

IN BOARD OF SUDBURY SELECTMEN
THURSDAY, JUNE 8, 2017

Present: Chairman Robert C. Haarde, Vice-Chairman Leonard A. Simon, Selectman Patricia A. Brown, Selectman Susan N. Iuliano, Selectman Daniel E. Carty and Town Manager Melissa Rodrigues

The statutory requirements as to notice having been complied with, the meeting was convened at 7:30 p.m. in the Lower Town Hall.

Opening Remarks

At 7:30 p.m., Chairman Haarde opened the meeting. He announced there will be a Massachusetts Environmental Policy Act (MEPA) Scoping Session related to the Eversource Transmission Line project held on June 12, 2017 at 6:00 p.m. at Lincoln-Sudbury Regional High School (L-SRHS). He noted the public is welcomed to attend, and he highlighted public comments should be focused on related engineering and environmental concerns. Town Manager Rodrigues stated there will also be site visit walks at 3 p.m. at the Assabet River Rail Trail parking lot in Hudson, and there will be stops at two other locations along the route. She stated the public is invited to attend the site visit, but she encouraged the public to carpool, since parking is limited.

Chairman Haarde reminded the Board to submit their Selectmen's Newsletter articles for review. It was noted Selectman Carty should select a topic.

Reports from the Town Manager

Town Manager Rodrigues announced she will hold Town Manager Office Hours on June 21, 2017 in the Silva Conference Room at the Flynn Building from 11:00 a.m. to 12 noon.

Reports from the Board of Selectmen

Vice-Chairman Simon stated he will be sending Board members a notice asking for volunteers for Selectmen's Office Hours in order to establish the next meeting time.

Selectman Carty stated he is willing to represent the Board at the Flag Day celebration at Curtis Middle School on June 14, 2017.

Citizen's Comments

At 7:33 p.m., Chairman Haarde announced no citizens have requested comment time tonight.

Public Hearing: Dog Hearing – 39 Poplar Street

Present: Dog owners Lisa and Jack Burke, Sudbury residents Kathleen McLean-Rocca and Sarah Guilford, Police Chief Scott Nix, Sudbury Animal Control Officer Jennifer Condon, and Sudbury Town Counsel representative Greg Corbo

At 7:35 p.m., Chairman Haarde opened a Public Hearing pursuant to M.G.L. c. 140, s.157 to determine whether the dog owned and/or kept by Lisa Burke, 39 Poplar Street, Sudbury, is a Nuisance Dog or Dangerous Dog, as those terms are defined in the statute. The Notice is based, in part, on a complaint alleging that on or about December 14, 2016, the dog known as "Boomer" left the property and without justification attacked Sarah Guilford causing physical injuries, and he read aloud the Public Hearing Notice. The Board was previously in receipt of copies of the Notice of Dangerous or Nuisance Dog Hearing dated May 24, 2017 and sent by certified mail to Ms. Burke, and a "Permanent Restraining/Muzzle Order" letter dated April 11, 2017 as sent to Ms. Burke from Animal Inspector/Officer Jennifer Condon. In addition,

Selectman Simon distributed copies tonight of a relevant handout provided by Kopelman and Paige, and Town Manager Rodrigues distributed copies of a handout regarding "Important Terms for the Dog Hearing.

Sudbury's Town Counsel representative for the Dog Hearing Greg Corbo explained the Dog Hearing Public Hearing process would proceed tonight in three phases: Phase 1 would allow the Police Chief and Animal Control officer to present the case and will allow victims and/or relatives to present testimony, Phase 2 will allow the dog owners to provide testimony in opposition of the case and possible order(s) issuance, Phase 3 will be a deliberation phase by the Board to discuss the evidence presented. Mr. Corbo explained the Board would also need to determine if the dog in question is dangerous or a nuisance, and if it is deemed dangerous, then a prescribed remedy of restraint would also need to be determined.

In response to a question from Mr. Corbo, Town Manager Rodrigues confirmed the delivery by certified mail of the Hearing Notice to the dog owner, noting the return service receipt was received by the Town on May 20, 2017. Upon the request of Mr. Corbo, Town Manager Rodrigues swore in all parties planning to present testimony tonight under oath.

Mr. Corbo asked several questions of Police Chief Scott Nix and Animal Control Officer Jennifer Condon in order for them to present the information they had related to the dog Boomer residing at 39 Poplar Street.

Police Chief Nix stated he oversees the Animal Control Officer position, and that he was informed after the second incident in March 2017 that there had been another incident on December 14, 2016 when Sarah Guilford had been bitten on the hand by the dog and she sustained a broken bone in the hand. He stated this incident was reported to the Animal Control Officer Jennifer Condon on December 23, 2016 by the Board of Health, and Ms. Condon placed the dog in quarantine at that time. For the December 2016 incident, Police Chief Nix stated a German Shepherd named Boomer was identified as the biting dog.

Animal Control Officer Jennifer Condon stated she placed the dog on a ten-day quarantine after the December 2016 incident and she was told the dog would be leaving Sudbury. She also required that the dog be licensed in Sudbury. However, Ms. Condon stated the dog was still residing at 39 Poplar Street a few months later, when the second incident occurred. Ms. Condon stated she issued a restraining muzzle order for the dog.

Mr. Corbo asked Ms. Condon if she observed the dog on the property. Ms. Condon stated she observed the dog's demeanor as aggressive as it was barking in the window, and she was hesitant to delivery her order in person at the door. Ms. Condon stated she placed her correspondence in the mailbox, noting she had never been previously afraid to approach an animal in her ten years on the job. She also stated she spoke to the dog owner by telephone. In response to a question from Mr. Corbo, Ms. Condon briefly described the neighborhood, noting the house is close to the road and it is an area where residents walk with children and their pets.

Mr. Corbo presented for the record a photograph of the home at 39 Poplar Street in Sudbury as Exhibit 1.

Police Chief Nix stated his Department received a call on March 28, 2017 regarding a juvenile being bitten in the buttocks by the dog, and an Officer responded. The Police Officer was told by dog owner Lisa Burke that she had observed a young boy on her property who was antagonizing the dog in the window and that she had opened the door to ask the boy to move along and the dogs rushed out of the house. The Police Officer prepared a report, which Mr. Corbo submitted for the record as Exhibit 2, and the Officer contacted Ms. Condon. The Public Hearing Notice was submitted as Exhibit 3.

Ms. Condon stated she spoke to Ms. Burke after the March 2017 incident and she was told the dog would be leaving Town, but the dog is still at the home now in June 2017. She also stated she tried to communicate with the dog owner regarding potential Hearing dates, but she received no responses. She eventually reached Mr. Burke and requested that contact be made with Town officials. After the second incident, Ms. Condon stated she observed the dog again in the window behaving aggressively, and she retreated approximately 15 feet. She told Mr. Burke that the dog was required to be quarantined again.

Mr. Corbo asked if Ms. Condon has observed fencing at the property. Ms. Condon stated she has observed a small fenced area in the rear which, in her opinion, is not adequate to restrain the dog.

Mr. Corbo asked if the Police Chief had recommendations to offer. Police Chief Nix stated he would recommend that the Board declare the dog as a dangerous dog and that the dog owner be required to construct a secure six-foot high enclosure. He also recommended the dog be required to be muzzled and escorted on a leash whenever it is outside and that it never be unattended. Police Chief Nix also recommended that a second door be installed at all exits to the home as a secondary barrier to prevent the dog from rushing out a door. If another incident were to occur, Police Chief Nix stated he would recommend the dog be euthanized. Mr. Corbo asked Ms. Condon if she agreed with these recommendations, and she stated she concurred.

Vice-Chairman Simon asked how many dogs reside at the home. Ms. Condon stated there are two licensed dogs and there is the daughter's dog, which visits on occasion.

Vice-Chairman Simon asked if the dog's rabies vaccine were up-to-date. Ms. Condon stated it had lapsed at the time of the first incident and she required for the dog owner to attend to this with the veterinarian. In response to questions from Vice-Chairman Simon, Ms. Condon stated she was told a few times that the plans for the dog leaving Town had changed. She also stated she reported the first incident to the Town in her monthly report.

Vice-Chairman Simon asked if Ms. Condon thinks Boomer is aggressive and how much the dog weighs. Ms. Condon stated she believes the dog is trying to protect its property, and she guessed the dog to be 45-50 pounds.

In response to a few clarifying questions from Vice-Chairman Simon, Ms. Condon stated Emerson Hospital had not contacted her after the December 2016 incident, she learned of the incident from the Board of Health and she had spoken to the dog owner at that time by telephone.

Vice-Chairman Simon asked if the dog owner observed the child being bitten in March 2017. Ms. Condon stated the owner had not been aware the child had been bitten.

Selectman Iuliano asked for clarification regarding when the muzzle order was issued and whether there has been compliance with it. Ms. Condon stated it was issued after the second incident and she believes there has been compliance. Police Chief Nix stated there may be contrary testimony provided later tonight.

Selectman Carty asked for clarification regarding how a dog could be secured inside the house, and Police Chief Nix explained his reasoning for recommending a second door as an extra safety measure.

Selectman Iuliano asked where on the property the two incidents occurred. Police Chief Nix stated both bites occurred in the public way.

Chairman Haarde asked how long the dog had been in Sudbury prior to the December 2016 incident, but Chief Nix and Ms. Condon did not know.

Mr. Corbo presented a copy for the record of Ms. Condon's Restraining Order as Exhibit 4, a copy of an undated letter from Police Chief Nix to the Town Manager as Exhibit 5 and a copy of a call log from December 27, 2016 related to the first incident as Exhibit 6.

At 8:05 p.m., Kathleen McLean-Rocca, 23 Poplar Street, who is the mother of the boy bitten in March 2017, addressed the Board. She stated her son Sam is ten years old, and he has had a job for the past three years as a dog walker. Ms. McLean-Rocca stated her son was raised to love and respect dogs, but he no longer wants to do his dog-walking job. She stated her son told her he had finished walking a neighborhood dog after school and he was walking slowly on Poplar Street waiting for his friend to catch up. Ms. McLean-Rocca emphasized their family loves dogs and they had a German Shepherd for eleven years. She also emphasized her son is not the type of boy to antagonize animals. Ms. McLean Rocca stated Sam told her the dog was barking in the window, and that the woman opened the door yelling to move along and the three dogs came rushing out of the house. She stated her son is short and he weighs about 72 pounds, and as he turned the dog backed him up and bit him in the rear. Ms. McLean-Rocca stated she called the Police Department. She emphasized her son was terrified from the incident and he had trouble sleeping and he has had to see a therapist. Ms. McLean-Rocca emotionally turned to the dog owner, stating she and her son cannot understand why the owners did nothing to help her son during the attack. She believes the dog owners have been careless and irresponsible. Ms. McLean-Rocca also stated someone contacted her on Facebook (possibly Lisa Burge, 65 Hemlock Road) and told her the dog had also attacked another dog and the attacked dog's owners had sought reimbursement for medical expenses, but their requests were ignored. She further stated she has seen the dog once outside without a muzzle on and she has heard that the neighborhood children have also observed this. Ms. McLean-Rocca stated she and her son would like the dog not to live in Sudbury anymore, and she apologized for being emotional.

Vice-Chairman Simon told Ms. McLean-Rocca the Board wants to hear from her and all parties to learn the facts regarding the incidents. He asked if she has spoken to the dog owner, and Ms. McLean-Rocca stated she had not. Vice-Chairman Simon asked if she would be comfortable if the dog were ordered to be restrained in a pen, and he emphasized the Board is concerned about public safety. Ms. McLean-Rocca stated her thirteen year-old daughter will not do her dog-walking job on Poplar Street either. She stated the actions of the dog owners have given her no faith that they will responsibly comply with any required conditions, and she and her family would be more comfortable if the dog did not live in Sudbury. Ms. McLean-Rocca stated she has heard that a lot of the students at the Sycamore Street bus stop are also afraid of the dog and the barking.

At 8:22 p.m., Mr. Corbo guided the discussion to Phase 2, and he invited the dog owner Lisa Burke to address the Board.

Ms. Burke confirmed she had been sworn in to testify. She explained her son purchased the dog four years ago when he was in college in South Carolina. In the past four years, she stated the dog, Boomer, has come home with her son on school breaks and every summer. Ms. Burke stated her son Jack graduated in May 2016 and he moved back to live with his parents for what was to be a temporary time, but it is now over a year. She stated she also has a Golden Retriever at the house with Boomer. Ms. Burke stated her son has had plans to move with friends on a few occasions, but the plans have not come to fruition.

In response to a question from Mr. Corbo, Ms. Burke stated in December 2016, she was getting out of her car in the garage, when Sarah Guilford, 126 hemlock Road, was walking by the house. She stated all three dogs ran over to Ms. Guilford and Boomer bit the woman's hand. Ms. Burke stated she and her husband

offered Ms. Guilford assistance. Mr. Corbo asked if Ms. Guilford had provoked the dog. Ms. Burke stated Ms. Guilford had not, and that she is a sweet woman who is familiar with their Golden Retriever and Ms. Guilford had assumed there was an invisible fence. Mr. Corbo asked if Ms. Burke had observed Boomer to be aggressive. She stated she had not, but that all three dogs bark when the doorbell rings and when they see people. Mr. Corbo asked if Ms. Burke took any precautions after the first incident. She stated she now always closes the garage door before she gets out of the car, and they erected a fence to contain the dogs in the back (described as metal portable fencing), noting Boomer is now confined in the back.

Mr. Corbo asked Ms. Burke what happened in the second incident. Ms. Burke stated she heard the dogs barking loudly and being very excited. She observed a young boy on her property about six feet away from the window, and she opened the door to tell him to move along, and all three dogs got by her. Ms. Burke stated she did not notice the boy get bitten because it all happened quickly and chaotically, and she was completely focused on yelling at the dogs to get them back inside the house. She stated the dogs had never burst out the door like that before. After this incident, Ms. Burke stated she put up curtains by the front door and she put up internal gates to keep the dogs out of the living room. She also stated she has hired a trainer who is working with Boomer two times a week and who is teaching the owners hand signals and how to use a remote trainer.

Mr. Corbo asked if the property has an electric fence and if Boomer was trained with it. Ms. Burke stated they have it, but the dog was not trained on it because Boomer was thought to only be there on a temporary basis. In response to a few questions, Ms. Burke stated Boomer is now licensed and he had been licensed in South Carolina. She also stated she is aware of the muzzle order and they have complied with the order, except for when the trainer works with the dog to give him treats.

Chairman Haarde asked for clarification regarding the muzzle order, and Mr. Corbo read it aloud.

Vice-Chairman Simon asked Ms. Burke if anyone has walked Boomer on the street without a muzzle. Ms. Burke stated the dog is always muzzled when outside and on a leash, except for when the trainer has him on a leash but not muzzled. He also asked if Ms. Burke had asked whether the rabies vaccine was up-to-date when the dog arrived. She stated it was in force when the dog arrived and it lapsed in December 2016. Vice-Chairman Simon noted the Police report stated the boy was not on Ms. Burke's property when the bite occurred. He asked if Boomer barks at strangers. Ms. Burke stated all three of her dogs bark at strangers. Vice-Chairman Simon asked if she had considered training Boomer on the electric fence after the first incident and if she had considered not letting him outside. Ms. Burke stated she gave the electronic fence a try, but it was unsuccessful, as he excitedly chased squirrels. She also stated they always have him on a leash outside.

Vice-Chairman Simon asked if Ms. Burke understood that, to ensure public safety, Boomer needs to be restrained, and she stated she does. Ms. Burke stated she has a quote for installing a six-foot high wooden fence in the back as an enclosure. Vice-Chairman Simon asked if Ms. Burke understood the need for the muzzle restraining order, and she stated she did.

Mr. Corbo asked when the six-foot high wooden fence would be installed. Ms. Burke stated possibly in six weeks. She also noted her son might be moving. Mr. Corbo asked if Ms. Burke was aware of a third incident with another dog being bitten, and she stated she was not aware of anything like that.

Vice-Chairman Simon asked if Boomer received any training before coming to Sudbury. Ms. Burke stated he went to a German Shepherd specialized trainer on the South Shore for three weeks.

Selectman Brown asked if there had ever been any previous incidents prior to December 2016.

Ms. Burke stated they have had Boomer since he was seven weeks old, and there had not been any other situations.

Chairman Haarde suggested using a shock collar on the dog as a back-up measure and also training the dog with the electric fence. Ms. Burke stated the trainer uses a shock collar with the dog.

Selectman Iuliano asked what Ms. Burke thinks the description of Boomer as territorial means. Ms. Burke stated the dog very much wants to protect them.

Selectman Carty summarized the dog arrived in Sudbury in May 2016, but it was not licensed until March 2017, and he opined the dog should have been licensed in Sudbury sooner.

Mr. Corbo asked Ms. Burke if they would be willing to install a second door at the exits. Ms. Burke stated it could be done, and she noted she no longer opens the front door.

Chairman Haarde asked the Police Chief if he envisioned a storm door being installed, and Police Chief Nix responded affirmatively.

Town Manager Rodrigues swore in Patricia McCart, 232 Mossman Road to testify.

Ms. McCart stated she grooms Boomer and she has taken care of him on several occasions over the past year and a half. She further stated she finds the dog to be friendly and not vicious. Ms. McCart stated she cares for a few dogs and she has a dog grooming salon in Maynard. She stated dogs sometimes get overly excited. Ms. McCart stated she has never observed aggressive behavior from Boomer to people or other dogs when he has been at her salon or when he has been on his own property.

Jack Burke stated he bought the dog as a puppy and he never had a problem walking him, even off-leash, on the street in South Carolina, or playing at dog parks. He emphasized there have been no issues with the dog for three and a half years, and he apologized to all for what has occurred.

Mr. Corbo asked if Jack has taken the dog out a few times since the second incident. Jack stated he has never taken him outside without the muzzle and leash on.

Chairman Haarde asked how much Boomer weighs, and Jack stated he weighs approximately 90-100 pounds.

Vice-Chairman Simon asked if the dog ever exhibits hostility or growls at people. Jack stated the dog barks, but he has not observed any growling.

Vice-Chairman Simon asked Jack if he realizes the dog needs to be restrained in a secure pen as a result of these two situations, and Jack stated he understood. Vice-Chairman Simon also asked if Jack understood the dog must have a muzzle on and be on a leash at all times outside, and Jack stated he understood.

Mr. Corbo asked Jack when he plans to move out of Sudbury and if he plans to take Boomer with him. Jack stated he just took a job in Natick and he is looking at places. He further stated he plans to take Boomer with him.

Sarah Guilford, 126 Hemlock Road, was asked if she wanted to speak, and she declined, stating she believes her incident has been sufficiently covered tonight. No one else from the public expressed interest in addressing the Board.

At 9:00 p.m., Mr. Corbo opened the deliberation phase of the Hearing, wherein the Board would decide if the dog is a dangerous or nuisance dog as defined by the State, and he read aloud the statute definitions and guidelines for determination.

Selectman Iuliano stated she assumes that, if the Board determines the dog to be dangerous, it does not also have to deliberate whether it is a nuisance. Mr. Corbo confirmed this to be correct.

Vice-Chairman Simon stated he believes the dog fits the dangerous definition because two people have been bitten, there has been no testimony given to suggest or justify that the bites were provoked, and the owners recognize that the dog needs to be confined.

Chairman Haarde stated no one has come forward to dispute the case presented.

Selectman Iuliano stated two clear examples have been presented of the dog biting people.

It was on motion unanimously

VOTED: To find that the dog, known as Boomer, owned and/or kept by Lisa Burke at 39 Poplar Street, Sudbury, is a Dangerous Dog, as this term is defined by the State, based on two unprovoked attacks as heard about at tonight's Public Hearing.

Mr. Corbo stated the Board should next discuss potential orders to impose. He explained State law was amended a few years ago to prohibit any Board of Selectmen from ordering that the dog be moved to another community.

Chairman Haarde stated one victim's family asked for the dog to be removed from Sudbury, but the Board cannot do this. He stated the Board's responsibility is to make the situation as safe as possible, in accordance with the law.

The Board discussed several conditions, including that the dog be leashed and muzzled when outside and transported, that a second door be required at all exits of the home (installed within 30 days), that a secure enclosure be built with appropriate fencing to be embedded into the ground not less than two feet to contain the dog, for the dog owners to provide the Town with evidence of insurance for no less than \$100,000, for the dog owners to provide the licensing authority information by which the dog may be identified, including a microchip, and use of a shock collar and training for the dog with the invisible fence (as advised by the Animal Control Officer).

Selectman Carty suggested installation of the secure fence enclosure should occur sooner than in six weeks, given that the local school year will finish in two weeks and more children will be outside in the summer. He also asked if the dog's session with the trainer will be conducted in the rear of the house. Mr. Corbo suggested the Board should condition that, until the secure enclosure is erected, the dog cannot be outside without a muzzle (a basket muzzle was noted as acceptable for training.)

Chairman Haarde asked if the dog owners plan to continue training and for how long. Ms. Burke stated the training is for an hour-long session held twice a week, and they plan to continue until the dog is adequately trained. The consensus of the Board was that training should continue for a minimum of four months and the Animal Control Officer should be notified at its conclusion, so a follow-up evaluation visit can be conducted.

Police Chief Nix asked that he be notified if the dog moves from Sudbury at any point.

Mr. Corbo suggested, and the Board concurred, that the dog owner should have the secure enclosure plans reviewed and approved by the Animal Control Office prior to construction. Mr. Corbo suggested, and the Board concurred, that a short recess be taken from the Hearing to allow him to prepare a draft motion to be voted regarding the conditions discussed tonight.

Vice-Chairman Simon told the dog owners the Board takes these situations very seriously in fulfilling its responsibility to help keep the community safe. He told them the Board will expect them to comply with the conditions set tonight in spirit and in action and to continue to work with the Police Chief and Animal Control Officer as needed.

At 9:33 p.m., Chairman Haarde announced this Public Hearing would take a short recess and resume later tonight.

At 9:59, p.m., Chairman Haarde resumed the Dog Hearing out of the agenda order.

Mr. Corbo suggested adding a condition stating that, if there is any violation to the orders issued tonight, the dog would be seized and euthanized.

Police Chief Nix stated he would not be comfortable euthanizing the dog before coming before the Board again for further discussion. The Board concurred.

Mr. Corbo also suggested adding a condition that an apology be sent in the form of a letter from the dog owners to the juvenile child bitten.

It was clarified that Boomer can go out for a walk as long as he has a shock collar, muzzle and leash on. Jack Burke asked if these items were also required if Boomer was in a car, and the answer was yes, they would be required.

Ms. McCart asked if she could take the muzzle off when she is grooming him inside, and the answer was she could.

Chairman Haarde emphasized the Board is trying to protect the public and make the situation work for all parties.

Mr. Corbo read aloud the following draft conditions: "Based on the credible evidence and sworn testimony provided at said hearing, the Board unanimously voted to declare that Boomer is a Dangerous Dog and it unanimously voted to impose the following conditions:

1. The dog shall be confined to the premises of the owner, which means that the dog shall be kept within the house and restrained so that it cannot escape at any time.
2. Within thirty days of entry of this Order, the owner shall install secondary doors or gates, acceptable to the Animal Control Officer, to ensure that the dog cannot escape at any time.
3. The dog shall not be permitted outside the house at any time unless it is humanely muzzled, which may include a basket-type muzzle. If the dog is outside the enclosure described below, it shall be on a leash having a minimum tensile strength of 300 pounds and not exceeding three feet in length and

held by a responsible adult and it shall also be fitted with a shock collar controlled by the person walking the dog.

4. The owner shall install at the property a six-foot high stockade fence, embedded in the ground for not less than two feet to serve as a secure enclosure for the dog. The plans and specifications for said enclosure shall be approved by the Animal Control Officer prior to installation. The enclosure shall be installed and approved by the Animal Control Officer within thirty days of entry of this Order.
5. Notwithstanding Paragraphs 1 and 3 of this Order, the dog may be permitted outside on the premises of the Owner only when enclosed within the fence described in Paragraph 4. In addition to being within the enclosure, the dog shall be muzzled and either fitted with a shock collar controlled by a nearby adult or trained to use the electric fence.
6. Within one week of entry of this order, the owner shall provide the Town Manager with proof of insurance in an amount not less than \$100,000 insuring the owner against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of the dog.
7. The dog shall continue training with a professional trainer twice per week for one hour each session. Proof of training shall be provided to the Animal Control Officer on a weekly basis. Said training shall continue for four months or such longer period of time as may be recommended by the Animal Control Officer. Within four months of entry of this order, the dog shall be evaluated by the Animal Control Officer to determine whether further training is necessary.
8. Within seven days of entry of this order, the owner shall provide the Animal Control Officer with information from which the dog can be identified, to wit: microchip implantation.
9. The owner shall notify the Town Manager if the dog is going to be relocated to another residence, whether within or outside the Town. Prior to moving the dog to another jurisdiction, the Town Clerk and Animal Control Officer of that jurisdiction shall be notified of this Order.
10. Within seven days of entry of this Order, the owner shall provide a written apology to Sam Rocca.
11. If it is determined, after further public hearing, that there has been a violation of this Order or that the dog has bitten or attacked another person or domestic animal, the Board may order that the dog may be seized by the Animal Control Officer and euthanized.

It was on motion unanimously

VOTED: To approve the order of conditions noted above and as read aloud by Town Counsel representative Greg Corbo tonight regarding the dog, known as Boomer, owned and/or kept by Lisa Burke at 39 Poplar Street, Sudbury.

Mr. Corbo stated he would work with the Town Manager to finalize the formal order to be sent to the dog owners. He also stated the voted determination and conditions are effective as of tonight.

It was also on motion unanimously

VOTED: To close the Public Hearing pursuant to M.G.L. c. 140, s.157 to determine whether the dog, known as Boomer, owned and/or kept by Lisa Burke at 39 Poplar Street, Sudbury, is a Dangerous Dog as this term is defined by the State.

Transfer Station Stickers – Discussion and Possible Vote

At 9:34 p.m., Chairman Haarde opened a discussion regarding Transfer Station sticker rates. The Board was previously in receipt of copies of a memorandum from Town Manager Rodrigues and accompanying historical rate data.

Town Manager Rodrigues stated she had discussed with the Board last December that there would need to be an increase for Transfer Station sticker rates effective July 1, 2017, in order to avoid using Retained Earnings. She referenced her memo which listed the historical rates from FY2006 to FY2017, the proposed FY2018 rates, and usage figures from FY17. Town Manager Rodrigues highlighted the last rate increase was in 2010 when the budget was \$271,437 compared to the proposed FY18 budget of \$297,392. Thus, she stated revenues need to be increased to match budget increases. Town Manager Rodrigues reviewed the proposed FY18 rates as \$170 for the first sticker (increased from \$155 since 2011) and the waiver/prorated rate would increase to \$85 (increase from \$77.50 since 2011), noting the second sticker cost and waiver/prorated rate for a second sticker would remain unchanged. She further stated the recycling sticker would increase to \$30 (increased from \$25 since 2011), and the recycling second sticker would be \$25 (increased from \$20 since 2014) and she reviewed the proposed costs for small and large bags. She also stated the current Retained Earnings are \$216,835 as of June 1, 2017. Town Manager Rodrigues also reviewed how many stickers were sold in 2016. She stated it is hoped the Enterprise Fund will be able to eventually cover all costs. Town Manager Rodrigues stated she believes the proposed increases are as reasonable as possible without shocking the system and residents with significantly higher increases in costs. She also stated it is important to save Retained Earnings. In response to a comment by Selectman Carty, Town Manager Rodrigues noted the bag costs and revenues are significant.

Selectman Carty noted trash-pick up rates from companies have become competitive and he questioned if people will stop using Town services if it becomes too expensive.

Vice-Chairman Simon stated rates have been stable for the past seven years, and thus he believes the proposed rates are reasonable.

It was on motion unanimously

VOTED: To approve the FY18 Transfer Station Sticker rates, as proposed by the Town Manager tonight and in her memo dated June 1, 2017, effective July 1, 2017.

Budget Strategies Task Force – Discussion and Possible Vote Regarding Mission Statement Amendment

At 9:40 p.m., Chairman Haarde opened a discussion regarding the Budget Strategy Task Force Mission Statement. The Board was previously in receipt of copies of the Budget Strategy Task Force Mission Statement. Copies of the proposed edits to be made to the Mission Statements were distributed tonight.

Selectman Iuliano explained it has been suggested that the Mission Statement be revised to reflect that the Chairman of the Finance Committee not be one of the two Finance Committee members of the Task Force and that they not also serve as the Task Force's Chairman. Regarding membership, it was noted a revision should be made to reflect all appointments shall expire on June 30, 2018. It was also noted a revision should

be made to note that the Task Force Committee shall elect a Chair, a Vice-Chair and a Clerk from its members.

Selectman Carty asked if the Task Force is doing what the Board intended, noting he thinks it is a good vehicle for the three cost centers to work together on the budget.

Chairman Haarde stated the Town has several Finance and capital item subcommittees, and the public made it known at election time that they want the Town to do a better job coordinating the information for next year. He suggested it might be time to review the Town's approach to get better budget information sooner. Chairman Haarde stated the Town needs to do a better job tying the capital items into the budget. He suggested this might be a future Board agenda item.

Selectman Brown stated she heard feedback that the communication could have been better amongst the cost centers during this year's budget process.

It was on motion unanimously

VOTED: To recommend the Budget Strategy Task Force Mission Statement be amended as discussed tonight and to adopt such revisions.

Future Board of Selectmen Agenda Items - Discussion

At 9:50 p.m., Chairman Haarde opened a discussion regarding future agenda items.

Town Manager Rodrigues explained a list of pending agenda topics is in the process of being updated. She reviewed some pending topics, including a Joint Meeting with the Planning Board to appoint a new Planning Board member, the Regional Housing Services Office Agreement renewal, interview a candidate for the Capital Improvement Advisory Committee, the Metrowest Regional Transit Authority extension, and the Town Manager's salary review. She announced two bids have been received for Town Counsel services.

Selectman Carty stated the Sudbury Public School (SPS) Committee stated it hoped to receive an update at its June 20, 2017 meeting regarding vocational education. Town Manager Rodrigues stated there has been ongoing communication with Assabet Regional High School regarding busing and wait-list issues. Vice-Chairman Simon stated he could likely attend and provide an update at the SPS School Committee's June 20, 2017 Meeting.

Selectman Brown suggested the Board's liaison assignments be a future agenda item, and Selectman Iuliano suggested the Board's Newsletter be a future agenda item.

Selectman Carty asked if the date has been set for the October Town Meeting. Town Manager Rodrigues stated October 16, 2017 has been looked at as a possibility.

Cheri-Anne Cavanaugh Trust Fund – Donation - Sudbury United Methodist Church

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a \$4,625.00 donation from the Sudbury United Methodist Church into the Cheri-Anne Cavanaugh Trust Fund, said funds to be expended under the direction of the Town Social Worker to counsel Lincoln-Sudbury Regional High School students, and to send a letter of appreciation to the Methodist Church.

July 4th Road Race - Signage

Chairman Haarde commended Graham Taylor on the great work done each year to coordinate this fun race.

It was on motion unanimously

VOTED: To approve the placement of seven signs announcing the July 4th Road Race at the following locations: West side of Concord Road at Featherland Park; Northwest corner of Hudson and Fairbank Roads; Southwest corner of Peakham and Old Lancaster Roads; Fire Headquarters, 77 Hudson Road (pending permission of Fire Chief); 221 Goodman's Hill Road; and 46 Union Ave. (Precourt Stone Co. pending its permission); and Northeast corner of Morse and Ridge Hill Road; from June 20th to July 5, 2017, as requested by Graham R. Taylor, 221 Goodman's Hill Road, in a letter dated May 30, 2017.

Minutes

It was on motion unanimously

VOTED: To approve the Regular Session Meeting Minutes of May 23, 2017.

There being no further business, the meeting adjourned at 10:12 p.m.

Attest: _____
Melissa Murphy-Rodrigues
Town Manager-Clerk