

IN BOARD OF SELECTMEN
MONDAY, OCTOBER 23, 1978

Present: John E. Murray and Robert J. Hotch.

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The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:30 p.m. by Acting Chairman John E. Murray.

Public Hearing - Dog Complaint

Present: Francis E. White, Dog Officer; Betsy M. DeWallace, Assistant Dog Officer; Francis J. Darcy, owner; Mr. and Mrs. John J. DiPalma, complainants; and Mr. and Mrs. William R. Thompson, neighbors.

Acting Chairman John E. Murray convened a Public Hearing under G.L. Chapter 140, s.157 on the dog Complaint dated October 10, 1978, of James J. DiPalma, 23 Brooks Road, against a dog owned by Francis J. Darcy, 64 Ames Road, (1978 License No. 1298, "Heidi"); said complaint states that this is the second one filed by the DiPalmas against the Darcy dog, that the dog Heidi has a vicious disposition, and that a second attack has been made upon the dog owned by the complainant.

Executive Secretary Richard E. Thompson stated that the complaint was filed in the Town Clerk's office on October 10, 1978, that both parties were notified of the public hearing by certified mail, and that the following reports relative to the same have been received: 1) a report from the Assistant Dog Officer dated October 18, 1978, stating that Mrs. DiPalma had called her on October 7, 1978, to say that her dog had been attacked by the Darcy dog, and that upon calling Mrs. Darcy, the Assistant Dog Officer was told by Mrs. Darcy that it was not her dog who had attacked Mrs. DiPalma's dog; 2) a letter dated October 23, 1978, from the Dog Officer concurring with the Assistant Dog Officer's report of October 18th; and 3) a letter dated October 10, 1978, from Mrs. Judith F. Thompson, 20 Brooks Road, (a neighbor), informing the Board of three different attacks on her dog by Mr. Darcy's dog and stating Mr. Darcy's indifference toward her complaints to him regarding said attacks and his unwillingness to accept responsibility for his dog.

Executive Secretary Richard E. Thompson further stated that at the Board's meeting on September 18, 1978, a hearing was held relative to the first complaint of Jane M. DiPalma, 23 Brooks Road, dated August 24, 1978, against the dog, Heidi, owned by Francis J. Darcy, 64 Ames Road, at which time it was the decision of the Board that the dog, Heidi, be restrained in compliance with the Town's Dog Control Law between the hours of 7 a.m. to 8 p.m.; and in addition, the Assistant Dog Officer was requested to visit the Darcy residence in order to observe the dog, Heidi, and report to the Selectmen as to whether or not any further action should be taken to permanently restrain the dog.

The Executive Secretary continued by saying that at the Board's meeting on September 27, 1978, following a report from the Assistant Dog Officer which stated that the dog, Heidi, in her opinion, was friendly and very relaxed, but that she did not have an opportunity to observe the dog's reaction with another female dog, which seemed to be the reason for the complaint, it was voted that the dog, Heidi, owned by Francis J. Darcy, should continue to be restrained, in accordance with the Town's Dog Control Law, between the hours of 7 a.m. to 8 p.m., and that if a

further complaint is received, the dog will be subject to another hearing to determine if the dog should be permanently restrained.

Mr. James J. DiPalma gave the following explanation of the incident which occurred on Saturday, October 7, 1978, which prompted the filing of his complaint on October 10, 1978:

Mr. DiPalma stated that on Saturday, October 7th, he let his dog out the front door and the Darcy dog, Heidi, approached and attacked his dog. Mr. DiPalma said that he called to his boys to help him get their dog into the house and chase Heidi away when Patrick Darcy came along and called his dog.

Mr. DiPalma said that he immediately called the Darcy residence and was told by one of Mr. Darcy's teen-aged sons that Mr. Darcy was at work, that Mrs. Darcy was in bed and that Heidi was in the house.

Mr. DiPalma stated that he did not believe that and went with his three sons to the Darcy residence. He said that Mrs. Darcy appeared at the door, and during their conversation she accused another neighbor's dog as having attacked the DiPalma dog, not Heidi. Following some "hairy" conversation with the boys (his own and the Darcy boys), Mr. DiPalma said that he and his boys left.

Mr. Darcy stated that he engaged a lawyer because of the threats on his property to his family by Mr. DiPalma and his sons while he was not at home. Mr. Darcy continued to say that if this matter cannot be settled agreeably, he would like it postponed until his attorney could be present. Mr. Darcy did admit, however, that he had ascertained from his son that Heidi had indeed been out, contrary to what he had thought and had stated to be true.

Mr. Darcy presented the Board with a letter dated October 11, 1978, addressed to Mr. DiPalma, signed by Attorney Arthur A. Andersen, and a letter received with no date, addressed To Whom It May Concern, from Mr. Steven E. Campbell, 36 Dawson Drive, describing an incident supposedly in 1977 when his dog had been chased by a small dog on Brooks Road.

After reading these two letters the Board and Town Counsel agreed that they had no bearing on tonight's hearing.

In answer to Selectman Murray, Mrs. DeWallace, the Assistant Dog Officer, reaffirmed that she visited the dog, Heidi, who is a super animal in her opinion, but stated that she did not have a chance to see the dog with the DiPalma dog. She said that apparently the problem is that Heidi does not get along with small female dogs.

Mr. Lettery, Mr. Darcy's next door neighbor, stated that there are three Labrador retrievers in the neighborhood, and that although there have been problems with them attacking his dog on two occasions (and other neighborhood dogs), he has never had a problem with Mr. Darcy's dog or known his dog to be vicious.

Mrs. DeWallace stated that dogs will hold grudges once they have fought, and will continue to fight with the same dog again and again.

Selectman Robert J. Hotch commented that Mr. Darcy requested earlier to be represented by Counsel.

Town Counsel stated that the Board could make a decision tonight after hearing all the evidence, subject to a review and reopening of the hearing at a time when Mr. Darcy's attorney can be present; or the Board could make an interim decision until such time that Mr. Darcy's attorney is present; in any case, Mr. Darcy has ten days to appeal to the district court any decision that is made.

Selectman Murray asked Mr. Darcy if he understood the foregoing explanation; Mr. Darcy said he did.

Following further discussion it was on motion by Selectman Robert J. Hotch unanimously

VOTED: To permanently restrain and confine the dog, Heidi, a Labrador retriever crossbreed, owned by Francis J. Darcy, 64 Ames Road, within the compound of their property (the dog is not to run loose unless in a constructed dog run) at all times, except while being walked on the street, at which time the dog must be controlled by a leash;

and it was further

VOTED: To request that the Dog Officer pick up and hold said dog if he is so notified that the dog is unrestrained either in the neighborhood or on the owner's property, at which time he should notify the Board of Selectmen;

and it was further

VOTED: To allow Mr. Darcy his right to another public hearing, if his dog is picked up by the Dog Officer, at which hearing it will be determined what further action is required under the terms of the applicable statute;

and it was further

VOTED: To agree to allow Mr. Darcy a reopening of this hearing, if he so wishes, with an attorney present, at a time to be determined by the Board of Selectmen.

Jurors

Present: Betsey M. Powers, Town Clerk.

The Board drew the name of Robert Lee, 481 Dutton Road, to serve as juror at Lowell Court commencing December 4, 1978, and the names of James Jones, Jr., 78 Dudley Road, and David J. Kneeland, Jr., 16 Pine Ridge Road, to serve as jurors at Cambridge Court commencing December 4, 1978.

Board's Position on the "King Amendment"

Executive Secretary Richard E. Thompson stated that at the Board's meeting on October 4, 1978, he was directed to communicate with the Massachusetts Legislative Research Bureau relative to the Board's support of items 4 and 5 on page 2 of the Article of Amendment contained in the "Initiative Proposal of Mr. Edward F. King and Others for an Amendment to the Massachusetts Constitution Limiting State Annual Tax Revenues and Expenditures, State Borrowing, and State Laws Adding to Local Governmental Costs (House No. 5269 of 1978, As Amended)" enclosed in a letter

dated September 7, 1978, from said Research Bureau, and to inquire through the King office for a clarification of the other sections contained therein.

Mr. Thompson further stated that in his letter to the Director of the Massachusetts Legislative Research Bureau, dated October 11, 1978, he also stated the Board's intention to pursue the interpretation and intended purposes of certain sections of the "King Amendment" and report back to them any findings on the subject.

Mr. Thompson stated that he did contact the Massachusetts League of Cities and Towns and would like to thank them for sending to the Selectmen their summary/comments on the interpretation of the "King Amendment" and a copy of the Massachusetts Taxpayers Foundation, Inc., summary relating to the "King Amendment".

On the recommendation of the Executive Secretary, it was on motion by Selectman John E. Murray unanimously

VOTED: To direct the Executive Secretary to communicate to the Massachusetts Legislative Research Bureau indicating the Board of Selectmen's non-support at this time of the "King Amendment" based on the above-mentioned material received from the Massachusetts League of Cities and Towns; and to forward copies of the materials received to the Massachusetts Legislative Research Bureau.

Easement - Frederick J. Eisner

It was on motion by Selectman Robert J. Hotch unanimously

VOTED: To sign and accept on behalf of the Town of Sudbury an easement dated October 5, 1978, from Frederick J. Eisner, as shown on a plan entitled "Definitive Subdivision Plan of Four Acres in Sudbury, Massachusetts", dated January 7, 1977, and revised March 11, 1977 and September 30, 1977.

Town Fathers Forum - 124th Session

At 8:00 p.m. Selectman John E. Murray convened the 124th Session of the Town Fathers Forum, a summary of which is attached and is a part of these minutes.

Proposed Bill for State Assumption of Educational Operating Costs - Mayor of Marlborough

Following a brief discussion of a communication dated October 11, 1978, from Joseph A. Ferrecchia, Mayor of Marlborough, soliciting support in the sponsoring of a bill to be filed with the General Court calling for total State takeover of local and regional educational operating costs, on the recommendation of Selectman Robert J. Hotch it was unanimously

VOTED: To direct the Executive Secretary to make copies of said communication available to the local and regional school committees for their written comments to the Board on the same.

Signing Warrant - State Election of November 7, 1978

It was on motion unanimously

VOTED: To sign the Warrant for the State Election of November 7, 1978.

Resignation

The Board accepted the resignation of Michele Singer dated October 9, 1978, from the Town Report Preparation Committee, effective immediately, and directed the Executive Secretary to acknowledge Mrs. Singer's letter of resignation and to express the Board's appreciation for her service on the Town Report Preparation Committee.

Appointments

Executive Secretary Richard E. Thompson stated that a communication dated October 5, 1978, was received from the Chairman of the Sudbury Historical Society nominating Bradley I. Reed, 308 Concord Road, for appointment to the Historic Districts Commission.

Mr. Thompson further stated that according to the Town Bylaws, the Sudbury Historical Society must submit two names; therefore, the Chairman of the Sudbury Historical Society, by letter dated October 13, 1978, nominated Elizabeth H. Warren (Mrs. Burgess Warren), 452 Concord Road, for appointment to the Historic Districts Commission.

Following a brief discussion it was on motion unanimously

VOTED: To table the appointment to the Historic Districts Commission until both of the candidates, Bradley I. Reed and Elizabeth H. Warren, nominated by the Sudbury Historical Society, have been interviewed by the Board of Selectmen;

and it was further

VOTED: To appoint Robert A. Gottberg, 89 Mossman Road, to the Operational Review Committee for a term to expire on April 30, 1979, as recommended by William W. Cooper, Chairman, and E. Lawrence Gogolin, Board of Health.

Minutes

It was on motion unanimously

VOTED: To accept the minutes of the regular session of October 11, 1978, and the transcript of the Town Fathers Forum of September 27, 1978, as drafted.

One-day Auctioneer License for Lincoln-Sudbury Regional High School Senior Class

It was on motion by Selectman John E. Murray unanimously

VOTED: To issue a one-day auctioneer license to A. Van Anastas of Hudson, Massachusetts, for the purpose of conducting an auction for the Lincoln-Sudbury Regional High School Senior Class on Saturday, October 28, 1978, at the Regional High School.

Report on Items of Current Interest by Board of Selectmen and Executive Secretary

Executive Secretary Richard E. Thompson reported that he and Town Accountant John H. Wilson had attended, this past week (October 15 through 19), the International City Management Association's annual conference in Cincinnati, Ohio; and

that on Saturday in Hyannis he and Selectman Murray attended the joint meeting of Municipal Association, which included the Finance Committee Association, the Massachusetts League of Cities and Towns, the Massachusetts Municipal Management Association and the Massachusetts Selectmen's Association.

Selectman John E. Murray briefly reported on the "Proposition 13" and "Proposition 2½" fever and probable legislation discussed in depth at the Municipal Associations' joint meeting.

Selectman Robert J. Hotch reported that he had attended a recent meeting of the Sign Review Board, as liaison to that Board, and explained their complaints expressed at the meeting regarding various businesses in Town who are displaying signs without proper authorization from the Sign Review Board. Selectman Hotch requested the Executive Secretary to pursue the situation and bring it back to the Board next week for further discussion and possible decision to determine what steps the Board can take to help the Sign Review Board correct this situation which has been developing over the past couple of years.

Finance Committee Chairman Linda E. Glass expressed her appreciation to the Board of Selectmen for supporting the Finance Committee as indicated in their letter of October 12th relative to the 1979-80 operating budgets.

Joint Meeting with Personnel Board and Finance Committee

Present: Chairman Daniel P. McLean, Pasquale Piscitelli, John R. Williams, Lawrence Faye and Alan P. Carpenter, Personnel Board; Chairman Linda E. Glass and Edward L. Glazer, Finance Committee.

Executive Secretary Richard E. Thompson stated that the Selectmen, along with the Personnel Board and the Finance Committee, previously agreed to meet in mid-October for joint review, comments and discussion, relative to the newly drafted Personnel Administration Plan (for 1979 ATM Warrant), the proposed warrant report for the new Personnel Administration Plan, the salaries for non-union personnel, and the updated/revised job descriptions for individually-rated positions.

Mr. Thompson reviewed the procedure which was followed in order to develop the newly drafted Personnel Administration Plan.

Acting Chairman John E. Murray asked the Personnel Board to comment on the Personnel Administration Plan at this time.

Personnel Board Chairman Daniel P. McLean stated that the Personnel Board is still in the process of reviewing the proposed warrant report for the new Personnel Administration Plan. Chairman McLean suggested that it would be best to review the Personnel Administration Plan section by section, and as he did so, he expressed to the Selectmen those concerns and suggested changes recommended by the Personnel Board.

The Board concurred with the suggested changes recommended by the Personnel Board as follows:

1) Section 4 of the Personnel Administration Plan, page 3, third paragraph - Insert "satisfactory performance as recommended by the appropriate department head and approved by the Personnel Board" between the words "continuous" and "in the position..." and leave out the word "service".

2) Section 4, page 3, last paragraph, last sentence - change word "rate" to the word "pay".

Selectman Robert J. Hotch suggested that any reason or explanation of a change in any section or definition in the entire proposed Personnel Administration Plan should immediately follow any amendment.

The Selectmen and the Personnel Board specifically discussed the definition of a retiree under Definition of Terms, provisions of the new sick leave plan, and revised sections dealing with physical examinations for Town employees. After discussion the Personnel Board indicated concurrence with these provisions as drafted.

Mr. Williams stated that we must be prepared at Town Meeting to respond to questions especially on certain areas of the newly proposed revisions of the Personnel Administration Plan; for example: why we need the definition of retiree - the reason being that a retiree is eligible for benefits after retirement such as Blue Cross/Blue Shield, etc., for which the Town pays 50% for all retirees.

On the subject of physical examinations, the Personnel Board suggested that we develop standards and different degrees of examinations for different categories of employees.

The Executive Secretary responded that he has communicated to the Personnel Board on this subject and is in the process of soliciting comments from the Town Physicians.

Additionally, on the matter of whose budget should contain funds for physical examinations, it was the consensus that each individual department should request funds for physical examinations and not the Personnel Board.

Personnel Board member Alan P. Carpenter expressed his appreciation, on behalf of the Personnel Board, to Executive Secretary Richard E. Thompson and Town Accountant John H. Wilson for their work in the development of this proposed Personnel Administration Plan.

Beginning the discussion on salaries for non-union personnel, Mr. Thompson stated that the Personnel Board previously indicated to the Board of Selectmen their ideas in presenting an amendment to the salary plan dealing with clerical personnel, such as: percentage increases and new job titles, as proposed by the Federal Civil Service Commission, and/or changing job titles to a number system, i.e., Secretary 1 (S1), Secretary 2 (S2), etc. Mr. Thompson further stated that it will be necessary to reach a consensus of opinion as to the percentage that would be given to non-union employees other than clerical.

Mr. McLean stated that the percentages might be different for varying job classifications, and indicated the difficulty involved in their comparisons of job titles with other towns because of the great degree of difference in job performance and duties between towns.

Finance Committee Chairman Linda E. Glass said that the Finance Committee would like to have all non-union salary figures from the Personnel Board as soon as possible so that, following approval of the same by the Board of Selectmen and

the Finance Committee, the salary figures can be given to the various department heads for some direction in formulating their final budgets for submission to the Finance Committee.

Mr. McLean stated his concurrence with the recommendations of Selectman John E. Murray and Mrs. Glass to again meet jointly, for a final consensus, by the end of October or the first part of November.

The Executive Secretary stated that it will be necessary to address salaries for non-union personnel - other than clerical - such as: Park and Recreation, Library and Engineering; and recommended considering a lump-sum line item salary adjustment appropriation (which could also be the method used for individually-rated salaries) with an across-the-board increase with an additional percentage to be given to the employees on the basis of a merit review by the department head; for example: a 3% increase across-the-board with an additional appropriation of 2% to be given following a satisfactory merit review. Mr. Thompson continued to say that to do otherwise would not be a true merit review process, especially in the area of individually-rated department heads.

The Personnel Board indicated some concurrence with the idea presented by the Executive Secretary but took no definite position. Mrs. Glass expressed her personal opinion that she had no objections to proceeding with trying to establish or to further discuss the same.

Mr. Thompson stated that in conjunction with the Personnel Board he requested and received from the various department heads updated/revised job descriptions for all Town individually-rated positions which have been given to the Personnel Board; and in addition, those individually-rated job descriptions for persons under the jurisdiction of the Selectmen have been reviewed and were approved by the Selectmen to transmit to the Personnel Board at their last meeting.

Mr. Thompson recommended that tonight's meeting limit discussion to individually-rated positions under the control of the Selectmen for a consensus of opinion on the updated/revised job descriptions and the handling of the individually-rated positions dealing with salaries.

Mr. McLean stated that the Personnel Board has not finished reviewing all the updated/revised individually-rated job descriptions yet, and also indicated that the Board is considering using a different type of format and will attempt to relate the job description to a position and not an individual.

Following further discussion, the Board of Selectmen, the Personnel Board and the Finance Committee agreed to continue further discussion of the topics discussed tonight - the Personnel Administration Plan, Warrant Report salaries for non-union personnel and job descriptions for individually-rated positions - and a meeting was tentatively scheduled for Saturday, November 4th from 9 a.m. to 12 noon.

There being no further business to come before the Board, the meeting was adjourned at 10:30 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk