

IN BOARD OF SELECTMEN  
APRIL 22, 1974

Present: Chairman John C. Powers, John E. Taft and William F. Toomey.

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The statutory requirements as to notice having been complied with, the regular meeting was called to order at 7:35 p.m. by Chairman John C. Powers.

Dog Hearing - Grandmaison/O'Brien

The Executive Secretary read the complaint, dated March 7, 1974 filed by Mrs. Patricia Grandmaison, 82 Washington Drive, against the German Shepherd dog named "Chris", owned by Mr. John O'Brien, 770 Boston Post Road. The complaint stated that the dog was a nuisance by reason of being trained to attack anyone on the property and biting the petitioner's young daughter.

The Executive Secretary stated that return receipts from the hearing notifications sent by certified mail to both parties had been received, and that reports had been requested and received from both the Dog Officer and Assistant Dog Officer, dated March 25, 1974 and March 19, 1974, respectively.

Chairman Powers announced that, in accordance with the Selectmen's procedure on hearings, the proceedings would be recorded in writing and requested that all witnesses stand and be sworn.

Mrs. Grandmaison stated that on March 6th her seven-year-old daughter and the eight-year-old daughter of a neighbor had been bitten by the dog "Chris" as they delivered Girl Scout cookies to the O'Brien home - that the dog had not been seen by the girls as they entered the yard and had come from behind shrubs in front of the house. Mrs. Grandmaison reported that her daughter was bitten on the knee and the neighbor's child was bitten on the hip - that the skin was not punctured in either case, but impressions from the teeth caused the blood to rise to just below the surface. Mrs. Grandmaison reported that the incident was witnessed by a third child.

Mrs. Grandmaison stated that the other child's mother, Mrs. Beatrice George, 7 Revere Street, had called the O'Brien home to report the incident.

Mrs. George corroborated the report made by Mrs. Grandmaison, and stated that the incident had occurred at approximately 5:30 p.m. and that the O'Briens were home at the time. Mrs. George stated that Mrs. O'Brien, on previous occasions, had advised children not to come into the yard at any time when the dog is out as he will bite people entering the property.

Betsy M. Lawson, Assistant Dog Officer, reported that since 1970 there have been three incidents of "Chris" having bitten children and three complaints of his having chased children. Mrs. Lawson stated that no complaints have been received about his straying from the property.

Mr. Grandmaison stated that the dog will stray from the property occasionally, and while it may intimidate people, will not attack anyone.

The Executive Secretary read the recommendation of Francis E. White, Dog Officer, as set forth in his communication dated March 25, 1974, which was that the O'Brien dog be confined permanently by chain or cage.

Mrs. O'Brien stated that the dog is kept inside their home while they are at work, is let out around 5:00 p.m. when they return, and is brought back inside for the night. Mrs. O'Brien stated that neither she nor her husband were aware that the dog had bitten the girls until she received a telephone call from Mrs. George informing her, although Mr. O'Brien was in the backyard at the time. Mrs. O'Brien further stated that the land is posted "Beware the Dog", and that children have been repeatedly warned not to come onto the property.

Mrs. Carol Sokoloff, 3 Washington Drive, stated that the O'Brien dog should be allowed to guard their property and suggested that he be kept on a chain long enough for this purpose.

Chairman Powers adjourned the hearing at 7:50 p.m. and announced that the Board would take the matter under advisement and inform the involved parties of its decision, when made.

Later in the evening, following a brief adjournment for further discussion of the matter, Chairman Powers announced that it was the opinion of the Board that Mr. and Mrs. O'Brien would be required to keep the dog "Chris" restrained at all times or under his or her direct personal control and that if the dog leaves the property, it will be ordered that the dog be kept chained or penned at all times.

#### Dog Hearing - Marrone/Peters

Present: Assistant Dog Officer Betsy M. Lawson; Mr. and Mrs. Arthur Peters, 53 Easy Street.

The Executive Secretary read the complaint, dated March 12, 1974, filed by Mrs. Mary V. Marrone, 729 Boston Post Road, against the German Shepherd dog named "Arnold Jay" owned by Mr. Arthur Peters, 53 Easy Street. The complaint stated that the dog was a nuisance by reason of a vicious disposition and biting and chasing children.

The Executive Secretary stated that return receipts from the hearing notifications sent by certified mail to both parties had been received and that reports had been requested and received on the matter from both the Dog Officer and the Assistant Dog Officer, dated March 25, 1974, and March 21, 1974, respectively. Mr. Thompson stated that the Dog Officer's recommendation had been that the Peters' dog be confined permanently by chain or cage.

Chairman Powers requested that all witnesses stand and be sworn, in accordance with the Selectmen's procedure on hearings. Mrs. Marrone, complainant, was not present, nor were there any other complainants present.

Betsy M. Lawson, Assistant Dog Officer, reported that there had been two complaints on the Peters' dog, one on March 7th, when he chased Mrs. Marrone's son, but did not bite, and the second on March 11th, when he bit a neighbor's child, breaking the skin.

Mrs. Peters stated that the Marrone boy had thrown sticks at the dog when it had been penned, and that the dog will go after the Marrone boy, if in sight, when he is loose. Mrs. Peters stated that the dog is penned between 7:00 a.m. - 8:00 p.m. unless with her children.

Chairman Powers announced that the Board would adjourn briefly to take the matter under advisement.

The Board returned at 8:05 p.m., and Chairman Powers stated that it was the opinion of the Board that the case be dismissed for lack of evidence.

#### Minutes

The Board voted to approve the minutes of the regular meeting and the executive session of April 15, 1974, the former as corrected, and the minutes of the meeting of April 16, 1974, as submitted.

#### Appointment - Subcommittee of the Joint Regional Transportation Committee

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

VOTED: To appoint Malcolm M. Beers, 42 Ridge Hill Road, to serve as Sudbury's designee to the subcommittee of the Joint Regional Transportation Committee for a term to expire April 30, 1975.

#### Auctioneer License

The Board received a communication dated April 16, 1974, from Mitchell Z. Bistany, 21 Old Meadow Road, which requested that he be issued an auctioneer's license.

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

VOTED: To grant to Mitchell Z. Bistany, 21 Old Meadow Road, an auctioneer's license, upon payment of a license fee of \$2.00 to the Town Clerk, with the license to expire December 31, 1974, unless sooner revoked for cause.

Certification of Indemnity - Treasurer, Tax Collector, Town Clerk

The Board signed a certification dated April 16, 1974, for the 1974 amounts of indemnity for the bonds of the Treasurer, Town Clerk, and the bond of the Collector of Taxes, for amounts as established by the Commissioner of Corporations and Taxation.

All Alcoholic Beverage License - duRobtrater, Inc., d/b/a The Bottle Shop

On the recommendation of the Executive Secretary, the Board signed an all alcoholic beverage license for duRobtrater, Inc., d/b/a The Bottle Shop, Edward L. Morrill, President/Manager, 513 Boston Post Road.

Reserve Fund Transfer Request

Following consideration, it was on motion unanimously

VOTED: To approve an emergency request for a transfer (#0564) from the Reserve Fund to Account 501-31, Town Hall Maintenance, in the amount of \$1,000.00, necessitated by the unforeseen repair of a section of collapsing ceiling in the lower Town Hall.

Executive Secretary - Announcements

The Executive Secretary made the following announcements:

Annual Spring Cleanup Day - A successful Spring Cleanup Day was held on April 20, 1974, in which approximately 200 children and adults covered various routes within the Town to pick up litter from the roadsides.

Department of Public Utilities - Hearing - Ritchie Bus Lines - Petitioned by Senator Atkins and Representative Gannett, the Department of Public Utilities will hold a public hearing at 10:00 a.m. in the Sudbury Town Hall, on Friday, April 26th, on the subject of reduction of local bus service by the Ritchie Bus Lines.

Civil Defense On-Site Assistance Program Presentation - On Wednesday, April 24th, at 11:30 a.m., Louis F. Saba and Allen Zenowitz will make a Civil Defense On-Site Assistance Program presentation in the lower Town Hall.

State Tax Commission Hearings - Proposed Equalized Valuations

Town Counsel reported that he had appeared at the State Tax Commission's public hearing on proposed equalized valuations, held on Friday, April 19th, and had arranged to meet, on behalf of the Town, with the State Tax Commission on Thursday, April 25th, for the purpose of appealing Sudbury's proposed equalized valuation of \$216,000,000.

Senate Bill 644

Chairman Powers announced that the Board had received a communication dated April 19, 1974, from Francis W. Hatch, which indicated that Senate Bill 644, which would mandate a minimum wage for all local building inspectors tied to the average prevailing base rate of the five highest paid trades in the construction industry, as determined by the Department of Labor and Industries, has passed the Senate and is on its way to the House.

Chairman Powers stated that the Board has caucused and is opposed to the bill and that the Executive Secretary will communicate its position to Representative Gannett and Senator Atkins.

House Bill 3647

Chairman Powers stated that the Board will support House Bill 3647, which would amend the Constitution to limit the authority of the legislature to enact laws imposing additional cost on the cities and towns.

Executive Session

At 8:40 p.m., it was on motion unanimously

VOTED: To enter into executive session for the purpose of discussing, deliberating, or voting on matters, which if made public might adversely affect the financial interest of the Town.

There being no further business to come before the Board, it was on motion unanimously

VOTED: To adjourn the meeting at 11:20 p.m.

Attest: Richard E. Thompson  
Richard E. Thompson  
Executive Secretary-Clerk