

IN BOARD OF SELECTMEN
MONDAY, JANUARY 26, 1981

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

Bond Anticipation Notes - New and Renewal

Present: Town Clerk Betsey M. Powers; Town Treasurer Chester Hamilton (arrived later).

Selectman Cossart questioned amounts shown on the Bond Anticipation Notes, which required the Board's signatures. Later in the evening, prior to the Town Fathers Forum, Town Treasurer Chester Hamilton resolved Selectman Cossart's concerns, and it was on motion unanimously

VOTED: To sign Bond Anticipation Notes in the amount of \$540,000.00, to be due August 28, 1981, as requested by the Town Treasurer in his communication of January 22, 1981, as follows:

-Bay Bank Middlesex (renewal)	8.95%	200,000
-Bay Bank Middlesex (new)	8.95%	140,000
-Guaranty First Trust Co. (new)	9.15%	200,000

Status of Unlicensed Dogs

Executive Secretary Richard E. Thompson read a communication dated January 23, 1981, from the Dog Officer reporting the status of unlicensed dogs, following which, Chairman Murray recommended that a concentrated effort be made by the Dog Officer by calling owners of unlicensed dogs and requiring immediate registration. Chairman Murray suggested that the Dog Officer report back to the Board sometime in February with an up-date on the same. Mr. Thompson stated that he would so inform Mrs. DeWallace.

Massachusetts Bay Transportation Authority Service Assessments

Following discussion it was on motion by Selectman Donald unanimously

VOTED: To support a bill, submitted to the State legislature to exclude communities not receiving service from the Massachusetts Bay Transportation Authority from being assessed funds for its operation, in conjunction with 22 cities and towns.

The Executive Secretary was directed to forward this vote to the Town of Maynard with a copy to Senator Atkins and Representative Hicks.

Mr. Thompson informed the Board that there will be a meeting at the State House on February 11 at 7:00 p.m. on the same.

Request for Sign on Town Common - High School Select Chorus

Following review and discussion of a communication dated January 19, 1981, from Robert G. Wentworth, Director, Select Chorus, Lincoln-Sudbury Regional High School, relative to their proposed thermometer sign for the Poland tour to be erected on the Town Common, the Board's opinion remained the same as their initial response to Mr. Wentworth - that signs are not allowed on the Town Common but that signs at the Route 117 and 20 Fire Stations, as well as on the median at the High School, were at his disposal.

Selectman Cossart suggested that Mr. Wentworth be notified of this; also, that Mr. Wentworth be informed that the Board strongly supports his good intention on behalf of the students.

Dog Hearing - Ragland/Vitale

Present: Janice L. and Ford J. Ragland, Jr., complainants; Michael A. and Shelia Vitale, owners; Gerald E. Wilson, neighbor; and Betsy M. DeWallace, Dog Officer.

Chairman Murray convened a Public Hearing under General Laws, Chapter 140, section 157 on the Dog Complaint dated January 7, 1981, of Janice L. and Ford J. Ragland, Jr., of 55 Hobart Road against a dog owned by Michael A. and Sheila Vitale of 19 Axdell Road, "Baron", 1980 license #958, a German shepherd; said complaint states that the dog has a vicious disposition.

Executive Secretary Richard E. Thompson stated that the above complaint was sworn before a notary on January 7, 1981, in the Town Clerk's office, and referenced the Dog Officer's report of January 20, 1981, (which he read) acknowledging several complaints from May through December, 1980, including: bus stop and car chasing annoyances, a bite to a child and another dog, and finally on January 4, 1981, the attack on the Ragland's dog.

Mr. Ford Ragland, Jr., stated that he was not at home when the Vitales' and another dog attacked his dog, but that he saw the results shortly afterwards - his dog's face was mangled and his ear was slit. Mr. Ragland remarked that in April, 1978, his daughter witnessed her cat being attacked and killed by the Vitales' dog.

Mrs. Ragland explained that her dog was in their yard on the day he was attacked by Baron and one other dog and her dog was very badly hurt and had to be treated by a veterinarian. Responding to Selectman Cossart, Mrs. Ragland stated that the incident took place between 10:00-11:00 a.m.

Mr. Michael A. Vitale, owner of the dog, Baron, remarked that there was a combination of three dogs in that fight, and that dogs do fight when they are loose and together. Mr. Vitale stated that there is no way of telling which dog did the most damage.

Mrs. Vitale stated that they had been called by the Raglands right away and agreed to pay half the veterinarian's bill along with the owner of the other dog involved, and that she was sorry now that she did pay half the bill because there have been times when she has had to pay veterinarian bills as a result of her own animals' injuries by other animals. (She recently paid \$73 for her cat's medical

expenses as a result of a fight.) Mrs. Vitale said that dogs and cats have to learn to protect themselves. She stated that she had the experience of having her cat killed by a pack of dogs. Mrs. Vitale stated that her shepherd is not vicious - that he is very friendly and grew up with and loves children. Mrs. Vitale stated that, since 1978, when complaints were first made against her dog, she has made many improvements regarding the control of her dog. She added that she had heard that the Raglands' dog had not been tied in the yard on January 4th, and that it was possible the fight took place between their abutting properties, not on the Raglands' property.

Mr. Vitale stated that his dog loves kids, and that is why he always goes to the bus stop. Relative to the bite to the Wilsons' sons, (see Dog Officer's letter of January 20, 1981), Mr. Vitale stated that he was unable to get any information about it after the incident and feels very certain that it was not a bite. Mr. Vitale later stated that the Wilsons refused to prove their child's dog bite.

Mr. Gerald E. Wilson of 25 Axdell Road stated that, as he understands it, under the Dog Control Law, dogs are supposed to be confined to the owners property (under the owner's control) during the daylight hours. (Chairman Murray explained that under the Dog Control Law, dogs are to be under the control of their owner(s) from 7:00 a.m. to 8:00 p.m.)

Mr. Wilson stated that when he contacted Mrs. DeWallace at the time his child was bitten, it was made clear to her that it was not a serious bite. However, the owners of the dog had been asked on that day to remove their dog from the area where the neighborhood children were sledding, and when they did not, his child was bitten. Additionally, Mr. Wilson stated, when the owners were notified of the bite, they replied that they did not believe it, rather than to respond questioning the occurrence or how the situation could be corrected/improved. Mr. Wilson said that there were several children objecting to the dog's presence that day. Also, the Vitales wanted Mrs. DeWallace to physically inspect the child, but Mr. Wilson had indicated that this was not within the scope of the Dog Officer's job, according to the Executive Secretary, whom he had contacted.

Mr. Wilson continued by stating that on New Year's Day, Baron chased his car on Austin Road, and that he had called Mrs. DeWallace and asked her if she could handle the recurring nuisances of this dog so that it would not be necessary to have a dog hearing; a week later the dog was out running again!

Mr. Wilson stated that his only request is that the Vitales' dog be controlled in accordance with the Dog Control Law; people have a right to be protected under the law.

Dog Officer Betsy M. DeWallace commented that Baron is a good dog away from his property; she does not know what he is like on his property. Relative to the bus stop incident(s): the first time he was picked up, the Vitales paid a fine, and the next morning the dog was there again.

Mrs. DeWallace stated that she spoke to Mrs. Vitale around Christmastime in an attempt to solve the problem, by telling her that she should keep her dog under control every day and to turn him loose only after 8:00 p.m. Mrs. DeWallace

stated that she received calls on January 1, 2 and 5 stating that the dog was running loose. Mrs. DeWallace stated that the dog has been a nuisance dog - annoying to the neighbors. She said that he is a big dog and could be a problem, although, Mrs. DeWallace stated, she has never seen him display any viciousness.

Selectman Cossart commented that when a dog complaint gets to this level, there is a question about the dog's reputation and future habits. He recommended that the Board direct the Vitales to comply immediately with the Dog Control Law and to bear in mind that any further complaint(s) would require a more serious action be taken by the Board.

Selectman Donald asked for assurances from the Vitales that they would keep their dog under control from 7:00 a.m. to 8:00 p.m. Mr. Vitale responded that he did not understand the stigma of his dog being a nuisance in the neighborhood, and that if it became necessary for him to tie him, he would have to post the area. Mr. Vitale asked if his dog would be termed vicious again if he were out after the 8:00 p.m. limit and won a dog fight. Chairman Murray stated that he would.

Selectman Cossart told Mr. Vitale that he is mistaken if he feels his dog can run around as he pleases. Mr. Vitale responded that they have been in Sudbury since 1972, and that his dog has been running free with no complaints until his new neighbors/dog haters moved in.

Mrs. Ragland commented that the complaints are not only recent. In 1978 Baron killed her cat and, Mrs. Ragland stated, a few days later the dog was out again at which point she called the Dog Officer again. Mrs. Ragland stated that she got tired of calling the Dog Officer.

Mrs. Ragland stated that her dog was not tied when he was attacked by Baron (and the other dog), but that he was on his own property, and that if she restrains her dog, the Vitales should restrain theirs, also. Mrs. Ragland stated that she has never had any complaints about her dog. Mr. Wilson verified that Mrs. Ragland's dog is usually tied. Mrs. Ragland stated that she is not a dog hater, as implied by Mr. Vitale; they have a cat and two dogs.

Mrs. Vitale indicated that there are more serious problems in the neighborhood, such as: several acts of vandalism on her home, and children beating up other children, and that she would like to see these people brought to justice. Mrs. Vitale stated that she would do everything possible to keep her dog under control.

Chairman Murray mentioned the options available to the Selectmen: 1) order the dog restrained during the Dog Control hours, 7:00 a.m. to 8:00 p.m.; 2) order the dog restrained all hours; and 3) order the dog destroyed.

Mr. Wilson commented that many people are unaware of the Dog Control hours, and that this past year, neighbors who have since moved, had a problem with Baron and did not realize there was any recourse.

Selectman Donald commented on the list of complaints against Baron going back over the years and stated that the decision to call a dog hearing should not be considered to have been a hasty one. (Mr. Vitale had commented earlier that he did not rush to the phone to call the Dog Officer every time his car was chased by a dog in Sudbury, and that he did not expect other people to.)

Selectman Cossart asked that the Vitales make a commitment to abide by the Dog Control Law, with assurances to the complainants that, if they are not getting the relief that they came here to seek, the Selectmen want to be notified (through the Dog Officer), and the dog picked up by Mrs. DeWallace and held until the Selectmen can discuss the matter and take any further action.

Mr. Thompson stated that, if the dog is being held by the Dog Officer, a follow-up hearing can be expedited immediately.

Following further discussion, it was on motion unanimously

VOTED: To direct Mr. and Mrs. Michael A. Vitale of 19 Axdell Road to control their German Shepherd dog, "Baron", 1980 license #958, in accordance with the Town's Dog Control Bylaw from 7:00 a.m. to 8:00 p.m.

Town Fathers Forum

At 8:00 p.m. Chairman Murray convened the 138th session of the Town Fathers Forum, a copy of which is attached and made a part of these minutes.

At 9:15 p.m. Chairman Murray recessed the meeting for coffee and conversation; the meeting was called back to order at 9:30 p.m.

Position by Selectmen on Town Meeting Articles

Present: Joan C. Irish, Chairman of Conservation Commission.

During review of the 39 articles for the 1981 Annual Town Meeting, it was on motion unanimously

VOTED: To support the following 1981 Annual Town Meeting articles:

- # 1 Hear Reports
- # 2 Amend Bylaws, Art. II,4 - Adopt Town Meeting Time
- # 4 Temporary Borrowing
- # 5 Classification & Salary Plans
- # 7 Unpaid Bills
- # 8 Amend Bylaws, Art. IX, IV - Cluster Development Provision
- #10 Amend Minuteman Regional Agreement - Election
- #12 Accept G.L., c.44,s.65 - Vacation Pay Advance
- #14 Amend Bylaws, Art. V - Public Safety - Inflammables Storage
- #15 Amend Bylaws, Art. IX, I, B - Basic Requirements - Municipal Exemptions
- #16 Amend Bylaws, Art. XV - Building Code/Fees
- #17 Amend Bylaws, Art. IX, V, A - Special Regulations - Temporary Trailers
- #18 Amend Bylaws, Art. V,3 - Public Safety - Dog Fines
- #19 Accept New \$4000 Bid Regulations
- #21 Unemployment Compensation
- #22 Street Acceptances
- #24 Biennial Update of Property Values - \$16,500
- #26 Actuarial Study - Retirement Pension
- #27 Study - MDC River Diversion
- #30 Purchase Development Rights - Agricultural Land \$100,000

and it was further

VOTED: To hold the following 1981 Annual Town Meeting Articles for further clarification/discussion:

- # 3 Amend Bylaws, Art. II, 12 - Debate Time
- # 6 Personnel Administration Plan
- # 9 Amend L-S Regional Agreement - Art. 5d & 9, Budgets
- #13 Amend Bylaws, Art. IX, VI, C, 5 - Special Permit Guidelines - Site Plans
- #20 Budget
- #23 Street Acceptance - East Street
- #28 Secretarial Pool - \$20,000
- #29 Landfill Cover Material - \$52,000
- #32 School Roof Studies - \$4,000
- #33 Energy Conservation Implementation - \$72,678
- #37 Levy Limit/Proposition 2 1/2 Override
- #38 Appropriations Limit
- #39 Use of Free Cash

and it was further

VOTED: To take no position and/or speak individually on the following 1981 Annual Town Meeting Articles:

- #11 Enlarge LID #1
- #25 Dutton Road Walkway - \$55,000
- #31 Acquisition, Barton Land - \$510,000
- #34 L-S Playing Fields - \$84,080.27
- #35 L-S Roof Repair - \$72,845

and it was further

VOTED: To oppose the following 1981 Annual Town Meeting Article:

- #36 South Middlesex Consumer Protection Office - \$520

There was a consensus that the articles should be numerically listed, and that any article(s) deleted in the future should be marked "withdrawn", rather than changing the number(s) of any article(s).

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular Session of January 19, 1981, as drafted.

Current Items of Interest

Proposition 2 1/2

Selectman Donald informed the Board of the League of Women Voters' offer to assist the Selectmen, as needed, to help educate the Town relative to Proposition 2 1/2.

League Forum

Selectman Cossart agreed to appear, on behalf of the Selectmen, at the League of Women Voters' forum on "People Running for Office", to be held on Thursday, February 5 at 8:00 p.m. at the Goodnow Library.

MAPC Workshop

Selectman Donald informed the Board that she plans to attend a MAPC ground water workshop to be held in Maynard on Wednesday, January 28. It will be attended by the IEP and will most likely discuss the proposed MDC Sudbury Water Diversion project.

Massachusetts Association of Assessing Officers, Inc., Meeting

Responding to Selectman Donald, Mr. Thompson stated that he would try to attend a Massachusetts Association of Assessing Officers, Inc. meeting in Shrewsbury on Thursday, January 29, at 9:30 a.m. relative to Equalized Valuations as they relate to Proposition 2 1/2. Mr. Thompson referenced a January 6, 1981 communication, with attachments, from the State Department of Revenue on the Equalized Valuation of each city and town as of January 1, 1980. Responding to Selectman Donald, Mr. Thompson answered questions regarding the assessment ratios showing the development of the equalized valuation.

Dudley Road

Answering Selectman Cossart, Mr. Thompson stated that he had not received any response to our letter relative to Dudley Road traffic problems, but that he would continue to keep the Board informed as it develops. Selectman Cossart directed the Executive Secretary to forward a copy of the Board's letter (dated January 20, 1981) to one Dudley Road abutter, David Owen.

Ford Road

Selectman Cossart referenced a January 6, 1981, communication from David W. Perley, Massachusetts Registered Professional Engineer, relating to soil for leaching purposes only on Lot 54, Ford Road, and Mr. Cossart questioned whether we had received any further engineering study, which would verify the integrity of the footings of the foundation. Selectman Cossart directed the Executive Secretary to contact the Building Inspector in the morning relative to this, explaining that he would be calling him personally later in the day.

Brimstone Lane

Selectman Cossart directed the Executive Secretary to contact the Health Director to clarify/explain the continuation of construction of two homes on Brimstone Lane, which he understood had been brought to a halt by the Board of Health due to well water problems in that area.

Housing Authority

Mr. Thompson informed the Board that Mr. Carl Witham will not seek another term on the Sudbury Housing Authority due to his wife's illness.

South Middlesex Chamber of Commerce

Mr. Thompson informed the Board of a February 3 meeting of the South Middlesex Chamber of Commerce - "Tax Classification Conflict" - to be held at Town Hall. Sudbury resident John C. Powers will be the main speaker. This is being held in conjunction with our newly created local Chamber of Commerce.

Builder's Risk Insurance Coverage - Police Station

Mr. Thompson informed the Board that according to Permanent Building Committee Chairman Bruce Langmuir, on January 21st Halls Insurance Agency issued a Builder's Risk insurance policy for the duration of the construction of the Police Station Addition, and that Hugo Construction will be billed for his portion of the coverage.

Personnel Bylaw

The Board acknowledged receipt of a January 20, 1981, communication from the Town Clerk to the Sudbury Personnel Board relative to the Personnel Board's proposed amendments to the Personnel bylaw and the Town Clerk's interpretation and recommendations on the same.

Energy Conservation

Chairman Murray directed the Executive Secretary to request that the Permanent Building Committee to address at next Monday's meeting suggested energy conservation measures, such as, thermostat set-backs to 50° in Town buildings and relating costs resulting from freeze-ups.

State Level Spending

At the direction of Selectman Donald, the Executive Secretary will put on next week's agenda for reconsideration an item previously discussed by the Board relative to State level spending (see letter from Arlington Town Manager, dated January 7, 1981).

Executive Session

At 10:20 p.m. it was on motion by roll call

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

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

Chairman Murray announced that Open Session would not reconvene following Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 10:45 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk