

IN BOARD OF SELECTMEN
MONDAY, APRIL 24, 1978

Present: Chairman William F. Toomey and John E. Murray.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:30 P.M. by Chairman William F. Toomey.

1978 Proposed Equalized Valuations Listing From the State Tax Commission

The Board acknowledged receipt of a communication dated April 13, 1978, from John H. Wilson, Town Accountant, relative to the 1978 Proposed Equalized Valuations Listing received by the Board of Assessors from the State Tax Commission.

Executive Secretary Richard E. Thompson referred to Mr. Wilson's letter which shows that Sudbury's Proposed Equalized Valuation has increased from 1976 to 1978 by \$31,500,000 (from \$268,000,000 to \$299,700,000) or 11.9% over this two year period of time; whereas, comparing some other communities' Equalized Valuations to ours, there is an indication that some larger metropolitan areas are seeing declines at the expense of suburban communities.

Mr. Thompson further referred to a communication dated April 6, 1978, from the State Tax Commission informing the Board of Assessors of a Notice of Hearing (General Laws, Chapter 58, s.10A); whereas, a Proposed Equalized Valuation, as determined and established by the State Tax Commission (G.L. Chapter 58, s. 9) may be changed within one week after the close of the hearing on the basis of information received; and whereas, the valuations may be appealed to the Appellate Tax Board on or before June 1, 1978.

Mr. Thompson recommended that Sudbury appeal its Proposed Equalized Valuation, based upon the data presented in Mr. Wilson's letter of April 13, to protect the Town's legal rights and interest. Selectman Chairman William F. Toomey concurred.

Mr. Thompson further stated that Boston had appealed their Proposed Equalized Valuation a few years ago, and it was reduced from five billion to three billion dollars; this year again shows a decline in Boston's valuation of 13.5%.

Following further discussion it was on motion by Selectman John E. Murray unanimously

VOTED: To ask the Board of Assessors in conjunction with Town Counsel's Office to file with the Department of Corporations and Taxation an appeal of the Town's Proposed Equalized Valuation, as determined and established by the State Tax Commission (G.L., Chapter 58, s.9) on or before June 1, 1978.

Jurors

Present: Assistant Town Clerk Barbara Stevens.

The Board drew the names of John Meader, 34 Horse Pond Road and Edward F. Clark, 17 Spring Street, to serve as jurors at Cambridge Court commencing June 5, 1978; the name of Paul J. Remington, 36 Windmill Drive, to serve as juror at Lowell Court commencing June 5, 1978; and the name of William J. Sessa, 140 Goodman's Hill Road, to serve as juror, Special Venire, for Cambridge Court commencing July 3, 1978.

Landham Road Reconstruction Project--Report From Town Engineer

Present: James V. Merloni, Town Engineer.

Executive Secretary Richard E. Thompson read a communication dated April 21, 1978, submitted by the Town Engineer, James V. Merloni, indicating alternative recommendations concerning the future steps necessary to comply with the vote of Town Meeting for the reconstruction of Landham Road, as requested by the Board of Selectmen.

Mr. Thompson stated that the Board is in receipt of a petition containing approximately 257 signatures to call a Special Town Meeting on the reconstruction of Landham Road at a 30-foot width, and that unless it is called on an emergency basis, the Special Town Meeting would be scheduled for the early part of June, in accordance with the Town Bylaws.

The Town Engineer suggested that nothing be done on the reconstruction project until after the Special Town Meeting due to possible design changes.

Mr. Merloni stated, in answer to Mr. Thompson's questions, that construction cannot be completed on a 24-foot road this season, by himself or by an outside engineering firm; however, if the Special Town Meeting votes a change to a 30-foot width, construction could be partially completed this year.

Mr. Thompson suggested that the Town Engineering Office examine what might be done to expedite the construction of the meandering walkway, as requested by the Selectmen and the Landham Road Advisory Committee, and the reconstruction, if the road were to be voted a 30-foot width at the Special Town Meeting. He also mentioned that the Town Engineering Office has a very heavy work load for this construction season including the Lincoln/Concord Road Intersection, the Morse Road Walkway and general survey work projects.

Mr. Merloni stated that "in-house" redesign of Landham Road would have an impact on his Department of about 30% of the work force for an entire year or approximately 36 weeks.

Selectmen Toomey and Murray concurred that if the Special Town Meeting reaffirms the 24-foot width there is the problem of securing an outside engineering firm which will sign the documents.

Mr. Thompson stated that the reconstruction will be completed more quickly by an outside engineering firm because of the heavy work load of the Town's Engineering Department and will still require a certain amount of work to be done by the Town's Engineering Department.

Mr. Thompson further stated that the public should be aware that with or without a Special Town Meeting, there would be a delay until next Spring for the reconstruction of Landham Road at 24 feet.

Following further discussion it was on motion unanimously

VOTED: To request that the Town's Engineering Department curtail their engineering plans for the reconstruction of Landham Road until the completion of the upcoming Special Town Meeting.

Policy for Roadside Tree Maintenance--Permanent Landscape Committee

Executive Secretary Richard E. Thompson stated that the Permanent Landscape Committee has submitted a proposed policy for Roadside Tree Maintenance, as requested by the Board of Selectmen, and suggested that the Board review it prior to their regular meeting on May 1st, at which time the proposed policy will be discussed with said Committee and the Tree Warden in relation to Article 9 of the 1978 Annual Town Meeting (\$4,000 Tree Planting Program).

It was mutually agreed that both the proposed policy for Roadside Tree Maintenance and Article 9 of the 1978 Annual Town Meeting would be discussed together at the Board's next meeting on May 1, 1978.

Order of Taking--Old Lancaster Road/Penn Central Railroad Crossing for Walkway Purposes

It was on motion unanimously

VOTED: To execute an Order of Taking necessary for the alteration of the Old Lancaster Road/Penn Central railroad crossing for walkway purposes, in accordance with Town Counsel's memorandum dated April 20, 1978.

Public Hearing--U. S. Department of Housing and Urban Development Funding 1978 Small Cities/Community Development Program

Present: Edward Lapal, Town Planner.

Executive Secretary Richard E. Thompson indicated that this Public Hearing, required by Federal statute, is for the purpose of obtaining citizen participation in the formulation of an application to the U. S. Department of Housing and Urban Development for funding under the 1978 Small Cities/Community Development Program, and in accordance with the application process a Public Hearing was held on Monday, April 17, at Fairbank School in addition to tonight's Public Hearing.

Mr. Thompson stated that the Town will apply for one or more of the following activities which will reflect the desires and needs of the residents of Sudbury in the final applications: 1) Continue town-wide Housing Rehabilitation Program which offers a 75% reimbursement to lower income homeowners for the rehabilitation of their homes; 2) Public Works Program for street/sidewalk and drainage improvements in Pine Lake/Pine Rest area; 3) a community facility (such as a swimming pool) in the Pine Lake/Pine Rest area; and 4) Expansion of lower income employment along the Boston Post Road (an added category available this year to generate lower wage employment).

The Board acknowledged receipt of the list of recommendations from the Town Planner along with 1) a Citizen Survey dated April 14, 1978, relative to this application; 2) a report of the hearing which was held at Fairbank School with recommendations from the citizens who attended; and 3) a financial update of the present Housing Rehabilitation Program.

The Board asked Mr. Lapal to present his recommendations.

Mr. Lapal stated that there are two general intents for the use of Community Development money: 1) to eliminate urban blight; and 2) to aid and benefit the low and moderate income population; and that there is a wide range of activities

eligible for the ultimate use of the money including community facilities and public works (with certain restrictions). He said that the Town has applied and received three grants in the past: 1) three years ago, the Town received \$30,000 for the construction of tennis courts on the Haskell Land; 2) two years ago, the Town received \$30,000 to initiate the housing rehabilitation program which utilizes a percentage rebate payment to low and moderate income homeowners when they complete certain eligible types of improvement; and 3) last year, the Town received \$150,000 to continue the Housing Rehabilitation Program.

This year there are two types of applications that are being accepted, and the Town can apply for either one: 1) comprehensive application which addresses two or more goals; or 2) a single-purpose application (which can have two or more activities) which addresses one goal, and Mr. Lapal recommended that the Town submit a single-purpose application because the comprehensive program will be more competitive.

In regard to his four recommended proposals, as Mr. Thompson had previously listed them, Mr. Lapal stated that the Town has the option of applying for other programs, but that, in his opinion, the ones mentioned would provide the best match of Town needs and program eligibility. Relative to the same, he further stated that, at the public hearing held last week, the general feeling was favoring the housing program and public improvements program in the Pine Lake/Pine Rest area.

Mr. Lapal recommended that the Town apply for a single purpose program with two activities: 1) to continue the present town-wide program of housing improvements made with a 75% rebate to eligible lower income homeowners; and 2) a public improvement program, that is basically street resurfacing and drainage improvements in the Pine Lake/Pine Rest area (designated in the past by the Town as an area of low and moderate income families).

On the question of funding, Mr. Lapal made the following comments: There is a total fund of \$2,500,000 for all small communities located within metropolitan areas in Massachusetts that Sudbury will be competing for. The maximum that the Town of Sudbury can apply for is \$500,000, but HUD's past history has been to spread this money around to give a lot of communities experience in the program. He suggested two possible alternatives for funding: 1) to apply for the maximum of \$500,000; or 2) to apply for a more reasonable figure of approximately \$250,000.

This pre-application, including the amount of funding and the type of activities the Town chooses, must be submitted between May 1 and May 15. HUD's decision on said application is a screening process - the final decision on distribution of money will be made in November.

Finally, Mr. Lapal recommended that the Town apply for \$255,000, to be broken down as follows: \$50,000 to continue the housing program and \$205,000 for street and drainage improvements; however, if the town applies for the maximum, his recommendation would be \$100,000 for the continuation of the housing program and \$353,000 for street and drainage improvements.

In updating the Board on the success of the housing program, Mr. Lapal stated in his review that, over the past two years, the Town received a total of \$180,000 funding of which approximately \$110,000 has been committed or spent to date.

In Mr. Lapal's opinion, the rehab applications have increased in the last two weeks; the Town now has \$25,000 worth of commitments being processed, leaving approximately \$45,000 available for new applications, and he estimated that the \$180,000 will probably be totally committed by the end of June.

Selectman Toomey asked if the present Town balance of HUD funds would affect the Town's eligibility for further funding.

Mr. Lapal stated that a town has two years from the date of Federal approval to utilize HUD funds, and that HUD is looking for the capacity to administer the program and would look more at the Town's commitments, rather than its expenditures, realizing that homeowners must complete the work before being reimbursed.

Mr. Thompson stated that Mr. Lapal initiated a house to house survey which included one hundred homes in Town, and that the information received was very useful; he commended Mr. Lapal for a successful citizen participation involvement in the HUD program.

Mr. Lapal indicated that the survey showed that 94% of the people favored continuing the housing program; about 80% favored public improvements; and a much smaller percentage favored the other two activities.

Selectman Toomey inquired as to the procedure of dispersing funds to individual homeowners.

Mr. Lapal stated that people can apply with verification of their eligibility (income tax return, Form 1040, line 31). An inspector (William O'Leary in Sudbury) will then inspect the home, and a cost estimate is drawn up according to the eligible activities which the homeowner chooses to do. Homeowners are then responsible for getting the work done; the property is inspected to see that the work is completed; and then the homeowners receive the money from HUD funds through the Town. (When the activity involves the septic system, or something similar, it would involve inspection by the Building Inspector and/or the Health Director.)

Selectman Toomey asked how the Highway Surveyor would verify completion of work to HUD and if engineering costs were included.

Mr. Lapal stated that HUD should be notified as to those areas of Town where improvement would be undertaken and what type of general improvements are expected to be done. HUD would then audit the bills, and the contractors would be paid directly by HUD funds through the Town. He said that the engineering costs are eligible, and that they had been considered in the recommended funding.

The Executive Secretary verified that Mr. Merloni had been consulted by Mr. Noyes regarding the same, and that the cost of engineering is included in the cost submitted by Mr. Noyes.

Mr. Donald P. Peirce, Board of Assessors, asked Mr. Lapal to expand on the employment program.

Mr. Lapal said that the employment program is an eligible activity to try and generate increased employment for low and moderate wage earners. It means that the Town would fund construction of the infrastructure that would support business and increase new jobs for low wage earners, but the Town would need a commitment from businesses, at the time of application, for funds on a matching plus basis.

In answer to Mrs. Jessie C. Cunningham's question, Mr. Lapal stated that no re-zoning along Boston Post Road would be required.

Mr. Charles E. McLeod asked about the confidentiality of the applicants.

Mr. Lapal explained that town officials who are involved in the program would be aware of the homeowners who apply, but that there must be a certain degree of confidentiality. He said that the program has been used to a great extent by retired people on fixed income and divorced women owning property.

There were no further questions. Chairman Toomey thanked Mr. Lapal for his presentation and announced that a vote would be taken relative to the application to HUD under the Small Cities/Community Development Program at the Board's next regularly scheduled meeting of May 1, 1978.

Public Hearing--Dog Complaint

Present: Francis E. White, Dog Officer; Betsy M. DeWallace, Assistant Dog Officer; Clifford F. Reichert, Evalyn H. McCarthy.

Chairman William F. Toomey convened a Public Hearing under G.L. Chapter 140, s.157 on the Dog Complaint dated March 27, 1978, of Evalyn H. McCarthy, 94 Prides Crossing Road, against the dog Flame, owned by Clifford F. Reichert, 85 Prides Crossing Road; said complaint states that although the dog Flame is leashed, he has viciously attacked on at least two occasions.

Executive Secretary Richard E. Thompson stated that the complaint was filed in the Town Clerk's Office on March 27, 1978, and that the following reports, relative to the same, have been received: 1) A report dated April 11, 1978, from the Assistant Dog Officer listing three complaints against the dog Flame (1978 Tag Number 107)--one from Mr. Earl Brewster for a bite on the hand in January, 1977, and two complaints from Mrs. McCarthy, the most recent being during the February, 1978, snow blizzard; and 2) A report dated April 19, 1978, from the Dog Officer referring to the Assistant Dog Officer's report and the fact that the dog is restrained at all times.

Mrs. McCarthy made the following statements: that the dog has been a public nuisance on several other occasions; he attacked her dog which cost \$50 at the veterinarian and attacked her dog less viciously on a number of other occasions; that the dog has knocked over her children, and left a permanent impression on her son who was never afraid of dogs before; that the dog bit another neighbor's child; that the dog, although on a leash, is not under control, making it unsafe to be on the road when the dog is being walked; that the dog should be kept on the Reichert's five acres of land; and finally that the dog left a very bad bruise on her arm, in spite of the very heavy winter clothing that she was wearing, on the day he tried to bite her as she was removing her car from the Reichert's driveway, where it had been left while her own driveway was being plowed of snow.

Mrs. Reichert presented to the Board a copy of a statement made by Mrs. McCarthy on February 16, 1978, to an adjuster of the Liberty Mutual Insurance Company, who was investigating the complaint for the Reicherts.

The Executive Secretary read the statement as follows:

"The Claimant states dog didn't bite her person but ripped her clothing. She simply wants to get rid of the dog. The Claimant admits no verbal commands were given by the Defendant. Her car was in his driveway because of the snow. Her drive was being

plowed. Appraisal of Witness: Very co-operative."

Mrs. Reichert made the following statements: that she had just paid a man \$75 to plow her driveway, when she looked out and saw that Mrs. McCarthy had moved her car into their driveway in order to allow for plowing of her own driveway, and was clearing the snow off her car with a shovel causing snow to fall in the driveway; that Mr. Reichert went down the driveway to speak to Mrs. McCarthy, who continued to clear the snow off her car, and the dog went for the shovel, which she was using as a weapon; that Mrs. McCarthy was trespassing on private property, dumping and using a shovel as a weapon.

Selectman Toomey questioned Mrs. Reichert as to the size of the dog and the capability of containing him while on his leash.

Mrs. Reichert said that the dog wears a German collar, that he is under control, because if he were not, and decided to bite, he would not just rip a jacket and leave a bruise. She said that she has owned the dog since he was three months old, and he has never been off the leash. She said further that one day while walking her dog, the McCarthy's dog, who was not on a leash, charged her dog attacking at the neck while both McCarthy children witnessed it. She further stated that Mr. McCarthy threatened her dog during a phone conversation regarding the incident in the driveway.

Chairman Toomey suggested that the Hearing be continued in two weeks to allow time for the Dog Officer and/or the Assistant Dog Officer to go to the Reicherts' home and see the dog, evaluate it, make an opinion as to the Reichert's ability to control the dog Flame. Selectman Murray and both parties present concurred.

Chairman Toomey recessed the meeting for five minutes at 8:55 P.M. The meeting was reconvened at 9:00 P.M.

Enforcement of Dog Control Bylaw and Proposed New Dog Kennel

Present: Francis E. White, Dog Officer and Betsy M. DeWallace, Assistant Dog Officer; Mr. and Mrs. Leslie Bellows and other citizens.

The Dog Officer requested that the kennel on Dakin Road be used to enforce the dog control bylaw until the proposed new dog kennel is constructed as voted by the 1978 Annual Town Meeting.

Selectman John E. Murray questioned the legality of doing so.

Town Counsel stated that the Town has been using the kennel against the zoning regulations in that area.

Mr. Leslie Bellows suggested that owners be called to pick up their dogs, so that it would not be necessary to hold them.

The Dog Officer stated that close to five hundred dogs were picked up two years ago, and that it is very difficult to reach the owners.

Mr. Bellows then suggested charging a higher fee--perhaps \$25--so that people would be more careful about letting their dogs roam.

Selectman Toomey suggested that some people are letting their dogs roam while vacationing so that they will be picked up and kept and fed, rather than paying kennel fees.

Mrs. Pat Bellows stated that townspeople should have some protection against unleashed dogs, and suggested that the Dog Officer should hold registered dogs for a limited time only and then have it transported to a kennel until the owner becomes available to pick up the dog, at which time the owner will be faced with a kennel fee.

The Dog Officer stated that the Dakin Road kennel is only being used for those dogs picked up in an emergency situation.

Mrs. Bellows stated that a roaming dog from Framingham almost caused her dog to be hung, as he tried to follow the unleashed dog and fell off the porch with his leash on.

Mr. White said that it will take approximately 1 1/2 months to build the dog pound after July 1st, the scheduled time for the start of construction, and stated that he would like authorization to enforce the dog law by using the Dakin Road kennel for this short period of time.

Mr. Bellows agreed with the Dog Officer.

Mrs. Bellows said that the Dog Control Bylaw should be publicized, since people are no longer aware of the leash law because it has not been enforced, and because the Selectmen have not denied publicly the statements by the press that there is no longer a leash law in the Town of Sudbury.

Mr. Donald Oasis stated that several people objected to the dogs being kept in the Dakin Road kennel, and asked how many dogs were there now.

Mr. White stated that there are only two dogs in the kennel right now, and that only troublesome dogs are being picked up. He said that the biggest problem is that they are continually let loose again.

Following further discussion it was on motion unanimously

VOTED: To continue discussion of the Enforcement of the Dog Control Bylaw and the proposed new dog kennel at the Board's next meeting on May 1, 1978, so that the Board will have an opportunity to inspect the possible sites for the proposed new dog kennel, as recommended by the Executive Secretary.

Town Planner

Present: William R. Firth, John Cutting and Paul H. McNally, Planning Board; Kathleen M. Brown, Chairman, Joan Irish, Lynne Remington, Judith Cope, W. James Hodder, Conservation Commission; and Edward Lapal, Town Planner.

Chairman William F. Toomey announced the meeting with the Planning Board and the Conservation Commission for a general discussion on the handling of the work of the Town Planner after June 30, 1978, when funding for the position will end in accordance with the vote of Town Meeting.

Mr. Paul H. McNally, Planning Board, expressed his feelings about the bad publicity surrounding the Planning Board as a result of the conflict between the Finance Committee and the Planning Board as to placement of the Town Planner.

Mr. Edward Lapal, Town Planner, stated that the majority of his time was spent

on funding projects, and suggested that grant application procedures should continue to be dealt with through the Board of Selectmen.

Selectman Toomey suggested the possibility of a CETA person to work in the capacity of the Town Planner, or having the responsibilities of the Town Planner absorbed by the various boards. Mr. Toomey expressed his hope that the Town would realize its mistake in abolishing the position of Town Planner by Town Meeting vote, and that the position will be funded once again next year.

Mr. William R. Firth, Planning Board, stated that he has been on the Planning Board for a year, and that the Board has had no definitive long range plans in that time. He said that with the Town Planner's guidance the Planning Board could have carried out some worthwhile planning for the Town.

Mr. McNally expressed his opinion that a CETA employee would be a good idea.

Mr. Lapal did not agree and suggested the 701 Program which funds for local planning systems.

Mr. Firth said that, in his opinion, Mr. Thompson would be capable of doing the work, but that someone with more planning experience other than a CETA person would be needed to handle the large volume of work that is involved.

Mr. McNally said that the Planning Board would look into the 701 Program.

Mr. Lapal suggested breaking down the responsibilities and creating two positions, one in administration and one in planning.

Mrs. Lynne Remington, Conservation Commission, suggested a CETA person as a secretary in the Planning Board office.

Selectman John E. Murray suggested to the Planning Board and the Conservation Commission that they spend some time thinking about a way to present to the Town the importance of the position of Town Planner to present to next year's Annual Town Meeting.

The Executive Secretary stated that he intends to give the Board a report prior to July 1st with his recommendations for the Planning Board and the Conservation Commission for handling the work of the Town Planner after June 30, 1978. He further stated that the Selectmen's office will continue to handle the Federal funding programs, as they have in the past.

Selectman Toomey stated that the Board will continue to meet with the Planning Board and the Conservation Commission from time to time, and in so doing will begin to formulate some plans. Since there was no further discussion, Mr. Toomey thanked everyone for coming.

Communication from Forrest D. Bradshaw Relative to Hosmer House and Appointment to Historical Commission

Present: Russell P. Kirby, Ancient Documents Committee.

Chairman William F. Toomey read a communication dated April 11, 1978, from Forrest D. Bradshaw and stated that the Board will respond relative to Mr. Bradshaw's concerns for the plans for the care of the Hosmer House and its contents and the appointments to the Historical Commission.

Chairman Toomey requested the Executive Secretary to inform Mr. Bradshaw that arrangements have been made to interview candidates for appointment to the Historical Commission; that the first phase of inventory is now being completed by Town Counsel's office; that once the inventory is completed, the Finance Committee will be approached for the necessary restoration funds; and that the Historical Commission, once appointed, will be asked to present their long-range plans for the Hosmer House under the terms of the agreement of Florence Hosmer's will at next year's Annual Town Meeting.

Special Town Meeting

Executive Secretary Richard E. Thompson stated that under G.L. Chapter 39, s.10 a petition for a Special Town Meeting has been received which requests action upon an article to read as follows: "To see if the Town will vote to modify or amend its vote under Article 11 of the 1978 Annual Town Meeting concerning the reconstruction of Landham Road, by deleting the words "at the width of 24 feet" contained in said vote; or act or anything relative thereto."

Following discussion it was on motion unanimously

VOTED: To call a Special Town Meeting to be held on June 7, 1978, at 8:00 P.M. at the Lincoln-Sudbury Regional High School, in accordance with the petition noted above, received by the Town Clerk's office April 24, 1978;

and it was further

VOTED: That the Warrant be closed at 5:00 P.M. on May 4, 1978.

Review of Proposed Projects of the CETA Advisory Board

The Board accepted a list of proposed projects of the CETA Advisory Board as set forth in their minutes of April 4, 1978, and directed that stream maintenance be stressed when possible. The Board agreed that during inclement weather inside painting of Town and school buildings was appropriate.

Summer Meeting Schedule for the Board of Selectmen

It was on motion unanimously

VOTED: To approve a summer meeting schedule for the Board prepared by the Executive Secretary dated April 21, 1978.

Land Court Case No. 87965

The Board noted receipt of a notice to the Town dated April 19, 1978, from Jeanne M. Maloney, Deputy Recorder, Commonwealth of Massachusetts, Department of Corporations and Taxation to appear at Land Court on April 25, 1978 in the above subject case.

There being no further business to come before the Board, the meeting was adjourned at 11:00 P.M.

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk

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