen, 431.

#### Knowledge of vicious propensities

Owner of dog was not liable for damages from vicious and mischievous acts of the animal because he lacked knowledge of the dog's mischievous and vicious propensities. *Dix v. Somerset Coal Co.* (1914) 104 N.E. 433, 217 Mass. 146. Animals c. 66.5(2)

Under R.S.1836, c. 58, § 13, it was not necessary, in order to recover damages for the bite of a dog, to prove that the owner knew of the vicious character of his dog, or that the dog was accustomed to bite. *Pressey v. Wirth* (1861) 85 Mass. 191, 3 Allen 191.

#### Common law application

Statute governing liability for damage caused by a dog is an expansion of the common law in that it eliminates the need to prove that the owner knew of the dangerous character and habits of his dog or that the dog was in fact accustomed to bite. *Irwin v. Degtiarov* (2014) 8 N.E.3d 296, 85 Mass.App.Ct. 234. Animals c. 66.5(2)

This section and § 151 of this chapter, respecting liability of owner or keeper of dog for injuries, do not affect principles of common law applicable to dogs in cases outside sections. *Andrews v. Jordan Marsh Co.* (1933) 186 N.E. 71, 283 Mass. 158. Animals c. 66.5(1)

#### Trespass

As used in this section imposing liability for bodily injury done by a dog, unless person injured was committing a "trespass" or mistreating dog at the time, quoted word is to be viewed in context of entire provision. *Koller v. Duggan* (1963) 191 N.E.2d 475, 346 Mass. 270. Animals c. 66.5(1)

This section imposing liability for bodily injury done by a dog, unless person injured was committing a "trespass" or teasing, tormenting or abusing dog at the time, recognizes right of possessor of land to keep a dog for protection against trespassers and does not use quoted word as referring to trespass to a dog. *Koller v. Duggan* (1963) 191 N.E.2d 475, 346 Mass. 270. Animals c. 66.5(1)

Act of patron in "patting" dog owned by beauty salon operator and her husband did not constitute such a technical "trespass" as would preclude recovery under this section for injuries sustained as a result of being bitten by defendants' dog. *Koller v. Duggan* (1963) 191 N.E.2d 475, 346 Mass. 270. Animals c. 66.5(1)

Jury could find that child who ran from one dog onto land owned by defendant's father and was injured by defendant's dogs, was not a trespasser at time of injury. *Rossi v. DelDuca* (1962) 181 N.E.2d 591, 344 Mass. 66. Animals c. 74(8)

One bitten by dog of owner of house while going by back way to back door to visit servants was not a trespasser, so as to prevent recovery under P.S. 1882, c. 102, § 93. *Riley v. Harris* (1900) 58 N.E. 584, 177 Mass. 163. Animals c. 66.5(3)

#### Teasing, tormenting, or abusing

Testimony of eight and one-half year old girl that all she did was to offer bones to dog, whereupon he growled and bit her, was sufficient for the jury to infer that she was not teasing dog. *Malchanoff v. Truehart* (1968) 236 N.E.2d 89, 354 Mass. 118. Animals c. 74 (5)

Instruction to jury to consider age of young girl, who was bitten by dog and injured, was proper, because age may have been relevant in determining whether or not girl was capable of teasing, tormenting or abusing dog. *Malchanoff v. Truehart* (1968) 236 N.E.2d 89, 354 Mass. 118. Animals c. 74(7)

Under this section, making owner liable for damage inflicted by dog unless inflicted on person committing tort or teasing, tormenting or abusing dog, plaintiff must allege and prove that he was not teasing, tormenting or abusing dog, notwithstanding c. 231, § 85, making

contributory negligence an affirmative defense to be pleaded and proved by defendant. *Sullivan v. Ward* (1939) 24 N.E.2d 672, 304 Mass. 614. Animals  $\supset$  74(2)

Trial judge did not err in finding that plaintiff's striking of dog while terminating a dog fight did not amount to abusing the dog for purposes of recovering under M.G.L.A. c. 140, § 155, the so-called dog bite statute. *Burgoyne v. Owen* (App. Div. 1991) 1991 Mass.App.Div. 192. Animals  $\supset$  66.5(5)

#### Physical injuries

Plaintiff, to recover from defendant for injuries sustained in fall on sidewalk allegedly caused by defendant's dog, was required to show that his injuries were caused by a dog that was owned or kept by defendant, and that at time of injury plaintiff's own wrongful act did not contribute to his injuries. *Curran v. Burkhardt* (1941) 38 N.E.2d 622, 310 Mass. 466. Animals  $\supset$  74(3)

Under P.S.1882, c. 102, § 93, rendering owner of dog "liable to any person injured by it," it was immaterial whether injury was by biting or jumping on plaintiff, or whether in play or with vicious intent. *Hathaway v. Tinkham* (1888) 19 N.E. 18, 148 Mass. 85. Animals  $\supset$  66.5(1)

#### Mental injuries

Although the owner's affection for the animal may be considered in assessing the reasonableness of the decision to treat the animal, the owner cannot recover for his or her own hurt feelings, emotions, or pain in an action under the statute governing liability for damage caused by a dog. *Irwin v. Degtiarov* (2014) 8 N.E.3d 296, 85 Mass.App.Ct. 234. Damages  $\supset$  57.38

In an action for damages from a dog bite, a question asked plaintiff's attending physician as to what he observed about the effect of the bite on plaintiff's mind, referring to fear of hydrophobia, and the answer that he was mentally depressed, were admissible. *Burns v. Brier* (1910) 90 N.E. 399, 204 Mass. 195. Evidence  $\supset$  510

In an action to recover damages by a child 5 years old for the bite of a dog, it could be shown, on the question of a shock to his nervous system, that since the injury he has shown signs of fright and excitement at the sight of any dog. *Roswell v. Leslie* (1882) 133 Mass. 589.

#### Property damage

In an action for injury done by defendant's dog to plaintiff's automobile, evidence warranted a finding that the dog was the sole, direct, and proximate cause of the injury, causing the automobile to skid when his body struck one of the front wheels after he had snapped at one of the tires. *Williams v. Brennan* (1912) 99 N.E. 516, 213 Mass. 28.

#### Veterinary costs

Evidence supported trial court's finding that veterinary costs, which amounted to over \$8,000 and which were incurred by owner of injured dog following second dog's attack, were reasonable and thus supported award of damages in amount of veterinary costs in action under statute governing liability for damage caused by a dog, though market value of injured dog was less than veterinary costs; evidence indicated that attack left dog in profound hypovolemic shock with wounds to head, neck, abdomen, and chest, surgery was performed within one hour of dog's arrival at emergency veterinary facility, and facility's pricing was competitive with that of similar facilities in region and was based on pricing guidelines of national association. *Irwin v. Degtiarov* (2014) 8 N.E.3d 296, 85 Mass.App.Ct. 234. Damages  $\supset$  139

Among the factors to be considered in determining, pursuant to statute governing liability for damage caused by a dog, whether particular veterinary costs are reasonable and whether it is reasonable to incur them, are the type of animal involved, the severity of its injuries, the purchase or replacement price or both of the animal, its age and special traits or skills, its income-earning potential, whether it was maintained as part of the owner's household, the likelihood of success of the medical procedures employed, and whether the medical procedures involved are typical and customary to treat the injuries at issue. *Irwin v. Degtiarov* (2014) 8 N.E.3d 296, 85 Mass.App.Ct. 234. Damages  $\supset$  44



Under statute governing liability for damage caused by a dog, whether particular veterinary costs are reasonable, and whether it is reasonable to incur them, will depend on the facts of each case. *Irwin v. Degtiarov* (2014) 8 N.E.3d 296, 85 Mass.App.Ct. 234. Damages  $\approx$  44

#### Consequential damages

Reasonable veterinary costs that are reasonably incurred can be recovered under the statute governing liability for damage caused by a dog, even if they exceed the market value or replacement cost of an animal injured by a dog. *Irwin v. Degtiarov* (2014) 8 N.E.3d 296, 85 Mass.App.Ct. 234. Damages  $\approx$  44

Parent of child injured by dog was entitled to recover consequential damages under this section. *Rossi v. DeDuca* (1982) 181 N.E.2d 591, 344 Mass. 66. Animals  $\approx$  74(6)

#### Joint liability

P.S.1882, c. 102, § 93, providing that every owner "or" keeper of dog should be liable to one injured thereby, did not create joint or several liability; and one suing owner, but failing to collect his judgment on account of owner's insolvency, could not afterwards sue the keeper. *Galvin v. Parker* (1891) 28 N.E. 244, 154 Mass. 346. Animals  $\approx$  66.5(7)

Where dogs owned by different persons killed sheep together, the owners were not liable jointly for the injury, but each separately for the act of his own dog. *Buddington v. Shearer* (1838) 37 Mass. 477, 20 Pick. 477.

#### Burden of proof

Under strict liability dog bite statute, a plaintiff bears the burden of showing that he was not committing a trespass or other tort, and was not teasing, tormenting or abusing the dog. *Audette v. Com.* (2005) 829 N.E.2d 248, 63 Mass.App.Ct. 727, on remand 2005 WL 4721379. Animals  $\approx$  66.5(3); Animals  $\approx$  66.5(5); Animals  $\approx$  74(3)

Under this section, plaintiff had burden of establishing that she was not teasing, tormenting or abusing dog *Malchanoff v. Truehart* (1968) 236 N.E.2d 89, 354 Mass. 118. Animals  $\approx$  74(3)

Party suing under this section had burden of demonstrating that she was not committing a trespass or other tort and was not teasing, tormenting or abusing the dog. *Koller v. Duggan* (1963) 191 N.E.2d 475, 346 Mass. 270. Animals  $\approx$  74(3)

In action under this section, making owner liable for damage inflicted by dog unless inflicted on party committing tort or teasing, tormenting or abusing dog, instruction placing burden on defendant to establish that plaintiff was injured as result of his teasing, tormenting or abusing dog was erroneous and harmful. *Sullivan v. Ward* (1939) 24 N.E.2d 672, 304 Mass. 614. Animals  $\approx$  74(7); Appeal And Error  $\approx$  1064.1(9)

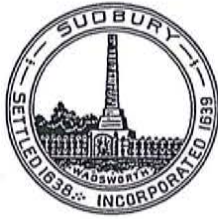
In action under P.S.1882, c. 102, § 93, where it appeared that plaintiff interfered to separate two dogs that were fighting, and was bitten, burden was on plaintiff to show that he exercised due care. *Raymond v. Hodgson* (1894) 36 N.E. 791, 161 Mass. 184. Animals  $\approx$  74(3)

M.G.L.A. 140 § 155, MA ST 140 § 155

Current through Chapter 50 of the 2016 2nd Annual Session

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# Town of Sudbury

Office of Selectmen

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[selectmen@sudbury.ma.us](mailto:selectmen@sudbury.ma.us)

May 18, 2016

Ms. Beverly Whitcomb  
53 Highland Avenue  
Sudbury, MA 01776

## NOTICE OF DANGEROUS OR NUISANCE DOG HEARING

Dear Ms. Whitcomb:

On Tuesday, June 7, 2016 at 8:00 pm in the Sudbury Town Hall, located at 322 Concord Road, Sudbury MA, the Sudbury Board of Selectmen, acting as Hearing Authority pursuant to Massachusetts General Laws, Chapter 140, Section 157, will hold a public hearing to determine whether the dog owned and/or kept by you in the Town of Sudbury is a Nuisance Dog or Dangerous Dog as those terms are defined in said statute. This Notice is based, in part, on a written complaint alleging that on or about February 19, 2016, your dog known as "Sophie" left your property and without justification attacked a Nancy Grellier causing physical injuries. A copy of said written complaint from attorney Evans J. Carter, representing Ms. Grellier, is enclosed herewith for your reference.

In accordance with its statutory authority, the Board of Selectmen will conduct a public hearing, which shall include an examination of the complainant under oath, and based on the credible evidence and testimony presented, it may make such findings and order concerning the restraint or disposal of said dog as may be deemed necessary.

You are invited to attend the hearing and at that time you may produce any documentation and/or witnesses. You may be represented by counsel at your own expense if you so choose.

If you have any questions in this regard, you may contact the Selectmen's Office.

Very truly yours,

Selectmen's Office Clerk

**Encl.**

- cc: Police Chief
- Animal Control Officer
- Attorney Carter
- Ms. Nancy Grellier

Exhibit 22



**Vincent A Messina, CPA**

**175 Nobscot Road**

**Sudbury, MA 01776**

**June 14, 2016**

**Sudbury Board of Selectmen**

**Sudbury, Mass. 01776**

**To Members of the Board**

**My wife and I have lived at 175 Nobscot Road since December 2005. Over the years it has been my habit to walk along the path to Shaw's until the fall of 2015. At that time, I had to stop walking along the path which is adjacent to the Whitcomb's property because her ferocious dog scared the heck out of me on at least two occasions.**

**As I walked from Springhouse Pond towards Shaw's, the dog would bark and stand ferociously at the "Invisible Fence". After facing this danger on two occasions in October of 2015, I stopped using the path, and up to and including today, I have not walked on that path. I have been and still are afraid to face that ferocious dog.**

**It is unfortunate because we felt that the path was an asset to Springhouse Pond that we are unable to safely use.**

**I think the Board of Selectmen should be aware that this dog is ferocious and scares the "hell" out of me. It is definitely a dangerous animal.**

**Thank you for your consideration**

**Vincent Messina, CPA**

---

**Signed:** *Vincent A Messina* **June 13, 2016**

IN BOARD OF SELECTMEN  
MONDAY, JANUARY 22, 1996

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

The statutory requirements as to notice having been met, the meeting was convened by Acting Chairman Clark at 7:35 p.m. in the Town Hall.

Dog Complaint Public Hearing - Rottman vs. Bagley

Present: Complainants James and Patricia Rottman of 63 Willis Lake Drive; Ralph and Debra Bagley of 71 Willis Lake Drive; Dog Officer Betsy DeWallace; Attorney David Wallace, representing Mr. & Mrs. Bagley; numerous neighbors of the Bagley and Rottman families.

The Board convened a public hearing to consider the complaint, dated December 21, 1995, of James B. Rottman, DVM, Ph.D., 63 Willis Lake Drive, against a male Bull Mastiff named Brutus, owned by Ralph and Debra Bagley, 71 Willis Lake Drive, for killing the Rottman's dog on a public street near both families' homes.

Acting Chairman Clark noted for the record that notice of the hearing had been served upon the parties; all persons expected to give testimony in the matter were then sworn in by her. Ms. Clark also informed all parties concerned that they have ten days after a decision is rendered by the Board to appeal that decision.

Patricia Rottman began her complaint by stating that she and her husband are both veterinarians and are knowledgeable about dog behavior. She said that on December 20, 1995, about 4 p.m. she and her two children were outside shoveling and sledding in the snow; she said that her dog, a Sheltie, was with them. Her dog began to run up a hill near her home and toward the home of the Bagleys. Mrs. Rottman said she heard a yelp and quickly went to her dog and found it on the ground, barely alive. She said her dog was in the middle of the public street, near the Bagley home and that it was already almost dead when she reached it. On query by Selectman Clark, Mrs. Rottman said that her home is approximately 50 yards from the Bagley home.

Mrs. Rottman then said that she saw Mrs. Bagley drag her large male dog home by the scruff of the neck and that her large female dog followed behind them. Mrs. Rottman said that her own dog died sometime on the way to the hospital. At this point, Mr. Rottman submitted a pathology report to the Board.

Selectman Clark asked if the Rottmans had met the Bagleys prior to this incident and Mr. Rottman replied that they had not met until after his dog died. Ms. Clark asked if the Bagleys and Rottmans had discussed any resolution of this matter and received a negative answer.

Selectman Clark then asked Dog Officer DeWallace if she had anything to add to the statements of the Rottmans and Ms. DeWallace replied that the presentation had been accurate. Ms. Clark asked whether there had been any previous incidents and Ms. DeWallace replied in the affirmative, that there had been a bite incident prior to this problem. The Dog Officer's January 17, 1996 written report cited a complaint and bite on August 25, 1993, and attack on another neighborhood dog on November 10, 1995.

David Wallace then spoke as attorney for the Bagley family. He stated that the Bagleys are responsible dog owners, and that as outlined in a memorandum that Mr. Wallace submitted this evening to the Board, the owners do not believe that "Brutus" (the Bull Mastiff accused of attacking the Rottmans' dog)

IN BOARD OF SELECTMAN  
MONDAY, JANUARY 22, 1996  
PAGE 2

deserves to be destroyed. Mr. Wallace asked that the recommendation made in his memorandum be adopted by the Selectmen, as he stated that the dog is kind and gentle with all people, and even good with children.

In response to Selectman Clark's queries as to the weight and age of Brutus, Mr. Wallace stated that the dog weighs 165 pounds and is 6 years old. Mr. Wallace furthered that this breed is not known to be aggressive (as is a German Shepherd, e.g.) and that Brutus was on a leash when this incident occurred. Mr. Wallace said that a "natural friction" occurs when one dog is on a leash and the other off, as was the Rottman dog. Mr. Wallace also said that since the incident occurred near Brutus' yard, his naturally territorial nature and the fact that Mrs. Bagley was unable to hold him back contributed to the incident. Mr. Wallace stated that the Bagleys have since had a muzzle custom-made for Brutus which they use at all times while he is being walked. He said that the Bagleys propose this evening that the muzzle will be on Brutus when he is outside and that he will be neutered within a few weeks. He said that the Bagleys realize that the death of their dog is like a death in the family for the Rottmans and therefore, would like to pay for the replacement of the Sheltie. He concluded by saying that he asks that the Board recognize the several affidavits submitted this evening testifying that Brutus is not vicious.

Selectman Clark asked about the other Bull Mastiff present at the time of the attack, and was told that it was a female of the same litter as Brutus and that it could be posited that Brutus was also defending the female when he acted aggressively.

Ms. Clark asked the Rottmans for their opinion of the proposals made by the Bagleys to keep Brutus under the conditions they offered. Mr. Rottman responded that although he understands that Brutus is part of the Bagley family, this is an aggressive and vicious dog and that the owners knew it prior to this incident. He pointed to the fact that Mrs. Bagley was not strong enough to prevent her dog from killing his smaller dog and said that some other neighbors are also afraid of Brutus. Mr. Rottman said that he is a board-certified pathologist and stated that his dog died from a single, massive bite to its dorsal, thoracic region, that one of Brutus' canine teeth had punctured his dog's lung. Mr. Rottman said that these three factors: aggression (Brutus killed), intention to kill (without a warning growl, as Mrs. Bagley herself told the Rottmans), and the history of aggression (other prior incidents) are the reasons he and his wife are asking that Brutus not be allowed to stay in the Bagley home. Mrs. Rottman added that in her experience, a pattern of aggression will worsen over time and wondered if a human would be the next victim. She said that since she lives 50 yards from the Bagley home, she is afraid for her small children. Mrs. Rottman said that with many small children in her neighborhood and with many other neighbors expressing fear of Brutus, that she asks that Brutus be removed from Sudbury altogether. She said that if the Selectmen do nothing that there is always a chance that the dog can get out of its muzzle and attack another dog or human.

Selectman Clark asked if neutering will change Brutus' disposition and Mr. Rottman replied that this is not a foolproof method and that the dog's aggressive, learned behavior is the problem rather than hormonal factors. Mrs. Rottman opined that since Brutus is six years old, neutering would do very little to alter his disposition as it might have at a younger age. Ms. Clark asked about medicine for aggressive behavior, but Mr. Wallace responded that Brutus is not "hyperactive" and Mr. Rottman added that daily medication would not be fair to the dog.

At this point, Mr. Bagley stated that he and his family deeply regret the incident in question. He asked again if the Rottmans would accept compensation for their loss and/or to replace the dog. He reiterated Mr. Wallace's point that he and his wife are not irresponsible people and they believe that the remedial measures they have proposed this evening will prevent another incident. He mentioned that he has

IN BOARD OF SELECTMAN  
MONDAY, JANUARY 22, 1996  
PAGE 3

a kennel on his property and responded to Selectman Clark's query on this kennel by stating that it is six feet high and that Brutus cannot jump over this height. Mr. Bagley said that the Bull Mastiff is regularly referred to as a "gentle giant" and is known to be gentle with children. He said that Brutus does not growl at people and shows no aggression to people. He concluded by asking that the offer he has made be accepted as reasonable.

Selectman Clark asked if Brutus shows aggressive behavior toward other dogs and Mr. Bagley said that he does not, unless other dogs are near the Bagley property, as Brutus is protective of his own property. Mrs. Bagley told Ms. Clark that on the day in question she had walked outside with her dogs on a leash; when she noticed a small dog unleashed, so to try to prevent an incident, she turned around to return to her home. She said, however, that the small, unleashed dog arrived near her very quickly and that there was a small amount of mutual growling before a very quick attack, one she was not strong enough to prevent. Ms. Clark asked if Brutus could have been protecting the female Mastiff, but Mrs. Rottman interjected that it was more a territorial issue. She continued that her small dog was only about 29 pounds and could not walk in the deep snow and for that reason was in the middle of the plowed street. She said that her dog took a submissive pose, but Brutus attacked it despite this.

At this point, Mr. Wallace wondered whether this hearing could be continued for some weeks in order to have a trial period to see if the Bagleys' proposed conditions and modifications to Brutus' situation would satisfy the Rottmans. Selectman Blacker stated here that he would like added to the conditions proposed by the Bagleys that Brutus be penned at all times, that he not be allowed out at all, not even on a leash. Mrs. Rottman responded that she is not willing to risk a trial period, even with a muzzle and a leash and Mr. Rottman said that the Bagleys have had opportunities to modify Brutus' behavior in the past, that they now must do something to ensure that such an incident will never happen again. Mr. Wallace again asked the Rottmans to give the Bagleys the chance to keep Brutus under the restrictions they propose to impose on themselves; he said that he personally would not plead the case for the Bagleys if he believed Brutus to be vicious. Mr. Wallace then cited a personal experience with his young son and a vicious dog as evidence that he would never help anyone keep a dangerous dog in Town.

Mrs. Rottman countered that the evening they met with the Bagleys after the incident, the Bagleys had stated to her that there had not been a previous history of attacks by Brutus. Mrs. Rottman said that she subsequently found that this is not the truth, that there had been at least three other dogs attacked by Brutus. She said that Brutus' protecting his own property is not a true reflection of what happened, because the incident happened on a public street. She said that the Bagleys said that Brutus is never off a leash, but that also is not true, that she has seen Brutus off a leash in front of her own home. For all these reasons, Mrs. Rottman reiterated her desire that Brutus be sent out of Town.

Selectman Blacker stated that banishing the dog to another town only passes the problem to that other town. Mr. Blacker further stated that he hears the Rottmans expressing their concern about the vicious nature of Brutus and yet does not hear them asking that Brutus be destroyed. Mr. Blacker then reviewed the offer by the Bagleys to take several measures to control their dog, to which Mr. Blacker himself has this evening added the condition of kenneling at all times. Mr. Blacker expressed his opinion that the conditions proposed by the Bagleys and adding the kenneling should be enough to protect the neighborhood from further incidents. Selectman Clark stressed here that Brutus should not be walked even on a leash, as he is too big to be restrained by his owners even on a leash. She asked Mr. Bagley how big the kennel on his property is and was told it is currently 30' by 12' but that the pen will be enlarged to 80' by 30', and that at Brutus' size there is no chance that he could dig a hole big enough for himself to go under the fence or to

jump high enough off the ground to go over the fence. Interim Town Manager Thompson suggested that the Selectmen's approval of the enlarged pen be subject to Dog Officer DeWallace's approval.

At the close of the public hearing held January 22, 1996, it was on motion unanimously

VOTED: It is ordered that the Bull Mastiff named Brutus, owned by Ralph and Debra Bagley, 71 Willis Lake Drive, shall be kept penned at all times on the property of the Bagleys (in an enlarged and improved pen to be subject to the approval of the Dog Officer), and also shall be muzzled at all times when outside, even when in its pen; that when the dog is being transported off the property, it be always on a leash and muzzled; that the dog be neutered within 30 days of this order; that the Bagley family make restitution to the Rottman family for the loss of their dog; and that if any of the above conditions are not met by the Bagley family, the Town will pick up the dog and the dog will be banished from Sudbury.

#### 220th Town Forum

Present: Nancy "Hasty" Evans, State Representative, and representatives of Town boards and departments.

At 8:05 p.m. Acting Chairman Clark convened the 220th Session of the Town Forum. Various representatives of the Town's boards and departments updated the Town on their activities; following which Town Forum was adjourned and coffee and conversation enjoyed by those present.

This Town Forum was televised over the local Cable network, and a copy of the videotape is available for a period of one year by contacting the Selectmen's Office.

#### Meeting with Members of Lincoln/Sudbury Regional School Committee

Present: Frederick Pryor, Donna Coutu, and David Wilson, members of Lincoln/Sudbury Regional School Committee.

Mr. Pryor stated that he asks for the support of the Selectmen at Town Meeting for the improvement of Rogers Theatre at Lincoln/Sudbury. He provided the Board with an easel display of blueprints of the current theatre and the proposed improvements. Mr. Pryor said that in a study done by Gale Engineering in 1991, several improvements were listed as being necessary at the high school; he said that of these, two out of three have been accomplished (roof repair and boiler repair) and that now it remains to accomplish the third, the redesign of Rogers Theatre. Mr. Pryor added that in 1994, the Town of Lincoln had passed the debt exemption for Rogers Theatre, but that it was defeated at Sudbury's Town Meeting last year. Mr. Pryor stated that last year the Finance Committee came up with a priority list for future projects and that the Long Range Planning Committee's first choice for priority was Rogers Theatre, with the Highway Department building being second and the library improvements being third. Mr. Pryor furthered that he knew how necessary the highway building was to the Town and that the library issue needed to be addressed in order that strategy for obtaining the State grant be worked out. Therefore, Mr. Pryor continued, he realized last year that Rogers Theatre would have to wait until next year in order to give these first two projects priority. Mr. Pryor concluded his opening remarks by stating that since preparations for the 1996 Town Meeting are currently underway, his committee again will be making a capital request for the redesign of Rogers Theatre.

Mr. Pryor then gave two information sheets to the Board. The first sheet is entitled "Why Renovate Roger's (sic.) Center?" and addresses goals for renovation, current problems with Rogers as it now exists, discussion of the renovation and use of the auditorium as an alternative, a "bottom line" on costs of



Public Hearing – Rose/Gorgone Dog Hearing

Present: Pamela Rose, Alan Rose, Philip Gorgone and Dog Officer Betsy DeWallace.

The Board was in receipt of the following correspondence:

1. A formal complaint against Mr. Philip Gorgone's Golden Retriever of 76 Churchill St., by Mr. and Mrs. Rose, 7 Tudor Rd., made at the Town Clerk's Office on May 1, 1998.
2. A memo dated May 14, 1998 from Dog Officer Betsy DeWallace to the Board of Selectmen describing attacks on April 27, 1998, and May 5, 1998, by Mr. Gorgone's Golden Retriever on Mr. and Mrs. Rose's Chow.
3. A letter dated May 13, 1998, from the Roses' next door neighbor, Ms. Michelle Watkins, describing an attack on April 27, 1998, by two Golden Retrievers on Mr. and Mrs. Rose's Chow.
4. A letter dated May 15, 1998, from the Roses' neighbor across the street, Mr. Barry Katz, describing an attack on April 27, 1998, by two Golden Retrievers on Mr. and Mrs. Rose's Chow.
5. A report written by Robin R. Knox, D.V.M., of the Sudbury Animal Hospital describing the condition of the Rose's Chow after it was attacked on April 27, 1998, and veterinary bills.

Chairman Drobinski opened the public hearing by swearing in both parties, who by raising their right hand, swore to give truthful testimonies.

First, the Board heard from Pamela Rose who owns a male Chow that is nine years old and is restrained by an invisible fence and is consistently walked with a leash. Mrs. Rose stated that her Chow and Mr. Gorgone's nine-year-old, male Golden Retriever do not get along and her Chow has been attacked three times within a two-week period. Mrs. Rose presented pictures to the Board of her Chow's ear, which was badly mutilated by Mr. Gorgone's Golden Retriever. She stated she has incurred \$400 in veterinary bills within two weeks and her children are very upset with what happened to their dog. Mrs. Rose submitted photos of her Chow's injuries and stated she would like to see some restraint of the Golden Retriever.

Dog Officer Betsy DeWallace commented these dogs were arch enemies and she did not believe they would ever get along. She mentioned Mrs. Rose's Chow and Mr. Gorgone's Golden Retriever where the discussion of a prior dog hearing. Ms. DeWallace stated that Mrs. Rose has complied with the requirements of the prior hearing and her Chow has been fully and successfully restrained. She also suggested that Mr. Gorgone's Golden Retriever be restrained and leashed.

Mr. Gorgone stated he will take precautions and to restrain his Golden Retriever as soon as possible. He explained he has looked into an invisible fence and has considered a chain-link fence to enclose his back yard.

Selectman Clark questioned whether either of these dogs had been altered and believed that fencing would be appropriate. She stated the Golden Retriever cannot be allowed to run free.

Mr. Gorgone stated his Golden Retriever was not altered and did not know if his family would agree with altering the dog, as he is approximately nine years old. Mrs. Rose also stated her Chow was not altered.

Next, Selectman Clark suggested that Mr. Gorgone reimburse Mr. and Mrs. Rose for their veterinary bills. Mr. Gorgone stated, in the past, Mrs. Rose's Chow bit his son and he was not compensated for any medical or veterinary bills. Mr. Rose stated he would be willing to forgo any reimbursement; however, at the time, he did not know about Mr. Gorgone's bills. Chairman Drobinski commented he did not think the Board

had statutory authority to enforce Mr. Gorgone to reimburse Mr. and Mrs. Rose. Mrs. Rose expressed she would like a guarantee that the Golden Retriever would be restrained and would like to see some restitution, considering her Chow's ear will never stand up again.

It was on motion unanimously

VOTED: To continue this dog hearing for six months to measure the restraining results of Mr. Gorgone's Golden Retriever, which such restraint shall be put in place within the next thirty days, and to revisit the Board of Selectmen's statutory authority regarding restitution.

#### Minutes

It was on motion unanimously

VOTED: To approve the minutes of May 4, 1998, regular and executive sessions, with the following two changes to the regular session: 1) page 3, Selectman Roopenian stated the dollar amounts were listed as \$75 and \$100, but should be \$100 and \$75 for the per pupil amount; and 2) Selectman Clark wanted to include on page 5 Chairman Drobinski designated her as an official representative of Sudbury at the I-495 Initiative meetings and she accepted.

#### Council on Aging

It was on motion unanimously

VOTED: To accept \$144.08 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.

#### George J. Raymond Scholarship Fund

It was on motion unanimously

VOTED: Acting as Co-Trustees of Town Donations, at the request of Co-Trustee and Town Treasurer Maureen Valente, to release \$946.46 from the George J. Raymond Scholarship Fund for payment of the 1997-98 scholarship for Michael Hwang.

#### Pamet Systems, Inc.

The Board received a copy of a letter to Police Chief Peter Lembo dated January 14, 1998, stating the price of the 4-car mobile data system had been reduced to reflect the mobile installation costs and the CDPD installation. Also forwarded to the Board was a copy of the \$49,000 quote given to Sgt. Peter Fadgen.

It was on motion unanimously

VOTED: To approve a contract by the Police Department with Pamet Systems, Inc., 1000 Main Street, Acton, for a four-car mobile data system, in accordance with their proposal dated January 14, 1998/Quotation No. 01138-1, in the amount of \$49,000. (\$23,000 is being paid from a grant.)

Public Hearing – Rose/Gorgone Dog Hearing

Present: Pamela Rose, Alan Rose, Philip Gorgone and Dog Officer Betsy DeWallace.

The Board was in receipt of the following correspondence:

1. A formal complaint against Mr. Philip Gorgone's Golden Retriever of 76 Churchill St., by Mr. and Mrs. Rose, 7 Tudor Rd., made at the Town Clerk's Office on May 1, 1998.
2. A memo dated May 14, 1998 from Dog Officer Betsy DeWallace to the Board of Selectmen describing attacks on April 27, 1998, and May 5, 1998, by Mr. Gorgone's Golden Retriever on Mr. and Mrs. Rose's Chow.
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Chairman Drobinski opened the public hearing by swearing in both parties, who by raising their right hand, swore to give truthful testimonies.

First, the Board heard from Pamela Rose who owns a male Chow that is nine years old and is restrained by an invisible fence and is consistently walked with a leash. Mrs. Rose stated that her Chow and Mr. Gorgone's nine-year-old, male Golden Retriever do not get along and her Chow has been attacked three times within a two-week period. Mrs. Rose presented pictures to the Board of her Chow's ear, which was badly mutilated by Mr. Gorgone's Golden Retriever. She stated she has incurred \$400 in veterinary bills within two weeks and her children are very upset with what happened to their dog. Mrs. Rose submitted photos of her Chow's injuries and stated she would like to see some restraint of the Golden Retriever.

Dog Officer Betsy DeWallace commented these dogs were arch enemies and she did not believe they would ever get along. She mentioned Mrs. Rose's Chow and Mr. Gorgone's Golden Retriever where the discussion of a prior dog hearing. Ms. DeWallace stated that Mrs. Rose has complied with the requirements of the prior hearing and her Chow has been fully and successfully restrained. She also suggested that Mr. Gorgone's Golden Retriever be restrained and leashed.

Mr. Gorgone stated he will take precautions and to restrain his Golden Retriever as soon as possible. He explained he has looked into an invisible fence and has considered a chain-link fence to enclose his back yard.

Selectman Clark questioned whether either of these dogs had been altered and believed that fencing would be appropriate. She stated the Golden Retriever cannot be allowed to run free.

Mr. Gorgone stated his Golden Retriever was not altered and did not know if his family would agree with altering the dog, as he is approximately nine years old. Mrs. Rose also stated her Chow was not altered.

Next, Selectman Clark suggested that Mr. Gorgone reimburse Mr. and Mrs. Rose for their veterinary bills. Mr. Gorgone stated, in the past, Mrs. Rose's Chow bit his son and he was not compensated for any medical or veterinary bills. Mr. Rose stated he would be willing to forgo any reimbursement; however, at the time, he did not know about Mr. Gorgone's bills. Chairman Drobinski commented he did not think the Board

had statutory authority to enforce Mr. Gorgone to reimburse Mr. and Mrs. Rose. Mrs. Rose expressed she would like a guarantee that the Golden Retriever would be restrained and would like to see some restitution, considering her Chow's ear will never stand up again.

It was on motion unanimously

VOTED: To continue this dog hearing for six months to measure the restraining results of Mr. Gorgone's Golden Retriever, which such restraint shall be put in place within the next thirty days, and to revisit the Board of Selectmen's statutory authority regarding restitution.

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26

(NOTE: It was later reported that the Fire Chief stated there is no official occupancy limitation requirement, but that the restaurant should not admit more persons than seating allows. Regarding egress, he stated he would need to review the plans again.)

**Dog Hearing – Gijsbertus Brandse, Owners**

Present: Betsy DeWallace, Dog Officer; Paul Kenny, Town Counsel; Kevin Stevenson, 46 Atkinson Lane; Sara Sundborg, 73 Willow Road.

At 8:50 p.m. Chairman O'Brien convened a Public Hearing for the purpose of hearing testimony relative to a complaint dated August 24, 2005, by Betsy DeWallace, Dog Officer for the Town of Sudbury, against two Boxer dogs, Rocky and Ozzie, harbored by Gijsbertus Brandse at 82 Old Garrison Road.

The Board reviewed the following information:

- 1) Notarized Complaint, dated August 24, 2005, from the Dog Officer, to the Board of Selectmen against dogs owned or harbored by Gijsbertus Brandse, 82 Old Garrison Road, declaring the two boxers, Rocky and Ozzie to be of vicious disposition, as three joggers were bitten in separate incidents on May 18, 2004 and August 18, 2005.
- 2) Letters, dated August 25, 2005, to dog owner Gijsbertus Brandse, and joggers in August 2005 incident, Kevin Stevenson, 46 Atkinson Lane, and Sara Sundborg, 73 Willow Road, asking for their appearance at a Public Hearing at the Selectmen's meeting on September 6, 2005.
- 3) Report, dated September 1, 2005, from Betsy DeWallace, Dog Officer, submitting information on incidents on May 18, 2004, January 12, 2005, and August 18, 2005, involving two Boxers named Rocky and Ozzie. Ms. DeWallace notes Mr. Brandse utilizes an electric fence to control the dogs, but she recommends further measures. She suggests another fence be installed on the property, in addition to the invisible fence, to keep the dogs confined to the property.
- 4) Reports from the Sudbury Police Department, reporting on incidents involving two Boxers, Rocky and Ozzie, in January 2005 involving the biting of a delivery man by Ozzie and August 18, 2005.

Mr. Paul Kenny, Town Counsel, stated the purpose of the hearing was to address a complaint against two dogs that have repeatedly bitten joggers and other individuals. He stated the process includes review of the complaint, and then a hearing by the Selectmen to consider the complaint. Testimony is elicited from all parties, and the owner has an opportunity to respond. Mr. Kenny stated that, after hearing testimony, the Selectmen have several options: 1) determine no action is necessary; 2) order the dogs restrained in excess of existing leash law. If dogs are loose after this order, any damage done is assessed at three times the cost. The owner is liable for any damage a dog does; the only defense is if a dog reacts after provocation; 3) the dogs can be banished, or 4) the dogs can be declared vicious and ordered to be destroyed.

At this time, Mr. Kenny swore in the following individuals: Betsy DeWallace, Sara Sundborg, and Kevin Stevenson.

Chairman O'Brien determined the dog's owner, Gijsbertus Brandse, was not in attendance. Town Manager Valente stated the owner was notified of the hearing by certified mail, return receipt. She had no communication from the owner as to whether he was planning to attend the hearing.

Selectman Drobinski asked if the hearing can proceed if the owner is not present. Mr. Kenny stated the hearing can proceed, and testimony/evidence can be heard, in order for the Selectmen to make a decision. If a decision is made, the owner will be notified and he has ten days to appeal the decision. Mr. Kenny clarified that, if the Board orders a dog to be restrained, the Police Department has the authority to shoot the dog if it is behaving in a dangerous manner. He acknowledged such an action most likely would not occur, but the authority exists. The police officer is indemnified under state statute, so no action could be taken against the police officer.

Mr. Kenny asked Ms. DeWallace if she was familiar with the dogs in question, Rocky and Ozzie. She responded she had not met them personally, had attempted to do so this past weekend, and was unable to do so. She said, "I just think these two dogs working together, at some point, are going to do some serious damage."

Mr. Kenny: Can you tell the Selectmen about these two dogs?

Ms. DeWallace: It is basically bites on moving objects, people jogging, or whatever. The two of them together could pull someone down. They haven't but they certainly could. They are good sized dogs.

Chairman O'Brien: What is the size of these dogs?

Ms. DeWallace: A medium sized dog, very quick, 60 to 80 pounds on average. They are both neutered males.

Mr. Kenny: Are both dogs registered in Town? Have you had occasion to check the registration?

Ms. DeWallace: They are both registered, and the paperwork lists Mr. Brandse as the owner, which is why he has been listed on the dog complaints.

Mr. Kenny: Have you seen the police reports regarding these dogs and recent incidents?

Ms. DeWallace: Yes, I have seen the reports.

Mr. Kenny: Were these reports initiated by a police officer investigating the dogs? And, if so, under what conditions?

Ms. DeWallace: The officer was investigating the dogs biting people in two separate incidents. Mr. Kevin Stevenson and Sara (Sally) Sundborg. I met Mr. Stevenson tonight, and have talked with Mrs. Sundborg.

Mr. Kenny: Let the record show the police reports are dated January 12, 2005 and August 18, 2005.

Ms. DeWallace: The January incident involved a delivery man, while the August incident involved Mr. Stevenson and Mrs. Sundborg, approximately 5 minutes apart.

Selectman Keller: Let the record show that the Board received a packet containing all pertinent reports and documents. This hearing involved the August biting incidents only. (addressing Ms. DeWallace) Please tell us about the first incident involving the dogs, in 2004, and what the disposition was at that time?

Ms. DeWallace: That incident involved a doctor from Colorado, and was handled by the Assistant Dog Officer Ms. Paula Adelson. The dogs were quarantined, the owner fined, and I believe the owner appealed the fine.

Mr. Kenny: Can you look at the documents and see if it refreshes your recollection?

Selectman Keller: I want to know if any fines were paid.

Ms. DeWallace: I really don't know, but I don't think so.

Mr. Kenny: Let me call your attention to another document. Let's look at a letter from Ms. Paula Adelson to Dr. David Trevarthen. Does it appear that the owner attended the hearing?

Ms. DeWallace: It appears he did not, according to Paula's comments in the letter.

Mr. Kenny: Now the next incident occurred on August 18? Is that a fair statement? Is that the next incident?

Ms. DeWallace: The next incident was in January of 2005, involving a delivery man at the house, who was bitten by one of the dogs.

Mr. Kenny: Was that incident reported to the police and do you have that document before you?

Ms. DeWallace: Yes, it was reported, and I do have the report.

Chairman O'Brien: On the incident with the doctor from Colorado, the documents indicate the fine was appealed, and the court date postponed as the Assistant Dog Officer was unable to attend. A letter of August 18 from Ms. Adelson indicated the dog's owner did not attend, and urged the doctor to sign a complaint order. What happened with that process?

Mr. Kenny: I am assuming that the District Court has issued a notice on the complaint, and we have not been notified, or Mr. Brandse did not appear. We only know he did not pay the fine. He is already in contempt and in default by failing to appear. Failure to appear is a civil infraction; failure to pay the fine after non-appearance is a criminal infraction. At this time, Mr. Brandse appears to have both civil and criminal infractions.

Selectman Keller: Any fine on the January incident?

Mr. Kenny: No, there was not.

Selectman Keller: Let's hear from the witnesses so they can tell us what happened. (addressing Mrs. Sundborg) Can we assume your incident occurred first?

Mrs. Sundborg: Yes, I was first. I was coming up Old Garrison from French, and the two dogs came out. One came out, and he started growling at me, really ferociously. He bit my ankle, and the other dog came out and bit my wrist. I kept my hands like this (motioned with hands in front of her) walked backwards and kept yelling to Stay, Stay. I got away from their driveway and waited for a car to come by, and then I heard yelling, really scary yelling. He was yelling as much as he could. I heard the dogs barking and everything. I went to a nearby white house and asked a woman to call the police as the dogs were attacking

this man. The woman said she had had trouble with these dogs before, and she said she would call. I came out of the house and didn't hear the dogs barking anymore. So I walked up Old Garrison, came upon Mr. Stevenson and we talked about the dogs. I said I was going to call the police.

Mr. Kenny: Can you tell me where did the dogs come from?

Mrs. Sundborg: They came down their driveway and out into the road.

Mr. Kenny: Do you know who owned the home?

Mrs. Sundborg: No, I did not know who owned the home. I'd seen the dogs before, usually in the back yard. I knew they had an electric fence in the front yard. They are very scary. I saw a neighbor leaving his house one morning, and asked if he knew who the owner was. A few days later, I was running by the house, and I saw the owner, and he stopped his car to ask if I had gotten bitten. I told him his dogs were the fiercest I'd even seen. He said he was sorry, that he had the fencing and would try to get more fencing. They were scary. I've run that road for 29 years now. They've only lived in the house about six years or so.

Chairman O'Brien: Do you know how long the dogs have been there?

Mrs. Sundborg: I think a couple of years at least.

Selectman Keller: My wife mentioned this is your usual route. She usually walks it. Have you seen these dogs on the property?

Mrs. Sundborg: I've seen them on the property, and heard about them from other runners who warned me about them.

Selectman Keller: Do you know what the electric fence collars look like on the dogs?

Mrs. Sundborg: No, I do not.

Selectman Keller: Typically they have a black box on them at the bottom, about one inch square. Many companies have a green collar with a black box with prongs on it that deliver the electric shock.

Chairman O'Brien: When the dogs came off the property, did they come out of an open garage door or anything like that?

Mrs. Sundborg: No, not that I could see. I think they were on the driveway and they just came out. The driveway is pretty long.

Chairman O'Brien: Typically an electric fence is buried under the grass.

Selectman Keller: Yes, it has to make a circumference around the property.

Mrs. Sundborg: He told me that sometimes electric storms play havoc with the collars. I don't know if that is true.

Chairman O'Brien: Did you require any treatment?



Mrs. Sundborg: No. I don't think electric fences work with those dogs.

Chairman O'Brien: Have you changed your run around, time of day or anything?

Mrs. Sundborg: I knew they were on quarantine, and then we were away.

Chairman O'Brien: I wouldn't want you to change something you have been doing for 29 years.

Selectman Drobinski: I have heard electric fences don't always work. If the dog sees something he really wants to go after, he will go through the fence. Sometimes it works, sometimes it doesn't. It's not an adequate deterrent, especially with larger dogs.

Selectman Keller: You can get bigger collars with bigger prongs. It's a training tool, and if the dog is well trained, it works pretty well. If they are not well trained, or if the owner is non consistent with the animals....once the dogs truly learn, the dog does not even have to wear the collar. I have an electric fence, and the dog doesn't go near the fence. Obviously there is a problem here.

[Mrs. Sundborg leaves the witness chair]

Mr. Kenny: The delivery person attacked in January was Mr. Jose Yeb of Randolph, Mass. He was working in Sudbury at the time.

Mr. Stevenson takes the witness chair.

Mr. Kenny: Can you tell the Selectmen your name and address?

Mr. Stevenson: Kevin Stevenson, 46 Atkinson Lane.

Selectman Keller: Tell us what happened.

Mr. Stevenson: I typically run from Atkinson down Dutton Road to Old Garrison up to French and back up. It so happens this morning as I was going through Old Garrison and it all happened so suddenly that I have two dogs jumping on me. One jumped, I guess took a nip off the side of my ribcage, and the other dog bit my calf, and the one that jumped bit my other calf. And you're right, I was screaming for someone to take these dogs off me. It was kind of a shock at the time. You asked about the size of the dogs. I guess when you have two fairly large dogs coming after you, they're big. After that, I do recall, that the dogs stopped and then raced back onto the property. A little verbal exchange between myself and a person from the house, and they asked if I'd been trespassing. I said no, I was in the middle of the road going up to French. I was pretty shocked and started walking home. There was a police officer/cruiser driving by and I flagged it down. We talked about it, the officer helped me get some medical help and took me home. I have often been hesitant to run down that road, but did notice a bunch of wild turkeys on the road that didn't seem to be bothered.

Selectman Keller: Did you happen to notice if they were wearing the collars?

Mr. Stevenson: No, I didn't notice. There was a lot going on.

Selectman Drobinski: They're short-haired dogs and I think you'd notice if they were wearing the collars.

Mr. Stevenson: That's true.

Selectman Keller: Can't work if you don't put it on the dog. But it's not enough for these dogs.

Mr. Stevenson: These folks did have the electric fence that went under the driveway as well as around the yard. I know the driveway had been replaced recently.

Selectman Keller: They can get through. The whole idea of these fences is to provide a barrier, but if they run through a few times, they don't mind the zap. They get zapped going through, and zapped coming back through.

Mr. Kenny: Did someone call the dogs off?

Mr. Stevenson: I didn't actually hear someone, but they did run back, and I think someone was waiting for them in the driveway. It's a pretty long driveway.

Mr. Kenny: Did they come down to inquire as to your condition?

Mr. Stevenson: No, there were a few words on my end, and the only response was whether I'd been on the property. As a matter of fact, I don't know if they knew I'd actually been bitten.

Selectman Drobinski: Did they also hear your yelling?

Mr. Stevenson: I'm sure they did. The bite marks were fairly visible too.

Mr. Kenny: Is there anybody here representing the dog owner? [No response] The hearing procedures list that the Board may now make a recommendation relative to these dogs. If I may sum up what we've heard here today, these dogs bit and caused someone to go to the Mass General Hospital in 2004, again in January of 2005. In 2004, they were cited under town bylaw, a fine was appealed, but they did not care enough to appear in court and have done nothing thus far. In August of 2005, Mr. Stevenson did say someone was at the end of the driveway, and though they may not have seen he was bitten, they did inquire if he had been on the property, which, incidentally, if he had been, is not an excuse for the dogs to bite anyone. The person harboring the dogs was notified by certified mail, return receipt returned to the Town, and they have not shown any consideration for the dogs' behavior and circumstances. I would suggest that the only course of action is to order the dogs destroyed. To banish them would be to send the problem to another community, which could be with more disastrous results. From what we've seen thus far, it is unlikely these people would obey any orders you issue.

Selectman Keller: If we were to order them restrained, and then they were observed by a police officer on the loose, could they be shot and destroyed on sight?

Mr. Kenny: Yes, they can do that, but I only said that to tell you what the standpoint is from the law. But I find it difficult to believe that would happen unless the officer were being attacked themselves.

Selectman Drobinski: I don't think they would discharge a firearm. I would recommend that the Board declare these dogs are vicious, that a person was injured, and come up with a recommendation from that.

Selectman Keller: I move that we declare the two dogs in question as “vicious” under our bylaw.

Selectman Drobinski: Second.

Chairman O’Brien: It has been moved and seconded that the dogs be declared “vicious”. Any further discussion on that declaration? All in favor. [Ayes all around]

Selectman Drobinski: I hate to have any dog destroyed. I’m sure these animals are loved by their family. Unfortunately we had two adults attacked, and I mean by that, that it was not children or an elderly person.

Mr. Stevenson: I’d hate to see them hurt too. I’m a big dog lover. If there is some way, I’m really disappointed the owner has not shown up tonight, to demonstrate that these dogs are not a problem.

Selectman Drobinski: We have to make a decision. If it was a young child or elderly person, it could have been really serious. We have banished only one dog, or was it two?

Ms. DeWallace: One incident, two dogs.

Selectman Drobinski: The individual attacked was bitten on the face and seriously injured. We could order further restraint, and ask the family to come in to talk about it.

Chairman O’Brien: The reason I asked about the licensing, is that we have here two people who are runners, fairly fit, strong, and in one incident, the skin was broken, and a visiting family [the Colorado family], plus the delivery person. While I agree with you that destruction is not my first choice, there seems to be a pattern of behavior. I think we also have owners who a) cannot be responsible in controlling their dogs, and b) have no regard for the legal process and appear in court. It takes some nerve to not appear in court. I think we would really be testing our luck to require a kennel or high fence, as dogs are pretty ingenious in finding ways to get out, dig under it, gnaw through it, and there is always the chance that a door is open. I see a pattern from the dogs, and a pattern from the owners.

Selectman Keller: What’s the significance of our ordering restraint of the dogs, in terms of the owners?

Mr. Kenny: Ordering restraint of the dogs is legal notice to restrain the dogs completely, in addition to what the bylaw orders. Restraint would require the dogs be kept inside the house or fencing put up to accomplish that.

Mrs. Sundborg: It would have to be a serious enclosure to make sure they cannot escape, and have the Dog Officer check it out.

Mr. Kenny: In another incident, an enclosure was ordered, Betsy looked at it and decided it was a good fence, and the dogs dug under it, and they ended up putting in concrete. Those owners showed up at the hearing and tried to work with us to resolve the matter.

Selectman Drobinski: What was the last dog hearing we had?

Selectman Keller: Sulkowsky. But he didn’t bite anyone.

Selectman Drobinski: He was just running around the neighborhood visiting people. But he was also a big dog, and scary looking.

Ms. DeWallace: He would just run around town, like he owned it.

Chairman O'Brien: Well, we issue this decision and they can appeal our decision?

Mr. Kenny: Yes, they can appeal the decision to the District Court in Framingham. They will have a hearing before a Clerk Magistrate, and if they don't like that determination, they can appeal that to the judge.

Selectman Drobinski: We know that process already. [pause] It's not a happy situation.

Chairman O'Brien: It's difficult that the owners are not here, made no attempt to contact, not a phone call, email, or even snail mail, and apparently, from reading all the correspondence, there would have been at least one grown child who could have come down, even if the owner were away.

Selectman Drobinski: They could also have asked the hearing be continued. I just feel that we shouldn't really take the chance in allowing restraint, and then having something happen. It's just not a good situation, the viciousness of the attack, the two dogs together.

Chairman O'Brien: It's that pack mentality. Betsy, is this breed on the "vicious" list?

Ms. DeWallace: I don't think so.

Mr. Kenny: If you look at Paula Adelson's letter, she mentions that the breed is on that list.

Chairman O'Brien: I understand what you're saying. Mr. Stevenson and Mrs. Sundborg, that area is a mixed population, from the very young, babies in strollers to senior citizens. It's an area where your kids could conceivably be walking over to the Fairbank Center, using walkways, and such.

Selectman Keller: Can we order them destroyed, but give them an opportunity to come to the next meeting to discuss it?

Selectman Drobinski: If you do that, then order them restrained totally in the meantime. If they don't show up at the next meeting, then order the dogs destroyed. They can explain to us why the dogs behave as they do.

Selectman Keller: And what they're doing about it.

Selectman Drobinski: I would agree with that. Order the dogs restrained, can't get out of the house, if they are seen on the street, they are picked up. If the owners do not show up at the next meeting, we order the dogs destroyed.

Chairman O'Brien: Can we structure that in such a way that, if they were to be picked up by the Dog Officer in the meantime, they would be held until the hearing?

Selectman Keller: Can we do that?

Mr. Kenny: What I would suggest is you order the dogs restrained, continue the hearing to the next meeting, and advise them that the clear indication is that they will be destroyed if there is no further information as to why they should not be put down. That would do two things: 1) notify them there is potential they will be destroyed, they will have notice, and 2) gives them an opportunity to come defend them. In the meantime, order the dogs restrained. Under the statute, they can be picked up and what's going to happen then, is that the dogs cannot be released without a court order. We can hold them without any liability. You still have all your options open.

Chairman O'Brien: I would like to add something to that. I would like it to be defined as "house arrest", that they are in the house all the time except to be walked, and then always on a leash. That's the only option. The electric fence is not an adequate deterrent. And when on the leash, controlled by an adult who can handle the dogs. And be restricted to the owner's property.

Mr. Kenny: I think it's perfectly appropriate for the Board to determine the manner of restraint.

Chairman O'Brien: Will the letter be sent from your office?

Mr. Kenny: My office will draft it for sure, and it may come from my office or the Town Manager's.

Chairman O'Brien: I move we order the dogs to be totally restrained, within the house, and when being walked, always on a leash outside the house. And that the hearing is being continued to the 20<sup>th</sup>, and at that time a final decision will be made as deemed appropriate.

[At this time, there was brief discussion relative to scheduling the continued hearing on the 20<sup>th</sup> of September. The time was fixed for 9:15 p.m.]

Chairman O'Brien: In the letter, I would not mince words that the Board is prepared to have the dogs put down.

Mr. Kenny: We will make sure the owners are aware of the gravity of the situation.

Town Manager Valente: In order for this letter to be sent out in a timely manner, perhaps you want to designate the Chairman to approve it on behalf of the Board.

Selectman Keller: Can we have a police officer deliver it?

Selectman Drobinski: I move we authorize the Chairman to edit and approve the letter documenting these proceedings and to have the letter delivered to Old Garrison Road.

Mr. Kenny: May I suggest you have the Police accompany the Dog Officer?

Chairman O'Brien: Yes, include that.

It was on motion unanimously

VOTED: To declare the dogs as vicious and order that the dogs be restricted at all times to the inside of the owner's dwelling except when they are required to be walked for hygienic purposes, at which time they are to be restrained on a suitable leash; and it was further

VOTED: In the event that the dogs are not confined in accordance with this Order, any officer or enforcement authority is directed to pick up and confine them at a suitable place or to destroy them in accordance with the provisions of M.G.L. c. 140, s. 164; and it was further

VOTED: To continue this hearing until 9:15 p.m., September 20, 2005, to provide an additional opportunity for Dr. Brandse to give testimony after which the Selectmen will deliberate further in this matter.

The Board of Selectmen directed that it be made clear to Mr. Brandse that, based upon the history of attacks and evidence provided at this hearing, in meeting its responsibilities to protect the future safety of residents and visitors, **it is the Board's intention to order that the two Boxer dogs be destroyed.** The owner should further be advised that the hearing is to be continued on September 20, 2005, to allow him the opportunity to convince the Board otherwise. Failure of the owner to appear will not prevent the Board from finalizing its decision.

The hearing concluded at 9:52 p.m.

#### Agricultural Commission – Appointments

The Board reviewed a letter, dated August 26, 2005, from the Agricultural Steering Committee, with additional recommendations as to appointments. The Board briefly discussed various individuals and what they could bring to the Commission. Town Manager Valente will research whether Associate Members would be allowed, given that the Commission was created by Town Meeting vote.

After discussion, it was on motion unanimously

VOTED: To appoint the following individuals to the Agricultural Commission:

Karen Hodder, 136 Hudson Road, for a two-year term to end September 6, 2007  
Laura Bartlett Abrams, 24 Goodman's Hill Road, for a three-year term to end September 6, 2008  
Jennifer Churchill, 999 Concord Road, for a two-year term to end September 6, 2007  
John Donovan, 26 Old Orchard Road, for a three-year term to end September 6, 2008  
Meghan Taylor, 246 Horse Pond Road, for a one-year term to end September 6, 2006

#### Sudbury Housing Authority Report

The Board reviewed the following information:

1) report, dated September 6, 2005, from the Town Engineer/DPW Director, regarding the Sudbury Housing Authority Report dated July 26, 2005, with the following comments: a) most Town-owned land has been considered several times and he knows of no other suitable Town-owned land, b) replacing units in North Sudbury makes sense, but the area is in Zone II and would be restricted to discharge of any sewerage disposal system no greater than 550 gallons per day, and c) does not recommend CPA funding to buy 40B units to use as rentals as there are inherent problems in renting. Mr. Place further recommends the SHA re-evaluate the DPW site, Robbins Road, Old Framingham Road and lots in tax title before seeking CPA funding.

2) report, dated August 10, 2005, from the Town Planner, with the following comments: Initiative 2: could be done with minimal disturbance to neighborhoods with slightly larger replacement units and noting construction costs to renovate may be slightly higher than new construction; Initiative 3: not recommended

**Brandse Dog Hearing**

Present: Betsy DeWallace, Sudbury Dog Officer, Paula Adelson, Animal Control Officer; and Dr. Gijsbertus Brandse

At 8:04 p.m., Chairman O'Brien introduced the Brandse Dog Hearing which had been continued from the September 20, 2005 Board of Selectmen Meeting. Betsy DeWallace, Sudbury Dog Officer, reported on a February 4, 2006 inspection of the premises at 82 Old Garrison Road, Sudbury. Ms. DeWallace described a very secure enclosure erected for the winter months which will be enhanced with additional fencing in the spring and summer months. There have been no incidents reported since September 2005. Selectman Keller expressed satisfaction that the issues previously raised have been resolved. Chairman O'Brien asked Dr. Brandse to clarify when the fence installation will take place. He answered it will be this summer. Chairman O'Brien commented it is a good ending for everyone that the issues could be resolved with the neighborhood and animals being appropriately protected.

It was on motion unanimously

VOTED: To close the Brandse Dog Public Hearing on the condition the Sudbury Dog Officer inspects the premises at 82 Old Garrison Road, Sudbury one more time after being notified by Dr. Gijsbertus Brandse the final fencing has been installed and provides the Town Manager with an inspection report.

**State Representative Susan Pope - Update**

Present: State Representative Susan Pope

At 8:15 p.m. Chairman O'Brien welcomed State Representative for Sudbury, Wayland and Lincoln, Susan Pope, to update the Board on the many issues and tasks facing the Commonwealth. Senators Resor and Fargo were unable to attend this meeting and have rescheduled to attend another Board of Selectmen's Meeting in May.

Representative Pope informed the Board that the health care bill would be delayed for at least another two weeks. The health care bill is expected to be extensive, and there will be many opportunities for future meetings to enlighten everyone on the key aspects of the bill. Selectman Keller emphasized to Ms. Pope how very important the health care issues are to Sudbury and hopes Ms. Pope will be able to attend one of the free clinics held on Tuesday nights at Congregation Beth El to become further acquainted with the issues of concern. Ms. Pope was grateful for the invitation and hopes to attend the free clinic in the near future. Chairman O'Brien questioned how the bill would handle the proposed \$300 penalty assessment, which does not seem high enough to act as a deterrent for small business compliance. Ms. Pope responded the penalty assessment is a concern for many and is one factor, which has delayed the approval of the bill. Ms. Pope expressed regret at not being able to provide more substantive information. However, full details from the State House have been kept very confidential. Ms. Pope and Town Manager Valente expressed their frustration with so much information at the State level being held so privately, whereas on the local level, so much is done to make as much information public as possible.

Representative Pope next addressed the topic of Chapter 70 funding. Ms. Pope has supported each initiative to increase funding to the cities and towns presented to her. Ms. Pope also has participated in a caucus of regional schools pushing forth an initiative for suburban schools to get a fairer share of funds. Ms. Pope believes it is difficult at times for urban legislators to understand the plight of the suburban schools and communities. Ms. Pope met with the Chair of the Ways and Means Committee a few weeks ago and presented the Chapter 70 funding issues as her top agenda priority. She stated how difficult it is to predict any figures with certainty given that the State still does not know how much health care will cost. However,

**Conservation Restriction -155 Landham Road**

Town Manager Valente explained that it was not possible this evening to fulfill the customary practice of having an appearance or memo from a Conservation Commission representative to accompany this discussion. However, the material provided is thorough and is a required item of the signed Order of Conditions dated August 9, 2006, also reviewed by Town Counsel Paul Kenny.

It was on motion unanimously

VOTED: To approve the Conservation Restriction granted in perpetuity by Rachele M. DePamphilis, on a portion of the property located at 155 Landham Road, consisting of approximately 14,852 s.f. as shown on "Conservation Restriction Plan in Sudbury, MA," by Duran Associates, dated October 15, 2002.

**Brandse Dog Hearing Final Report**

Town Manager Valente distributed a memo dated September 21, 2006 from Mary McCormack, Administrative Assistant to the Board of Selectmen, reviewing a verbal discussion with Sudbury Dog Officer Betsy DeWallace. Ms. DeWallace reported making several unscheduled inspections of the premises at 82 Old Garrison Road, Sudbury. The Dog Officer described a very secure confinement for the dogs in a well-maintained kennel. The family has been in compliance with the mandates presented by the Board at the March 14, 2006 meeting.

Chairman Keller expressed satisfaction that the issues previously raised have been resolved and that the family showed their willingness to protect the dogs and the community.

It was on motion unanimously

VOTED: To accept the report of the Sudbury Dog Officer and to close and dismiss any further action regarding the Public Hearing of March 14, 2006 concerning the Brandse dogs of 82 Old Garrison Road.

**Verizon Application for Cable Television License**

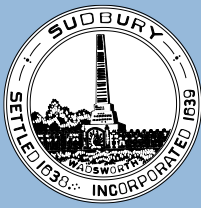
Present: Jeff Winston, Cable TV Committee Chair

At 9:30 p.m., Chairman Keller welcomed Cable TV Committee Chair, Jeff Winston, to update the Board on the status of the Verizon Application for Cable Television License. Mr. Winston briefly reviewed the history of the Verizon request from the time they approached the Town to provide cable services to present negotiations.

Special Counsel, Peter Epstein, has worked with Verizon for six months negotiating a generic license which covers 90% of the issues all towns share. This generic template can then be customized to meet Sudbury's needs. The Cable Committee has reviewed several drafts, providing concerns to Verizon for resolution. The Committee has distributed the draft license to Town Counsel and the Board of Selectmen to solicit more feedback to incorporate in upcoming meetings with Verizon.

Mr. Winston explained that most of the Committee's concerns have been resolved but for a few. The most important remaining concerns are the level of funding for local access and channel placement. Selectman O'Brien strongly stated that he would be reluctant to support a license that does not insure the Town retains access to Channel 8 or Channel 9 for public programming. Vice-Chairman Drobinski agreed noting it would constitute a public safety issue for the Town since residents are so accustomed to receiving





SUDBURY BOARD OF SELECTMEN  
Tuesday, June 14, 2016

**MISCELLANEOUS (UNTIMED)**

**3: Update Selectmen's Liaison Assignments**

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Discussion and possible vote to update Selectmen's Liaison Assignments for 2016-2017

Recommendations/Suggested Motion/Vote: Discussion and possible vote to update Selectmen's Liaison Assignments for 2016-2017

Background Information:  
See current liaison list (2015-16) attached

Financial impact expected:

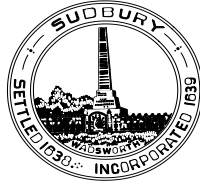
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Patricia A. Brown	Pending
Board of Selectmen	Pending

06/14/2016 6:30 PM



**SUDBURY BOARD OF SELECTMEN  
LIAISON ASSIGNMENTS  
2015 – 2016**

<b>Chairman Brown</b>	<b>Vice-Chairman Iuliano</b>	<b>Selectman Haarde</b>	<b>Selectman Simon</b>	<b>Selectman Woodard</b>
Lincoln Board of Selectmen	Board of Appeals/Earth Removal Board	Historical Commission	Board of Health	Finance Committee
Town Manager/Town Departments	Cultural Council	Lincoln-Sudbury Reg High School	Council on Aging	Permanent Building Committee
Conservation Commission	Lincoln-Sudbury Reg High School	Memorial Day Committee	Capital Improvement Advisory Committee	Capital Improvement Advisory Committee
Design Review Board	Permanent Building Committee	Minuteman High School	Conservation Commission	Council on Aging
Ponds & Waterways Committee	Sudbury Housing Authority	Park & Recreation Commission	Energy and Sustainability Committee	Historic Districts Commission
	Sudbury Water District	Sudbury Public Schools	Goodnow Library Trustees	Planning Board
	Commission on Disability	Town Historian	Park & Recreation Commission	
	Minuteman High School	Finance Committee	Rail Trail Conversion Advisory Com	
			Sudbury Public Schools	
			Agricultural Committee	

**MEMBER OF:**

Community Preservation Committee	Sudbury Housing Trust	Fairbank Community Center	Military Support Network	9/11 Memorial Garden Oversight Committee
MAGIC	Strategic Financial Planning for Capital Funding	Rte 20 Sewer Steering Committee	Fairbank Community Center	Strategic Financial Planning for Capital Funding
Vocational Education Options Committee	Strategic Financial Planning for OPEB Liabilities	Military Support Network	Route 20 Sewer Citizens Advisory Committee	Sudbury Center Improvement Advisory Committee
		Budget Strategies Task Force		Budget Strategies Task Force
		Vocational Education Options Committee		
		CERT		

*Maryanne Bilodeau*

Maryanne Bilodeau, Interim Town Manager

Attachment3.a: LIAISON LIST 2015-16\_final\_signed (1836 : Update Selectmen's Liaison Assignments)



SUDBURY BOARD OF SELECTMEN  
Tuesday, June 14, 2016

**MISCELLANEOUS (UNTIMED)**

**4: Regional Housing Office IMA Amendment**

REQUESTOR SECTION

Date of request:

Requestor: Chair Iuliano

Formal Title: Vote whether to sign the amended Inter-Municipal Agreement for the Regional Housing Services Office for FY17. Liz Rust, RHSO, to attend.

Recommendations/Suggested Motion/Vote: Vote whether to sign the amended Inter-Municipal Agreement for the Regional Housing Services Office for FY17. Liz Rust, RHSO, to attend.

Background Information:

This amendment to the IMA for the RHSO updates the FY17 budget. All other aspects of the IMA executed in 2014, as amended, remain intact until June 30, 2017.

**THE EARLIEST LIZ RUST CAN BE AT THE MEETING IS 9:00 PM.**

Financial impact expected:n/a

Approximate agenda time requested: 10 minutes

Representative(s) expected to attend meeting: Liz Rust

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Patricia A. Brown	Pending
Board of Selectmen	Pending

06/14/2016 6:30 PM

## AMENDMENT

The agreement entered into by and between the Towns of Acton, Bedford, Burlington, Concord, Lexington, Sudbury and Weston (collectively the “Municipalities”), dated June 23, 2014, and amended effective July 1, 2015 (the “Agreement”) to share services of a Regional Housing Services Office provided by the Town of Concord (the “Agreement”), which is incorporated herein by reference, is hereby amended, effective July 1, 2016, as described below.

WHEREAS, the Town of Concord agrees to provide the services described in the Agreement, and

NOW,

- Exhibit B. Fee Structure. This Exhibit is deleted and replaced in its entirety with the Membership Fee Schedule Chart for FY17, attached hereto as Exhibit B.
- [SIGNATURE PAGES FOLLOW EXHIBIT B]

### Exhibit B

#### Membership Fee Schedule Chart for FY17

The participating municipalities will proportionally share the total cost of operating the Regional Housing Services Office. The proportional share is determined based on the percentage of hours planned to support each municipality for core services as represented in the fee schedule.

FY17 Membership Fee Schedule			
	Hours	% of hrs	Pro rata \$
Acton	320	13%	\$23,415
Bedford	410	16%	\$29,900
Burlington	210	8%	\$15,489
Concord	440	17%	\$32,062
Lexington	410	16%	\$29,900
Sudbury	600	24%	\$43,590
Weston	155	6%	\$11,526
<b>Total</b>	<b>2,545</b>	<b>100%</b>	<b>\$185,881</b>

This fee structure does not include payment for additional supplemental services which will be proposed and invoiced outside of this agreement or payment for additional hours in excess of the allotted hours.

WITNESS OUR HANDS AND SEALS on \_\_\_\_\_, 2016.

TOWN OF SUDBURY

By its Board of Selectmen

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from Liz Rust

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6/13/2016

# REGIONAL HOUSING SERVICES OFFICE


## Sudbury Selectmen, June 14, 2016





Regional Agreement between Acton, Bedford, Burlington, Concord, Lexington, Sudbury, and Weston


## RHSO Update – Service Model


**REGIONAL HOUSING SERVICES OFFICE, ESTABLISHED 2011**


ACTON  



BEDFORD  


BURLINGTON  


CONCORD  



LEXINGTON  


SUDBURY  


WESTON  


Member Towns receive administrative housing services for an annual fee per Inter-Municipal Agreement, including:

- Monitoring
- Inventory Management
- Program Administration
- Local Support
- Regional efforts (training, website)

  
**Town of Concord**  
*Lead Community*

Membership Fee covers all staffing, and administrative expenses, such as accounting, office support, mail, technology, etc

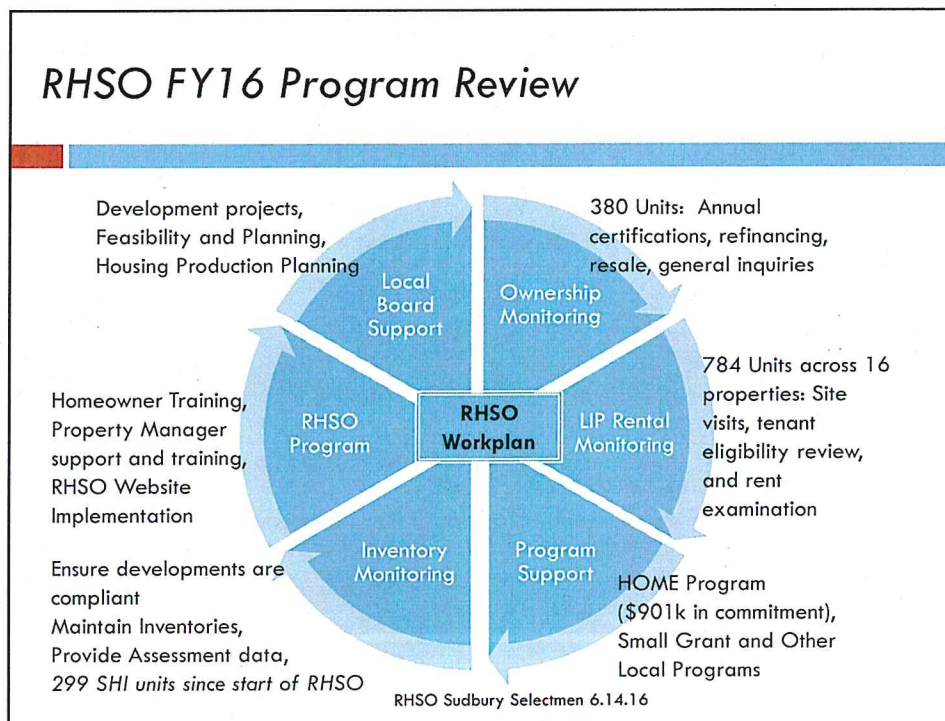
RHSO Personnel deliver services

Lead Community (Town of Concord) delivers RHSO housing services through the Regional Housing Services Office and corresponding revolving fund, established at Town Meeting

RHSO Member Town Statistics (7/1/15)				
	Housing Units	Biobuilded Units	SHU%	2015 Membership Fees
Acton	8,475	552	6.51%	\$25,524
Bedford	5,322	974	18.30%	\$28,972
Burlington	9,629	1002	10.41%	\$12,906
Concord	6,852	728	10.63%	\$12,792
Lexington	11,946	1337	11.19%	\$28,263
Sudbury	5,921	357	6.03%	\$41,390
Weston	3,953	149	3.77%	\$11,882
<b>Total</b>	<b>52,095</b>	<b>5,089</b>	<b>9.77%</b>	<b>\$185,219</b>

RHSO Sudbury Selectmen 6.14.16

## RHSO FY16 Program Review



## RHSO Update – FY17 Plans

- Support for Member Communities
  - Monitor properties as needed
  - Continue local services as requested
  - Sponsor training and support for property managers and owners
  - Assist HOME communities (Bedford, Concord, Lexington, Sudbury) with new Mutual Cooperation Agreement (eff 7/1/17)
- Maintain RHSO Office
  - Amend IMA annually by all Selectmen
  - Explore office move to potential permanent location
  - RFP for additional contractor for staff coverage and contingency
  - Continue expansion of website

RHSO Sudbury Selectmen 6.14.16

## RHSO Update – Summary

- RHSO successfully completing 5 years of operation
  - ▣ Thank you for your continued support!
  - ▣ Comments and suggestions welcome

### Proactive Compliance Monitoring

- Preserve Units
- Maintain Housing Inventory

### Resource Efficiency

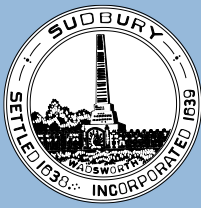
- Centralize information for existing and prospective residents
- Leverage Resources, Resource Continuity

### Regional Approach

- Common Solutions for Common Challenges
- Enhance Municipal Services

RHSO Sudbury Selectmen 6.14.16





SUDBURY BOARD OF SELECTMEN  
Tuesday, June 14, 2016

**MISCELLANEOUS (UNTIMED)**

**5: Citizen's Comments (Cont)**

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Citizen's Comments (Cont)

Recommendations/Suggested Motion/Vote: Citizen's Comments (Cont.)

Background Information:

Financial impact expected:

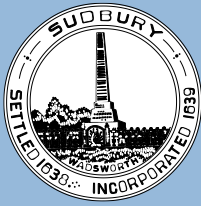
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Patricia A. Brown	Pending
Board of Selectmen	Pending

06/14/2016 6:30 PM



SUDBURY BOARD OF SELECTMEN  
Tuesday, June 14, 2016

**MISCELLANEOUS (UNTIMED)**

**6: Discuss Future Agenda Items**

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Discuss Future Agenda Items

Recommendations/Suggested Motion/Vote: Discuss Future Agenda Items

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Patricia A. Brown	Pending
Board of Selectmen	Pending

06/14/2016 6:30 PM



SUDBURY BOARD OF SELECTMEN  
Tuesday, June 14, 2016

**CONSENT CALENDAR ITEM**  
**7: Wally "Bells On" 5K & Kids 1K**

REQUESTOR SECTION

Date of request:

Requestor: Christine Grigsby, Sudbury Education Association

Formal Title: Vote to Grant a Special Permit to the Sudbury Education Association, to Hold the “Wally 'Bells On' 5K & Kids 1K” on Sunday September 11, 2016, from 10:00 A.M. through approximately 12:00 P.M., subject to Police Department safety requirements, Proof of Insurance Coverage and the assurance that any litter will be removed at the race’s conclusion.

Recommendations/Suggested Motion/Vote: Vote to Grant a Special Permit to the Sudbury Education Association, to Hold the “Wally 'Bells On' 5K & Kids 1K” on Sunday September 11, 2016, from 10:00 A.M. through approximately 12:00 P.M., subject to Police Department safety requirements, Proof of Insurance Coverage and the assurance that any litter will be removed at the race’s conclusion.

Background Information:  
CONSENT CALENDAR

Financial impact expected:N/A

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

- Melissa Murphy-Rodrigues      Pending
- Barbara Saint Andre            Pending
- Leila S. Frank                    Pending
- Patty Golden                      Pending
- Patricia A. Brown                Pending
- Board of Selectmen              Pending

06/14/2016 6:30 PM



TOWN OF SUDBURY

Office of Selectmen  
www.sudbury.ma.us

RECEIVED  
BOARD OF SELECTMEN  
SUDBURY, MA

Flynn Building  
278 Old Sudbury Rd  
Sudbury, MA 01776-1843  
978-639-3381  
Fax: 978-443-0756

2016 MAY 26 P 12:14

Email: [BOSSadmin@sudbury.ma.us](mailto:BOSSadmin@sudbury.ma.us)

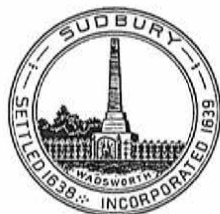
APPLICATION FOR A CHARITABLE WALK/RELAY PERMIT ON A PUBLIC WAY

Written permission to conduct a fundraising walk or relay race in any public street, public sidewalk or public way within the Town must be obtained from the Board of Selectmen prior to the event. The Chief of Police will determine the appropriate public safety requirements for this event and the cost of such special duty officers, if any required, will be borne by the applicant. The Town of Sudbury requires a Certificate of Insurance of no less than \$1,000,000, naming the Town as an additional insured. All cleanup from the event will be completed by the applicant within 8 hours after the stated ending time or applicant will be billed for the Town's cost to clean up. Application processing can take up to four weeks as approval from the Police, Building and Park & Recreation departments may be required prior to Board of Selectmen approval. Processing begins after all required materials are received, so please plan accordingly.

Organization Name Sudbury Education Association "SEA"  
 Event Name Wally "Bells on" 5K Run/Walk and Kids 1K  
 Organization Address SEA, <sup>Clonixon School</sup> 472 Concord Rd., Sudbury, MA 01776  
 Name of contact person in charge Christine Grigsby-SEA Parliamentarian  
 Telephone Number [REDACTED]  
 Email address [REDACTED]  
 Date of event 9/11/16 Rain Date N/A  
 Starting time 10:00 a.m. Ending time 12:00 p.m.  
 (kids race 11:00 a.m.)  
 Route of the race/relay and portion of the road requested to be used (please indicate on map and attach to this application) attached  
 Anticipated number of participants 150 - max. of 250  
 Assembly area (enclose written permission of owner if private property to be used for assembly) Curtis Middle School  
 Organization that proceeds will go to SEA Wally Bell Scholarship Fund  
 Any other important information \_\_\_\_\_

The undersigned applicant agrees that the applicant and event participants will conform to applicable laws, by-laws and regulations as well as any special requirement that may be made as a condition of the granting of permission pursuant to this application. I/we agree to hold the Town of Sudbury harmless from any and all liability and will defend the Town of Sudbury in connection therewith.

Signature of Applicant Christine J. Grigsby Date 5/25/16



# TOWN OF SUDBURY

*Office of Selectmen*  
[www.sudbury.ma.us](http://www.sudbury.ma.us)

Flynn Building  
278 Old Sudbury Rd  
Sudbury, MA 01776-1843  
978-639-3381  
Fax: 978-443-0756

Email: [BOSSadmin@sudbury.ma.us](mailto:BOSSadmin@sudbury.ma.us)

## CONTINUED: APPLICATION FOR A CHARITABLE WALK/RELAY PERMIT...

### Application Checklist:

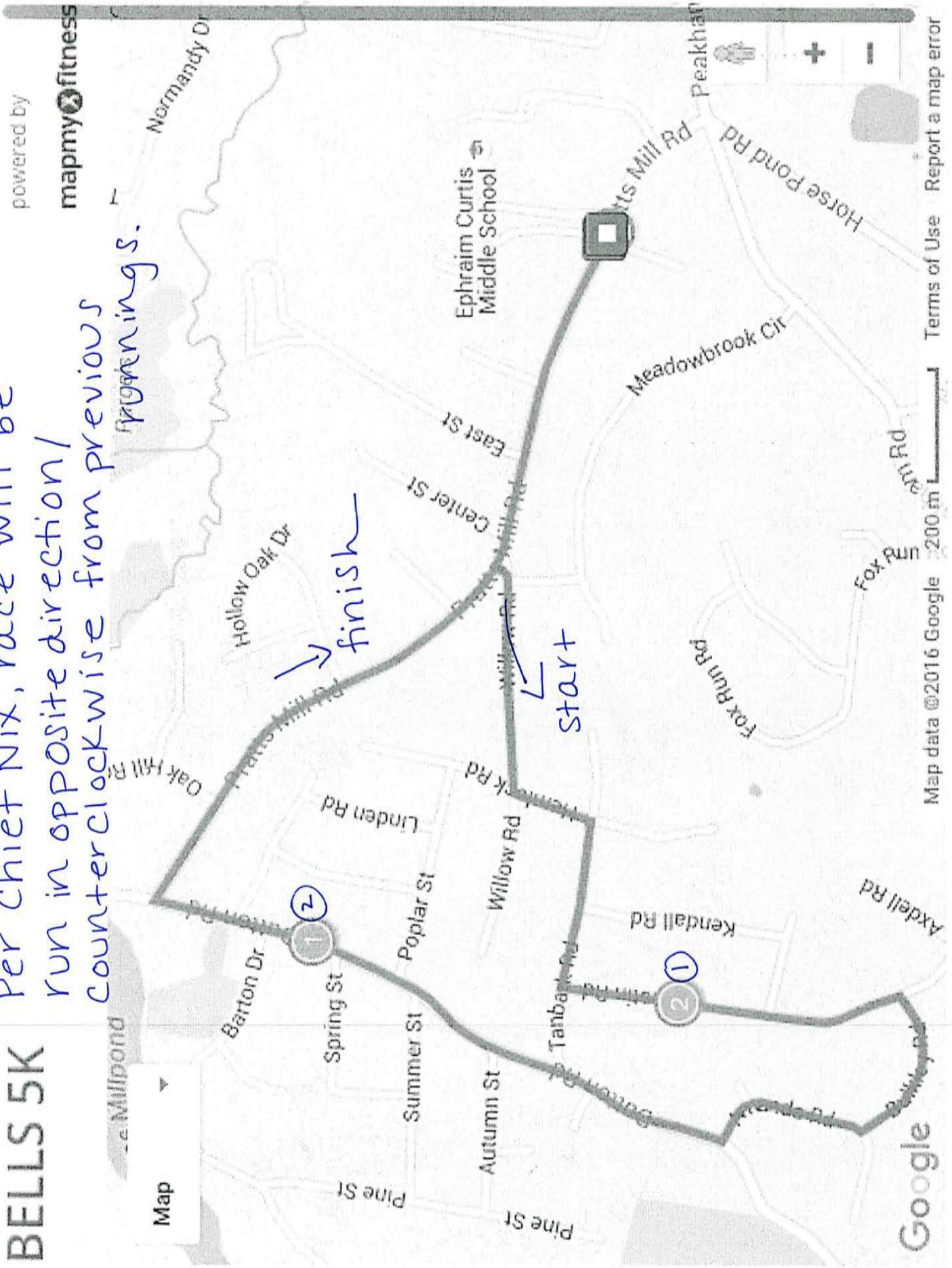
- Application Form
- Map of Route
- Evidence of Certificate of Insurance (please see details above)

Please submit completed application and materials to:  
Board of Selectmen  
278 Old Sudbury Rd.  
Sudbury, MA 01776  
Fax: 978-443-0756  
Email: [BOSSadmin@sudbury.ma.us](mailto:BOSSadmin@sudbury.ma.us)

# BELLS 5K

Per Chief Nix, race will be run in opposite direction/ counterclockwise from previous years.

Attachment 7.a: Wally Bells on 5K BOS (1844 : Wally "Bells On" 5K & Kids 1K)



## Wally "Bells On" 5K Run/Walk and Kids 1K Department Feedback

September 11, 2016

### Fire Department

From: Whalen, John  
Sent: Thursday, May 26, 2016 2:58 PM  
To: Sudbury Community Events  
Subject: **ACCEPTED**: Wally "Bells on" 5K  
When: Sunday, September 11, 2016 10:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).

---

### Highway Department Approval:

From: Place, Bill  
Sent: Thursday, May 26, 2016 2:26 PM  
Subject: **ACCEPTED**: Wally "Bells on" 5K  
When: Sunday, September 11, 2016 10:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).

Leila, I believe they have had this road race before without incident.  
The DPW has no concerns as long as they police the area when they are done.

Bill

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### Park & Recreation Approval:

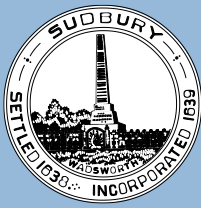
From: McNamara, Kayla  
Sent: Thursday, May 26, 2016 3:20 PM  
Subject: **ACCEPTED**: Wally "Bells on" 5K  
When: Sunday, September 11, 2016 10:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).

---

### Police Department Approval:

From: Nix, Scott  
Sent: Tuesday, May 31, 2016 8:36 AM  
Subject: **ACCEPTED**: Wally "Bells on" 5K  
When: Sunday, September 11, 2016 10:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).

Attachment 7.b: Wally Bells on 5K Approvals (1844 : Wally "Bells On" 5K & Kids 1K)



**CONSENT CALENDAR ITEM**

**8: Howrey appointment to Strategic Financial Planning for Capital Funding Committee**

REQUESTOR SECTION

Date of request:

Requestor: Mark Howrey, CIAC Chair

Formal Title: Vote to appoint Mark Howrey, 55 Old Coach Rd, as the Capital Improvement Advisory Committee (CIAC) representative to the Strategic Financial Planning for Capital Funding Committee, for a term ending 5/31/17, as recommended by Mark Howrey, CIAC Chair.

Recommendations/Suggested Motion/Vote: Vote to appoint Mark Howrey, 55 Old Coach Rd, as the Capital Improvement Advisory Committee (CIAC) representative to the Strategic Financial Planning for Capital Funding Committee, for a term ending 5/31/17, as recommended by Mark Howrey, CIAC Chair.

Background Information:

Capital Improvement Advisory Committee chair Tom Travers and Strategic Financial Planning for Capital Funding Committee Chair Chuck Woodard approve the appointment.

Financial impact expected:n/a

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

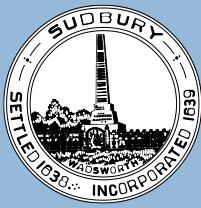
Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Patricia A. Brown	Pending
Board of Selectmen	Pending

06/14/2016 6:30 PM



**From:** Tom Travers  
**Sent:** Friday, May 06, 2016 9:48 AM  
**To:** Frank, Leila  
**Subject:** RE: Sudbury Committee Reappointment

Left you a message yesterday. Mark Howrey is taking over as Chairman of the CIAC. He should replace Michael on the Strategic Finance Committee since the CIAC gets two members.



SUDBURY BOARD OF SELECTMEN

Tuesday, June 14, 2016

**CONSENT CALENDAR ITEM**

**9: Contract for construction of textured crosswalk**

REQUESTOR SECTION

Date of request:

Requestor: DPW Director

Formal Title: Vote to approve award of contract by the Town Manager for construction of textured (brick) crosswalks at the Town Center, as requested by Bill Place, DPW Director.

Recommendations/Suggested Motion/Vote: Vote to approve award of contract by the Town Manager for construction of textured (brick) crosswalks at the Town Center, as requested by Bill Place, DPW Director.

Background Information:

Town Center plans include placement of a brick crosswalk from the easterly side of Concord Road adjacent to the Hosmer House crossing to the Town Common, from Heritage Park to the no-name street, from Town Hall to the Town Common, from the Town Common to First Parish UU Church, from Old Sudbury Road to the Peter Noyes walkway, and from the Hosmer House to Grinnell Park.

Bids are due 6/30; funding is from Chapter 90 Town Center project.

Financial impact expected:Included within funding for Town Center

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Patricia A. Brown	Pending
Board of Selectmen	Pending

06/14/2016 6:30 PM