

IN BOARD OF SELECTMEN
MONDAY, AUGUST 6, 1979

Present: Chairman John E. Murray and William J. Cossart.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:00 P.M. by Chairman Murray.

Civil Service Reinstatement Proceedings - Police Department Employment

Present: Police Chief Nicholas Lombardi; and Earle D. Ryder, applicant.

Following a brief discussion with Police Chief Nicholas Lombardi and Earle D. Ryder, former Police Officer with the Framingham Police Department, it was on motion by Chairman Murray unanimously

VOTED: To approve the initiation of reinstatement proceedings under Civil Service for Earle D. Ryder for Police Department employment, as requested by Police Chief Nicholas Lombardi in a communication dated August 2, 1979, and to appoint Earle D. Ryder, 14 Eaton Road, Framingham, Massachusetts, as a Police Officer for the Town of Sudbury, effective August 12, 1979, subject to a complete examination by the Town Physician indicating his ability to perform full duties of a Police Officer.

The Police Chief requested that the Executive Secretary set up an appointment for Mr. Ryder with the Town Physician.

Resignation - Conservation Commission

The Selectmen accepted with regret Lynne H. Remington's letter of resignation dated July 20, 1979, from the Conservation Commission, and requested the Executive Secretary to draft a special letter of thanks for their signatures to be sent to Mrs. Remington.

Warrant to the Dog Officer

During a discussion relative to issuing the Warrant to the Dog Officer, the Executive Secretary pointed out that the list of owners of unlicensed dogs for 1979 has been reduced from approximately 700 to 272 following the Board's action on June 25th to direct the Executive Secretary to notify owners of unlicensed dogs that legal action will be taken if dogs are not licensed prior to December 31, 1979.

It was on motion by Chairman Murray unanimously

VOTED: To authorize the Chairman of the Board of Selectmen to sign and forward the Warrant to the Dog Officer requesting that the Dog Officer report to the Board by December 31, 1979, prior to taking any legal action; and to direct the Executive Secretary to continue to follow up on the same.

Appointments - Republican Election Officers

Executive Secretary Richard E. Thompson recommended that the Board appoint Election Officers to the Sudbury Republican Town Committee, in accordance with the

recommendations made by the Republican Town Committee under date of June 14, 1979, with the exception of the appointment of Chester Hamilton as a Teller. Mr. Thompson stated that, according to Town Counsel, Chester Hamilton's present membership on the Finance Committee makes him ineligible under the Town Bylaws to serve as an Election Officer. He further stated that the chairman of the Republican Town Committee has been informed of Mr. Hamilton's ineligibility and will recommend another candidate in the near future.

It was on motion by Chairman Murray unanimously

VOTED: To appoint Republican Election Officers for the year commencing August 15, 1979, in accordance with the recommendation of the Republican Town Committee dated June 14, 1979, with the exception of the appointment of Chester Hamilton as a Teller.

Conservation Perpetual Easement - Beckwith Estates

Executive Secretary Richard E. Thompson called the Board's attention to a plot plan from the Town Engineer determining the square footage of a perpetual easement for conservation purposes for land in "Beckwith Estates", requested by the Board at its July 23rd meeting, to be less than an acre of land.

Following a brief discussion it was on motion by Chairman Murray unanimously

VOTED: To approve the grant of a perpetual easement for conservation purposes under Chapter 40, section 8C of the General Laws from Murray Hills, Inc., to the Town of Sudbury, dated April 30, 1979, for land in "Beckwith Estates".

Award Bid - Fuel Oil and Service for Town Buildings

Executive Secretary Richard E. Thompson stated that a request for bids for furnishing fuel oil and servicing boilers and burners for the Town buildings was advertised in The Middlesex News on July 11, 1979, and bids were opened on August 2. Mr. Thompson recommended that the Board award the bid to the lowest bidder, Interstate Gas & Oil Corp., at a net delivered price of \$.674, calculated on a tank car price of \$.619 and a service cost of \$12 per hour from 8:00 a.m. to 5:00 p.m. weekdays and \$18 per hour nights, holidays and weekends.

Mr. Thompson referenced communications received from Building Inspector Francis E. White and Fire Chief Josiah F. Frost, both dated August 3, 1979, recommending the bid be awarded to Interstate Gas & Oil Corp. Mr. Thompson noted that cost of fuel oil is two thirds higher than last year's cost of \$.39.

Responding to Selectman Cossart, Mr. Thompson stated that in the case of a tank car cost increase, the Town would be notified in writing by the Oil Company and our price would be increased accordingly.

Following a brief discussion it was on motion by Chairman Murray unanimously

VOTED: To accept the bid for supplying No. 2 fuel oil for Town buildings during the 1979-80 heating season, commencing September 1, 1979, from Interstate Gas & Oil Corporation, 239 Nobscot Road, Sudbury, Massachusetts, for the net delivered price of \$.674 per gallon, including a constant increment of \$.055 per gallon, in

accordance with their proposal dated July 27, 1979;

and it was further

VOTED: To accept the bid for servicing and cleaning burners and boilers of Town buildings during the 1979-80 season, commencing September 1, 1979, from Interstate Gas & Oil Corporation, 239 Nobscot Road, Sudbury, Massachusetts, for \$12 per hour from 8 a.m. to 5 p.m. on weekdays and \$18 per hour on nights, weekends and holidays, in accordance with their proposal dated July 27, 1979.

Authorization of Use of Sanitary Landfill Site

Following a brief discussion it was on motion by Chairman Murray unanimously

VOTED: To accept the Sanitary Landfill Agent's annual report dated June 29, 1979, and to authorize the Sanitary Landfill Agent/Highway Surveyor to use the Sand Hill site situated on the northerly side of the Boston Post Road for the operation of a sanitary landfill, as a source of gravel for road construction and sand for road sanding, and for brush and stump disposal, in accordance with plans dated June 27, 1979, and subject to approval by the Board of Health, and to further authorize the use of a portion of the southeast quadrant for the Wayland/Sudbury Septage Disposal Facility. This authorization is subject to renewal on or before July 1, 1980.

Utility Petition #79-95 - Landham and Stockfarm Roads

Present: Joseph D. Bausk, New England Telephone and Telegraph Company; and abutter John Niewiarowski.

In conformity with General Laws Chapter 166, Section 21 and 22, the Board considered Utility Petition #79-95 of New England Telephone dated July 10, 1979, for permission to lay and maintain underground conduits and serving area cabinet with the wires and cables to be placed therein, under the surface of the following public ways:

Landham Road, easterly side approximately 14 feet north of Stockfarm Road extending southwesterly across Landham Road approximately 55 feet of conduit and one (1) serving area cabinet

Stockfarm Road, northerly side from proposed serving area cabinet on Landham Road extending easterly approximately 141 feet of conduit.

Executive Secretary Richard E. Thompson reported that all appropriate Town officials and abutters had been notified, and that a report dated July 27, 1979, from the Wiring Inspector had been received indicating disapproval because this is the second request for locations that do not abide by the typical road layout approved by the Town.

After reviewing the plan, abutter John Niewiarowski stated he had no objections to the Utility Petitions.

Following a brief discussion it was on motion by Chairman Murray unanimously

VOTED: To approve Utility Petition #79-95 Landham and Stockfarm Roads, as described above and as shown on plan #7-79 dated July 10, 1979.

The Board noted in its decision on this petition, that it was not condoning exceptions to standard accepted road layouts pertaining to electrical and telephone locations, but approving an exception in this case because: 1) necessity of the New England Telephone and Telegraph Company to cross over to reach its main service area cabinet for connection, and 2) to proceed otherwise would require large capital layout and delay of implementation of the petition to service area customers.

LSRHS Executive Internship Program

The Board concurred to have the Executive Secretary forward a proposal, which he drafted at the request of the Selectmen, (dated July 23, 1979) to the Program Coordinator of the LSRHS Executive Internship Program.

Tax Anticipation Notes

Present: Frank H. Grinnell, Assessor.

Following a brief discussion it was on motion by Chairman Murray unanimously

VOTED: To approve a request dated August 2, 1979, from the Town Treasurer to borrow \$1,000,000 in Tax Anticipation Notes with concurrence by the Town Accountant in his letter dated August 3, 1979; and to allow the Executive Secretary to further discuss the date of maturity of said notes with the Town Treasurer in case the Cherry Sheet is received sooner than October.

Chairman Murray recessed the meeting for five minutes at 7:30 P.M.; the meeting was called back to order at 7:35 P.M.

Public Hearing - Dog Complaint: Chlebek/Boots

Present: Carolyn Sue Chlebek, complainant; David Boots and two children, owners; and Betsy M. DeWallace, Assistant Dog Officer.

Chairman Murray convened a Public Hearing under General Laws, Chapter 140, section 157 on the Dog Complaint dated July 9, 1979, of Mrs. Carolyn Sue Chlebek, 579 Concord Road, against a dog owned by David Boots, 555 Concord Road, (1979-80 License #1298), "Jenny", a Labrador/shepherd; said complaint states that said dog has a vicious disposition, chases children and comes onto the Chlebeks' property.

Executive Secretary Richard E. Thompson stated that the complaint was filed in the Town Clerk's office under oath and notarized on July 9, 1979, and that both parties were notified of the public hearing by certified mail. Mr. Thompson noted that the Board has a map of the property involved in the complaint, and a report has been received from the Assistant Dog Officer dated August 2, 1979. Mr. Thompson further stated that he had informed Mrs. Chlebek of her rights to have the hearing continued, since her husband could not be present tonight and tonight's hearing could not be postponed.

Mrs. Chlebek made the following statements in support of her complaint:

In the Spring, when they moved into their home, their children would cut through abutting property to Featherland Park and the children complained on several occasions about a dog "in the back". Following the third time the children complained, she found her way to the dog owner's home, the Bootses, and as she started up the driveway the dog jumped up on the screen inside the house; Mrs. Boots came down the driveway, leaving the dog in the house. Mrs. Boots explained to Mrs. Chlebek that her dog was mean and that he was trained as a guard dog. Following this conversation, Mrs. Chlebek's children re-routed their way to Featherland Park, but the dog still bothered them. The Chlebeks then called the Police Station to find out whether the Town had a leash law. The Police Department subsequently called the Bootses, who informed them (the Police) that the dog had been loose and stated that they would keep the dog tied in accordance with the Town's bylaw. This happened again, and the third time the dog barked at the children, Mr. Boots told the Police that there was a mistake because their dog had been tied up all day. Following another instance, Mrs. Boots confirmed, when questioned by Mrs. Chlebek, that it was their dog which was barking at the children. The Chlebeks again asked the Bootses to keep the dog tied. Mrs. Chlebek then called the Police, and at their suggestion, Mr. Chlebek contacted the Assistant Dog Officer, Betsy DeWallace, who said that the dog was very friendly, she could not understand why the Chlebeks were having trouble, there was nothing further she could do about the problem, and hung up on him.

Executive Secretary Richard E. Thompson reported that the Assistant Dog Officer had referred to the above-stated telephone conversation in her letter of August 2, 1979, and had indicated that Mr. Chlebek would not listen to her attempt to discuss a better way for his children to get to the Park.

Mrs. Chlebek stated that on the day following the conversation with the Assistant Dog Officer, she filed a formal complaint. In conclusion, Mrs. Chlebek informed the Board that her children could not play in their back yard because of the dog.

Mr. Boots, owner of the dog, stated that he has had Jenny for ten to twelve years, she has always been friendly, and he has never had any problems with her. He expressed his opinion that Mrs. Chlebek misinterpreted the conversation with his wife. He said that the dog has never been professionally trained as a guard dog and was not vicious, and further stated that he believed his wife said the dog was not accustomed to small children and they should keep the children away. Mr. Boots continued, saying that the problem appeared to be the dog's barking at the children when they cut through abutting property, and indicating that he was glad that the dog does bark at people who do not belong on the property. Mr. Boots suggested that there might be a case of mistaken identity, in some instances, since their neighbors, who own the property that the children cut across, also have a black Labrador. Mr. Boots did admit, however, that their dog will bark. Mr. Boots' daughter added that their neighbor's dog also barks and was purchased specifically because they wanted a dog just like Jenny. Mr. Boots said that, on one occasion when the Police called, his dog was in the house asleep. He said that the dog is not kept tied up, and that she is old and sleeps most of the time.

Mrs. DeWallace confirmed that the Bootses' dog and their neighbor's dog do look identical, except that one is younger. Mrs. DeWallace also confirmed that Mrs. Boots said she did not trust her dog with small children.

In answer to Selectman Cossart, Mrs. Chlebek said her children were ages 1, 3, 10, 11, 12 and 14, and that the dog goes out of its way to chase and bark at the children.

In answer to Selectman Cossart, Mr. Boots stated that his dog does leave their property, but that she is typically at home.

Chairman Murray stated that the Boots should control their dog, and she should be restrained on their nine acres of land.

Mrs. DeWallace stated that the dog is very friendly, and, when she picks the dog up, she is the only dog who will jump right into the Dog Officer's car.

Mr. Boots' daughter stated that the family realizes that the dog has gone to the school, Lincoln-Sudbury Regional High School (LSRHS), for years; they do not like to have her picked up by the Dog Officer, but on occasion she leaves the property, especially when the children are in school.

Mr. Thompson stated that the Town does not have a leash law but has a bylaw dealing with dog control from 7 a.m. - 8 p.m. during which hours the dog must be under a responsible person's control, and stated that technically the dog should not be off the owners' property during those hours.

Mrs. Chlebek said that neighbors on both sides of them have dogs, and they are friendly; but Mr. Boots' dog is troublesome, and the dog is not antagonized by her children.

Responding to the Selectmen, Mrs. DeWallace stated that no complaints are on record relative to the Bootses' dog other than calls from the LSRHS to remove her from the school property.

Chairman Murray stated that he understood that sometimes young children do have trouble with strange dogs; also, however, there may be a case, in some instances, of mistaken identity, as indicated by Mr. Boots. Chairman Murray further stated that he would like to see Mr. Boots keep a closer eye on the dog so that the Selectmen will not have to take action to permanently restrain the dog.

Selectman Cossart stated that he knew the dog in question, and the behavior described in the complaint and at tonight's hearing was not indicative of the dog as he knew her. Also, Selectman Cossart pointed out that the Bootses, in his opinion, were good citizens, and their knowledge of animal behavior and the general responsibility of the family make it hard for him to believe that they would allow anything to happen to Mrs. Chlebek's children.

It was the concensus of the Board to take the complaint under advisement and ask both the Chlebeks and the Bootses to try to work out some amicable solution on their own.

The meeting was recessed at 8:00 p.m. and called back to order at 8:15 P.M.

Site Plan Submission Rules and Regulations

Present: Joan C. Irish, Lynne H. Remington and N. Teresa Lukas, Conservation Commission.

Executive Secretary Richard E. Thompson referenced a memo from Town Counsel Paul L. Kenny containing comments from various boards and department heads and his personal recommendations pertaining to site plan approval procedure and the question of amending Section I of the Selectmen's Policies and Procedures - Site Plan Submission Rules and Regulations. Mr. Thompson stated that a copy of said memo was sent to the various boards and committees involved in the site plan process.

Town Counsel Paul L. Kenny explained that the most concern expressed by various boards and department heads related to the "chicken/egg" situation in the site plan process. To correct this problem would require some bylaw changes; i.e., requirement that site plan approval must precede any Board of Appeals action.

Town Counsel went on to say that to streamline the application and approval process, many boards, commissions and departments requested a clearer explanation of description of what the site plan involved. Mr. Kenny recommended that a "check list" be attached to the application indicating i.e. type of business and operation to be conducted, size and location of septic system, etc. Conservation Commission Associate member, Lynne H. Remington, later concurred and stated that this would eliminate a lot of extra time and work.

Mr. Kenny pointed out another suggestion was that the applicants be alerted immediately as to the site plan approval process including the above-mentioned "check list". In this respect, Town Counsel recommended that to avoid subsequent hearings for site plan approval before the Selectmen, due to various approvals required by the various boards, commissions and/or committees, that an amendment to the zoning bylaw be considered whereby the site plan application would not be approved until such time as all permits or variances from the Board of Appeals, approval from the Conservation Commission and the Board of Health have been obtained. Lynne Remington concurred.

Selectman Cossart stated that the boards should not be pressured by time limitations in the bylaw relative to the site plan process, and there was a concurrence of everyone present that a "daytime" meeting of all boards involved in the site plan process might be the answer to expediting approval and eliminating additional hearings and conditional site plan approval.

Mr. Thompson suggested that the Building Inspector, prior to his acceptance of the site plan, send out a post card/notice to the appropriate boards for a "pre" site plan review.

Following further discussion it was on motion by Chairman Murray unanimously

VOTED: To table discussion of the site plan approval process and amending Section I of the Selectmen's Policies and Procedures - Site Plan Submission Rules and Regulations, in accordance with Town Counsel recommendations dated July 5, 1979, until the Board's meeting on August 20, 1979, so that Selectman Hotch could be present for comment.

Selectman Cossart referenced Town Counsel's recommendation that time limits not be placed on certain approved site plans for two-year renewals, since the bylaw does not require the same.

Mr. Thompson commented that this procedure was developed some years ago as a safeguard to the Town to control special schools and/or camps in Town, which might apply and come under General Laws Chapter 180 -- a non-profit status and exempt from zoning bylaws.

General Meeting and Appointment - Personnel Board

Present: Chairman Lawrence Faye and John R. Williams, Personnel Board; and Henry P. Sorett, candidate.

Chairman Murray welcomed those members of the Personnel Board who were present for the purpose of a general discussion dealing with personnel matters.

Personnel Board Chairman Lawrence Faye presented the following data prepared by the Personnel Board:

- Merit Review Forms:

Performance Appraisal - Operational Employees
Performance Appraisal - Management/Technical Employees

- Wage Comparisons of Individually-rated Personnel using a selected group of nine comparable towns.

Mr. Faye explained that the wage comparison includes a comparison of salaries for various Town positions (for the nine comparable towns) which he felt would be useful in professionally recommending and determining minimum and maximum salaries based on sound criteria for our Individually-rated Town employees in the future. Mr. Faye later added that the Personnel Board does now have expertise and is a good citizen board. Mr. Faye went on to say that the performance review process should equate the employee's salary with his performance, but should also take into consideration duties of the position compared to the same position in comparable communities.

Chairman Murray commented that certain town department heads in similar communities have additional "support personnel" and this should be taken into consideration when basing our recommendations on the nine-town wage comparison.

Mr. John R. Williams spoke briefly about the two merit review performance appraisal forms and suggested holding training sessions on how the Personnel Board could provide service to various departments and review with them the merit review process and performance appraisal forms.

Mr. Faye presented to the Board a booklet giving comparable data of the nine selected towns relative to per capita income, full value, tax levy, etc., which also contained comparable job descriptions with the Town of Concord and Acton on certain Individually-rated positions.

Mr. Faye outlined the following objectives/goals of the Personnel Board for Fiscal Year 1979-80:

- Equal Opportunity Employment. Mr. Faye addressed this question in relation to determining whether the Town is meeting its commitment to Federal and State laws. Mr. Thompson commented that the Town did have an Equal Opportunity Bylaw Committee approximately five years ago which presented a lengthy report on the subject, parts of which have been implemented; the Personnel Board had recommended posting of jobs, which was not done in the past; and all positions advertised in the Town do indicate that we are an Equal Opportunity Employer. Mr. Thompson also informed the Personnel Board that he had informed the Board (and they directed him to continue) during his merit review evaluation session that one of his objectives in the next year was to address the question of Equal Opportunity Employment in the Town and to develop a Town-wide employee analysis including schools.

- Reclassification and New Job Descriptions. Mr. Faye stated that the Personnel Board will further develop these and in conjunction circulate a Personnel Management Memo Series to be sent to department heads for guidance.

- Clerical Merit Review Form. This was a Personnel Board commitment under the new Personnel Administration Plan approved at the 1979 Annual Town Meeting.

- Grievance Procedure. Develop a formal grievance appeal procedure for non-union personnel.

- Department Turn-over. Analyze turn-over in various departments to determine cause - can reflect a management problem.

- Address reclassification of Town Engineering Department personnel.

- Personnel Board Liaison Assignments. Personnel Board members have been assigned to various boards, commissions, committees and/or departments, i.e. to support contract negotiations, reclassifications, transfers, etc.

Selectman Cossart complimented the Personnel Board, stating that the two major categories for the merit review process are excellent, and the administrative training sessions, which Mr. Williams spoke of, are essential.

Chairman Murray asked when the clerical merit review forms would be finished, in accordance with the new Administration Plan approved at the 1979 Annual Town Meeting.

Mr. Faye said it would be about 60 days before they are completed, but that he would expedite the process as quickly as possible since, as the Executive Secretary noted, merit review forms must be signed by Supervisors prior to employee step increases.

Appointment

Following an interview of candidate Henry P. Sorett and a brief discussion, it was on motion by Chairman Murray unanimously

VOTED: To appoint Henry P. Sorett, 58 Longfellow Road, to the Personnel Board, to replace Alan Carpenter, for a term to expire April 30, 1982, in accordance with the Personnel Board's verbal recommendation on July 24, 1979.

Appointment - Conservation Commission

Present: Judy A. Cope, Chairman; Joan C. Irish, H. Rebecca Ritchie, N. Teresa Lukas and Lynne H. Remington, Conservation Commission; Hugh Caspe and Charles B. Cooper, candidates.

Following interviews by the Board of Hugh Caspe and Charles B. Cooper, two candidates interviewed by the Conservation Commission at their regular meeting on June 27, and a brief discussion, it was on motion by Chairman Murray unanimously

VOTED: To table the appointment to the Conservation Commission, to fill the vacancy tendered by the resignation of Lynne H. Remington, until Selectman Hotch can be present.

Chairman Murray thanked the members of the Commission and the candidates for attending tonight's meeting.

Minutes

It was on motion by Chairman Murray unanimously

VOTED: To approve the minutes of the regular and executive sessions of July 23, 1979, as drafted.

Current Items of Interest

Coping with Rising Fuel Costs

The Board directed the Executive Secretary to arrange to have Leonard Sanders, President of the Boston Better Business Bureau, attend the Board's next meeting on August 20 to discuss his suggestion that Sudbury should form a task force to help people cope with rising fuel costs and payment of the same.

MAPC Areawide Housing Opportunity Plan

Executive Secretary Richard E. Thompson provided information to the Board relative to their concerns regarding the MAPC Areawide Housing Opportunity Plan. Selectman Cossart again questioned the authenticity of the remaining need for 301 housing units in Sudbury and the manner in which that figure was determined. Selectman Cossart requested that the Executive Secretary obtain Federal and State guidelines pertaining to income limits dealing with definitions of "low" and "moderate" income eligibility.

Executive Session

At 9:30 P.M. it was on motion by roll call unanimously

VOTED: To enter into Executive Session for the purpose of discussing transactions in real property where open discussion may have a detrimental effect on such transactions.

(Roll call vote: Chairman Murray in favor; Selectman Cossart in favor.)

Chairman Murray announced that public session would not reconvene following the Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 10:00 P.M.

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk