

IN BOARD OF SELECTMEN
MONDAY, APRIL 27, 1981

Present: Chairman Anne W. Donald and John E. Murray.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:45 p.m. by Chairman Anne W. Donald.

Sudbury Housing Authority

Present: Albert S. Feinberg, Chairman, and Lucille M. Crist, Executive Director, Sudbury Housing Authority.

Chapter 705 Family Housing Application - Executive Secretary Richard E. Thompson stated that the Sudbury Housing Authority (SHA) feels it is important to make an effort to apply for Round II of a grant under Chapter 705 Family Housing because of the vote of Town Meeting authorizing a maximum of fifty subsidized units - Sudbury currently has five units - even though the likelihood of a grant being awarded to us is not good. Mr. Thompson stated that this application requires the endorsement of the Selectmen and the Board of Assessors.

Following a brief discussion, it was on motion by Selectman Murray unanimously

VOTED: To authorize the Chairman of the Board of Selectmen to sign an application of the Sudbury Housing Authority, dated April 27, 1981, to the Bureau of Housing Development, Executive Office of Communities and Development, for a grant under Chapter 705 Family Housing, Round II, thereby indicating the Board's support of the same.

Vacancy - The Board noted receipt of two communications from the Sudbury Housing Authority, dated March 3 and April 7, 1981, relative to the vacancy on the SHA and indicating their desire to meet with the Selectmen to fill that vacancy.

Executive Secretary Richard E. Thompson stated that the SHA had fulfilled their obligation under statute to notify the Selectmen of the vacancy within thirty days. The next step is for the Selectmen to call a joint meeting with the SHA for interviewing candidates and making an appointment.

Mr. Thompson gave SHA Chairman Albert Feinberg a list of candidates compiled by the Selectmen, and suggested that after they have reviewed it they should contact the Selectmen's office as to whom they might be interested in interviewing jointly with them.

Article 13 - Inflammables Storage

Present: Fire Chief Josiah F. Frost; and Edward E. Kreitsek, 59 Dudley Road.

Relative to the action of the 1981 Annual Town Meeting to refer Article 13 back to the Fire Chief and a committee to study and bring a fuel tank storage article back to the next special or annual town meeting, the Fire Chief and the

Selectmen suggested several people, including Mr. Edward E. Kreitsek of 59 Dudley Road who was present, to form such a study committee and requested the Executive Secretary to send an application to them as soon as possible.

Center Stage - Summer Theatre in Sudbury

The Board acknowledged receipt of a communication, dated April 9, 1981, from David London, Center Stage, Malden, inquiring about the use of facilities for a summer theatre in Sudbury and, following discussion, directed the Executive Secretary to forward a copy of the same to both the Town Facilities Committee and the Sudbury Schools for their attention in the matter.

Public Hearing: Union Carbide Corporation, Linde Division, 141 Boston Post Road

Present: Arthur C. Morgello, Plant Manager, Union Carbide Corp.; Fire Chief Josiah F. Frost; Building Inspector Joseph E. Scammon; and Edward E. Kreitsek, abutter (Buddy Dog).

Chairman Donald opened a public hearing on the application of Union Carbide Corporation, Linde Division, dated March 30, 1981, for aboveground storage of 3,000 gallons of inflammables, for property located at 141 Boston Post Road.

Executive Secretary Richard E. Thompson stated that all appropriate Town officials and abutters had been notified, and the following communications had been received:

- from the Building Inspector, dated April 24, 1981, recommending approval;
- from the Planning Board, dated April 24, 1981, recommending approval, with an attachment from T. P. Theodores of the Planning Board supporting the storage request and commenting on the general aspects of potential groundwater contamination from the facility.

Mr. Thompson noted that the Board of Health will not have a recommendation until after their meeting on Wednesday, April 29. Mr. Thompson stated that Selectman Cossart, who could not be present tonight, has recommended approval of this application.

Fire Chief Josiah F. Frost stated that the location for the additional storage is ideal and recommended approval from a fire safety standpoint.

Mr. Morgello, Plant Manager of Union Carbide, showed the plan of the property and the locations of the proposed and current storage.

Mr. Edward Kreitsek of Buddy Dog stated that he and his neighbor, Union Carbide have shared a 500' property line for five years and his observations of their safety attitudes leaves him with no apprehensions of this application request.

Conservation Commission Chairman Joan C. Irish arrived and stated her concurrence with Mr. Theodores' communication of April 24, 1981.

At the conclusion of discussion it was on motion unanimously

VOTED: To approve the application of Union Carbide Corporation, dated March 30, 1981, for a license to store aboveground 1500 gallons Isopentane and 1500 gallons Methanol in half-ton containers on property located at 141 Boston Post Road, subject to approval of the installation of the tanks by the Fire Chief; said location is for storage in addition to existing licensed storage of: 500 lcc Cyl. Acetylene, 1153 gallons Hydrogen Gas, 4,000 gallons Gasoline, 5,000 gallons Diesel Oil, and 3,000 gallons Acetone;

and it was further

VOTED: To approve and sign a revision of the applicant's site plan, dated June 4, 1980, revised April 20, 1981, updated to show inflammables storage in accordance with the above vote.

Mr. Thompson referenced a note dated April 27, 1981, from Town Engineer James V. Merloni indicating that the new sepia of the Union Carbide site plan is, except for the updating, the same as the old approved site plan #80-218 and recommending that the Board sign the new plan.

Chairman Donald recessed the meeting at 8:10 p.m.; the meeting was called back to order at 8:20 p.m.

Representative Lucile Hicks

Chairman Donald recognized Representative Lucile Hicks, who updated briefly on 1) a Middlesex County Advisory Board budget hearing; and 2) Boston legislators' "bail out" plan for Boston City schools - an override provision to Proposition 2 1/2.

Reserve Fund Transfer Account 503-21, Law General Expense

Present: Chester Hamilton, 240 Morse Road.

Following a brief discussion and comments by Chester Hamilton of 240 Morse Road, it was on motion by Selectman Murray unanimously

VOTED: To approve Request No. 1006 for a transfer from the Reserve Fund to Account 503-21, Law General Expense, in the amount of \$1,000 to settle eminent domain takings with Penn Central Transportation Company of three walkway easements at railroad crossings on Old Lancaster, Hudson and Morse Roads.

Request to Solicit Donations, Sudbury American Legion Post No. 191

It was on motion by Selectman Murray unanimously

VOTED: To approve a request dated April 16, 1981, from Guy L. Dietrich, Chaplain, Sudbury American Legion Post No. 191, for permission to solicit donations by sale of poppies at Star Market and Sudbury Farms shopping centers on May 21, 22, and 23, 1981.

Summer Meeting Schedule

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

VOTED: To approve a summer meeting schedule, dated April 24, 1981, as drafted by the Executive Secretary.

Dog Hearing: Lubash/Johnson

Present: Mrs. Johnson and David A. Johnson, owner of dog "Kieta"; Ivan H. Lubash, complainant; and Betsy M. DeWallace, Dog Officer.

Chairman Donald convened a Public Hearing under General Laws, Chapter 140, section 157, on the Dog Complaint dated April 7, 1981, of Ivan H. Lubash of 25 Barbara Road against a dog owned by David A. Johnson of 33 Barbara Road, "Kieta", a female German Shepherd; said complaint stated that Kieta has attacked and bitten the Lubash dog on his property on two occasions.

Executive Secretary Richard E. Thompson stated that the above complaint was sworn before a notary on April 7, 1981, in the Town Clerk's office, and referenced the Dog Officer's report of April 23, 1981, (which he read) acknowledging several complaints from Barbara Road, Firecut Lane and Aaron Road residents.

Mr. Lubash paraphrased his report stating that David Johnson's dog had bitten his dog twice on his own property, and that, in his opinion, the dog has a vicious disposition. Mr. Lubash stated his opinion that the dog should be totally restrained or other drastic steps should be taken.

Responding to Selectman Murray, Dog Officer Betsy DeWallace stated that she had visited Kieta, and that in her opinion the dog could be a problem in that she is not a friendly dog.

David Johnson stated that his dog is not friendly with strangers.

Mrs. Johnson stated that her son had built a run in the backyard and since then the dog has been chained. Mrs. Johnson indicated that the dog was a good watch dog in that she was not a friendly dog.

Selectman Murray explained the Town Dog Control Bylaw and stated that their dog should have been controlled accordingly.

Responding to Selectman Donald, David Johnson stated that he had built the dog run months ago, and that the dog is on the run at all times.

David also said that, when the incident involving Mr. Lubash's dog occurred, he had been working out-of-state.

The Dog Officer responded to the Selectmen that Kieta is approximately 1½ years old - that David had purchased the dog from Buddy Dog as a 9-week old puppy in January, 1980.

Mr. Lubash said that the Johnson dog has been loose at least once a week, and that his dog was bitten last Saturday or Sunday. Clarifying a dog run for Mr. Lubash, Selectman Murray stated that it did not need to be enclosed, but the run could not extend onto anyone else's property.

David Johnson rebutted Mr. Lubash's remark that the dog has been loose once a week by stating that she had not been. Mr. Lubash stated that she was loose in the Johnson's yard tonight. David said that he was with the dog.

The Dog Officer commented that when two dogs do not get along, they never will get along, and later recommended that the dog be restrained at all times to avoid the combination of the Johnson and the Lubash dogs.

Mr. Lubash stated to Selectman Donald that his dog is kept under control.

Mrs. Johnson stated that, although she has no objection to it, but to keep the record straight, all dogs in the neighborhood are loose and run in packs, including Mr. Lubash's dog and formerly Kieta, at approximately the same time every morning.

Selectman Donald suggested that she and her neighbors should conform to the Town Dog Control Bylaw. Selectman Murray explained the alternatives open to the Selectmen in addressing this dog hearing tonight, stating that to keep a dog restrained means that it must be under the owner's control at all times.

Mrs. Johnson stated that they are voluntarily restraining their dog, that it is not their desire to have any further problems with the dog in the neighborhood.

Following further discussion it was on motion by Selectman Murray unanimously

VOTED: That the female German Shepherd dog, "Kieta", be restrained at all times by her owner David A. Johnson of 33 Barbara Road.

Mr. Thompson explained to the Johnsons that tonight's action by the Selectmen becomes effective immediately, although they would not receive official notification for approximately a week.

The Dog Officer added that David Johnson's dog must be licensed in the Town Clerk's office; that the dog tag she is wearing from Buddy Dog is no longer legal.

Health Care Plans

It was on motion by Selectman Murray unanimously

VOTED: To confirm a telephone vote of the Board of April 21, 1981, authorizing the Chairman to sign the following:

a. A group Application to the West Suburban Health Care Plan for the period May 10, 1981 to May 9, 1982; and

b. An agreement with Blue Cross of Massachusetts, Inc., and Blue Shield of Massachusetts, Inc., under Chapter 32B of the General Laws, for Hospital, Medical, and Other Health Care Benefits, for the period May 10, 1981 through May 9, 1982.

Multi-Group Health Plan

The Board tabled taking any action relative to an agreement with Multi-Group Health Plan based on reservations by Town Counsel.

Minutes

It was on motion by Chairman Donald unanimously

VOTED: To approve the minutes of the Regular Session of April 13, 1981, as drafted.

Current Items of Interest

Middlesex Advisory Board Meeting - Chairman Donald stated that she had attended the recent meeting of the Middlesex Advisory Board and that she would get copies of their proposals to the Board.

Home for Little Wanderers - Mr. Thompson informed the Board that the Home for Little Wanderers is proposing to sell soft drinks and baked goods, and possibly balloons, in the parking lot of Our Lady of Fatima Church during the Fourth of July Parade and that, although no license is required by the Selectmen, Town Counsel suggests referring them to the Board of Health for a permit from them. The Selectmen concurred.

Communications Received - Mr. Thompson noted receipt of the following communications:

- from the Police Chief dated April 24, 1981, relative to the replacement of electronic siren units;

- from the Department of the Army dated April 22, 1981, inviting the Board to attend May 3 activities at Fort Devens;

- from Dr. and Mrs. David A. Kahn dated April 21, 1981, supporting the retention of the Sudbury Police Auxiliary;

- an invitation to march in the Memorial Day Parade starting at 8:15 a.m.;

- a March 23, 1981, communication from the State Department of Public Works relative to the reimbursements for work done on Landham Road.

1981 Sales Analysis - Mr. Thompson stated that he had confirmed with the Assessors that a request for a 1981 Sales Analysis had been submitted to the State.

Special Police Officers

It was on motion by Selectman Murray unanimously

VOTED: To table taking any action relative to the appointment of Special Police Officers in the absence of Selectman Cossart.

There being no further business to come before the Board, the meeting was adjourned at 9:00 p.m.

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk