

IN BOARD OF SELECTMEN
MONDAY, JANUARY 14, 1980

Present: Chairman Robert J. Hotch, William J. Cossart and John E. Murray.

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

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular and Executive Sessions of January 2, 1980, and the Executive Session of January 7, 1980, all as drafted, and the regular session of January 7, 1980 as amended.

Status of Town Dog Pound

Present: Earl D. Midgley, Deputy Building Inspector (arrived later.)

Executive Secretary Richard E. Thompson reported that Town Engineer and Acting Building Inspector James V. Merloni and Deputy Building Inspector Earl D. Midgley viewed the Dakin Road property belonging to Dog Officer Betsy M. DeWallace, which is presently being used by Mrs. DeWallace in connection with her position as Dog Officer. Mr. Thompson stated that Mr. Merloni and Mr. Midgley are recommending an increase in the Dog Officer's budget of approximately \$3,500 - \$5,000 to renovate this facility for the purpose of the Town's continued use of this property as the Town's Dog Pound, in lieu of new construction at the Sanitary Landfill with funds appropriated at the 1979 Annual Town Meeting, which have proved to be insufficient following several public biddings this past year. Mr. Thompson asked for a consensus of the Board of Selectmen to proceed in this direction so that a communication to that effect can be forwarded to the Finance Committee prior to their review of the Dog Officer's budget at their budget hearing.

Selectman Cossart amplified on the matter by stating that he and Mrs. DeWallace had discussed the high cost of the operation of a dog facility, and he commented as follows:

- that the Town is limited by the State to charge only \$2 per day boarding fee and the County reimburses the Town \$2 per day; while the Town pays Betsy DeWallace \$2.50 per day (as established some time ago when the Town was paying Buddy Dog for the same services), and she is guaranteed \$5 minimum per dog for which the Town does not always get reimbursed,

- in a 6-month period, 89 dogs were picked up by the Dog Officer, of which 38 were never claimed (33 were subsequently sold and 5 put down). Selectman Cossart concluded that there is real evidence that people from out of town are leaving unwanted dogs in Sudbury because of the Buddy Dog facility located here, and it is very costly for the Dog Officer to care for these dogs for 10 days, as mandated by the State, before giving them up to either Buddy Dog (for \$3 each) or to be disposed of (in the case of vicious or old dogs) at an additional cost to the Town of approximately \$25 per dog.

- for the past six months (1979) it has cost the Town over \$83 per dog picked up.

Selectman Cossart continued to say that it would not be feasible for the Town to pay rental fees for the use of Mrs. DeWallace's facility, as originally considered by the Board, in addition to the cost of retainer fees, salaries and care of the dogs. He suggested, if the Selectmen agree, that Mrs. DeWallace be asked to continue her present practice of care and boarding of the dogs on her property, and the Town will continue to reimburse her, according to the rate schedule established several years ago.

Selectman Cossart stated that in speaking to Mrs. DeWallace she had mentioned the possibility of an increase from \$1 to \$5 in the charge for late dog registrations, despite the fact that the additional requirement of submitting rabies certificate at the time of registration might create further delays in the licensing of dogs.

Mr. Thompson suggested that he work with one of the Selectmen and report back to the entire Board after speaking with Mrs. DeWallace and working with Town Counsel as to the wording for some type of an agreement, incorporating Selectman Cossart's suggestions and perhaps adding that the care and maintenance of the facility would compensate for the lease arrangement. Upon Mrs. DeWallace's approval, Mr. Thompson stated the next step would be to proceed to the Board of Appeals for a variance. The Board expressed its concurrence.

Mr. Midgley arrived and was asked by the Board to explain how he and Mr. Merloni arrived at the figure of \$3500-5000 for renovations to the Dakin Road facility.

Mr. Midgley listed the following items included in their estimate and requiring attention:

- repair ceiling tiles;
- replace or possibly repair two gas heaters;
(the cost would be less if they could be repaired)
- repair broken pipes within the building;
- remove a few old gas appliances;
- replace front and back entrance doors; and
- separate utilities - heat, plumbing and electricity - from the house.

In answer to the Selectmen, Mr. Midgley stated that he could have a breakdown of the costs, in writing, to the Selectmen's office by Friday.

Selectman Cossart added that Mrs. DeWallace had also mentioned that the fee for disposing of dogs could be alleviated if the Police Department would be willing to take over this responsibility.

The Selectmen concurred that since the occasion to dispose of a dog does not occur very often, it would not justify requesting the Police Department to accept such an emotional responsibility.

In conclusion the Selectmen directed the Executive Secretary to ask Town Counsel to look into an application to the Board of Appeals dealing with the use of Betsy DeWallace's property for a Town Dog Pound and as to what action would be necessary to increase the dog fines for late registrations.

There being no further discussion, Chairman Hotch thanked Mr. Midgley for attending tonight's meeting.

Annual Town Election

It was on motion by Selectman Murray unanimously

VOTED: To set the 1980 Town Election for the four (4) precincts in Sudbury for Monday, March 31, 1980, from 7:00 a.m. to 8:00 p.m. in the Peter Noyes School;

and it was further

VOTED: To set the opening session of the 1980 Annual Town Meeting on Monday, April 7, 1980, at 8:00 p.m. in the auditorium of the Lincoln-Sudbury Regional High School;

and it was further

VOTED: To establish that the Annual Regional School District Election shall be combined with and held as part of the Annual Town Election of Sudbury; that the ballot for the Annual Regional School District Election shall be included with and prepared as part of the ballot for the Annual Town Election;

and it was further

VOTED: To establish that the listing of the offices shall be the same as set forth in the Warrant for the Lincoln-Sudbury Regional School Committee Election and shall be printed as the last office on the ballot;

and it was further

VOTED: To approve allowing the Board of Registrars to hold special registration sessions prior to the Annual Town Election and Town Meeting at the Town Hall, in accordance with Chapter 51, section 30 of the General Laws.

Presidential Primary

It was on motion by Selectman Murray unanimously

VOTED: To set the Presidential Primary for the four (4) precincts in Sudbury for Tuesday, March 4, 1980, from 7:00 a.m. to 8:00 p.m. in the Peter Noyes School, in accordance with the request of the Town Clerk, dated January 8, 1980.

Litter Connected with Soft Drink Machine in Town Centre

Following discussion, the Board directed the Executive Secretary to respond to a communication dated January 6, 1980, from Pamela S. Goff, dealing with litter in the Town Hall area connected with the Fire Department soft drink machine, informing Mrs. Goff of the following recent action relative to the same:

- The Fire Chief, under letter of January 14, 1980, does not recommend the removal of the soft drink machine as, in his opinion, it is not necessarily the reason for all the litter in the Town Hall area and because it serves a large population of Townspeople, as well as school children and visitors.

Selectman Cossart commented that the Firefighters derive a profit from the sale of the soft drinks, which is used for their personal use at the station; thus they may be willing to install a no littering sign on the machine at their own expense.

- The Board directed the Executive Secretary to speak to the Fire Chief relative to the placement of a sign on the machine encouraging the proper disposal of soft drink cans; and

- to request the Park and Recreation Commission to provide barrels in the area, including Heritage Park.

Grievance - IBPO - Officer Daniel Fitzgerald

Present: John A. Longo, President of International Brotherhood of Police Officers (IBPO), Local 315; Officer Daniel Fitzgerald; and Police Chief Nicholas Lombardi.

Executive Secretary Richard E. Thompson stated that on January 7, 1980, the Board addressed a grievance dated December 7, 1979, submitted by John A. Longo, President of the International Brotherhood of Police Officers (IBPO), on behalf of Officer Daniel Fitzgerald relative to Article XXII, Injury in the Line of Duty, as it pertains to Sick Leave, at which time, the matter was tabled by mutual consent, for the purpose of reviewing material which had been submitted that night. Mr. Thompson stated that subsequently, the following material was received:

- a copy of General Law, Chapter 41, section 111F, submitted by Officer Fitzgerald on January 9, 1980; and

- a communication, dated January 8, 1980, from Police Chief Nicholas Lombardi, enclosing an accident report dated March 3, 1967, in which Officer Fitzgerald sustained a back injury; copies of the operator's report and the investigating officer's report.

Mr. Thompson stated that Town Counsel Paul L. Kenny had responded to his interpretation of Chapter 41, section 111F, on July 5, 1979, as requested by the Board at that time on a similar grievance.

Chairman Hotch recessed the meeting at 7:40 p.m. for 15 minutes so that Town Counsel could review the communications and facts surrounding this grievance; the meeting was called back to order at 7:55 p.m.

Town Counsel stated that he reviewed the letters from Officer Fitzgerald's doctors and the file, which indicated certain past and current physical conditions and back problems of Officer Fitzgerald which may or may not have arisen in the line of duty; however, the doctor's reports indicate that certain known accidents in the line of duty have aggravated the same.

Officer Fitzgerald and President Longo confirmed that the limit and parameters of the grievance was twelve days of personal sick leave credited to his accumulated sick leave personal time between November 5 and December 31, 1979, and that Officer Fitzgerald is requesting restitution for the twelve days.

Following further discussion, it was on motion by Selectman Cossart unanimously

VOTED: To accept and act favorably on the grievance dated December 7, 1979, submitted by John A. Longo, President of the International Brotherhood of Police Officers, on behalf of Officer Daniel Fitzgerald, relative to Article XXII, Injury in the Line of Duty, as it pertains to Sick Leave.

Ordering of Warrant for 1980 Annual Town Meeting

Present: Betsey M. Powers, Town Clerk.

Chairman Hotch stated that with the concurrence of the Moderator the Board would Order the Warrant in his absence.

Chairman Hotch read the following 1980 Annual Town Meeting articles, which the Board approved for the consent calendar: Street Acceptances; Amend Bylaws, Art. V, 13 - Public Safety - Gas Inspector; Amend Bylaws, Art. IX, VI, C, 5 - Special Permit Guidelines; Amend Bylaws, Art. VII (B) - Temporary Repairs on Private Ways; Amend Bylaws, Art. IX - Shopping Center Districts; Temporary Borrowing; Use of Free Cash; Unemployment Compensation; Unpaid Bills; Summer School; and Official Town Map.

After further review and discussion, the Selectmen ordered the 46-article Warrant for the 1980 Annual Town Meeting.

Joint Meeting with Highway Surveyor - Annual Town Meeting Articles

Present: Highway Surveyor Robert A. Noyes.

Chairman Hotch stated that the Selectmen would like to discuss with Highway Surveyor Robert A. Noyes those articles which have been submitted by him for inclusion in the Warrant for the 1980 Annual Town Meeting.

Mr. Noyes commented on the articles as follows:

Surface Drains - This article, in the amount of \$100,000 is being submitted (for the third year of a five-year program) to correct 1465 feet of drainage and for re-surfacing on Union Avenue.

Amend Bylaws, Art. VII (B) Temporary Repairs on Private Ways - Mr. Noyes reported that this article is being resubmitted exactly as written and submitted for the 1977 Annual Town Meeting. Mr. Thompson further explained by stating that, since the time the Town accepted section 6N of Chapter 40 of the General Laws, which allowed the Town to repair private ways as stated in the above-proposed bylaw, section 6N had been repealed, and the Town must now adopt its own bylaw providing that authority. Mr. Noyes read the article.

Crystal Lake Drive - This article deals with drainage on Crystal Lake Drive, to be completed in conjunction with a transfer of remaining funds from a 1975 Annual Town Meeting Article for the Pine Lake area drainage project. The Board viewed a map with Mr. Noyes entitled "Drainage Crystal Lake Drive", dated November 15, 1979, drawn by the Town of Sudbury Engineering Department.

Landham Road - This article is to appropriate money to complete loam and seed work and a layer of hot top on the circular driveway in front of the Catholic Church on Landham Road, which was used as a detour during construction; said appropriation is necessary due to unexpected and/or unanticipated expenses and increases on the total reconstruction project of Landham Road.

Fill - Sanitary Landfill - Mr. Noyes showed a map to the Board entitled "Proposed Grading Plan for the Preparation of the Pond for the Sanitary Landfill", dated November 15, 1975, and stated that the Conservation Commission and the Board of Health seem to be in agreement with filling in this certain area, as it is speculated that this will save five years' life of the Landfill.

Dutton Road - Mr. Noyes told the Selectmen that although he is not against the Dutton Road straightening project, he feels that he cannot fit it into his plans for this year.

Chairman Hotch thanked Mr. Noyes for attending tonight's meeting.

Meeting with Marjorie Wallace - Cemetery Lot Purchase

Present: Marjorie Wallace.

Executive Secretary Richard E. Thompson explained that Marjorie Wallace had been in joint ownership of Lot 37A, Section 3A of the New Town Cemetery with Ira Potell, and that following their divorce the Board voted on November 13, 1978, to repurchase Grave #1 of said Lot 37A for \$50, acting upon the verbal request of Mr. Potell.

Mr. Thompson went on to say that Ms. Wallace is now requesting to purchase that grave from the Town at the original price of \$50. (Under Cemetery Rules and Regulations, the price for a single grave is presently \$100).

Ms. Wallace pointed out that, as owner of the single grave on said Lot 37A, following the Town's repurchase of grave #1, she had been requested to look for an alternative, suitable single grave, which she said she was unable to find to her satisfaction.

Selectman Cossart questioned whether the sale with Mr. Potell had ever been consummated; Mr. Thompson responded that Mr. Potell had come into the Selectmen's office to request the Town to repurchase this grave from him; that the Town had received, at that time, the original deed to that lot; and that a check in the amount of \$50 had been drawn for Mr. Potell, but that it was learned he was no longer at the given address and consequently the check was never mailed.

After considerable discussion and on the recommendation of Town Counsel, it was on motion by Selectman Cossart unanimously

VOTED: To sell grave #1 and accept a \$50 payment from Marjorie Wallace in order that she might have full ownership of Lot 37A, Section 3A of the New Town Cemetery, including two grave sites, in accordance with Section XIV of the Cemetery Rules and Regulations.

It was noted that \$50 would be available for Mr. Potell in the event he should come into the Town office for that amount, in conjunction with the sale agreement for grave #1 in November 1978.

Selectman Hotch stated that he wanted a copy of the Cemetery Rules and Regulations. Mr. Thompson stated that he would get a copy to him.

Current Items of Interest

Selectmen's Annual Report

The Selectmen signed the Selectmen's annual report for 1979, prepared by the Executive Secretary, as amended.

Bug Day

Selectman Cossart announced a Mosquito Control Study Committee meeting tomorrow evening at the Parsonage, and called the Board's attention to the recent radio publicity resulting in approximately eleven communities expressing interest in the Bug Day Project.

Budget Hearings

Selectman Murray reported that at the Police and Fire budget hearings with the Finance Committee, the Police budget stayed mainly intact with a small deletion in the overtime; the position of Fire Captain/Safety Prevention Officer, however, was eliminated from the Fire Department budget. Selectman Murray stated that Fire Chief Frost may want to debate this on Town Meeting floor. Selectman Cossart commented that the Highway Department cemetery overtime budget was voted at zero.

Chairman Hotch stated that the Board should attend the final budget hearing on January 26th. Mr. Thompson later informed the Board that the Selectmen's budget hearing is scheduled for Thursday.

Proposed Police Facility

Executive Secretary Richard E. Thompson informed the Board of a meeting to be held Wednesday evening, January 16, with the Board of Health and the Permanent Building Committee relative to the proposed police facility.

Fire Professional Estimate

The Selectmen concurred that an appropriation for a proposed fire station professional cost estimate should be included in the Surveys and Studies Account.

Fuel Storage Tanks

Responding to Selectman Cossart, Mr. Thompson stated that he and Chief Frost are in the process of working with Northern Farms relative to the removal of gas and diesel fuel remaining in their storage tanks which are no longer in use and stated that Northern Farms is being very cooperative.

Executive Session

It was on motion by roll call

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

(Chairman Hotch, in favor; Selectman Cossart, in favor; and Selectman Murray, in favor.)

Chairman Hotch 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 10:30 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk