

IN BOARD OF SELECTMEN
MONDAY, OCTOBER 5, 1981

Present: Chairman Anne W. Donald, William J. Cossart and John E. Murray.

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

Appointment - Town Report Preparation Committee

Present: Elizabeth Ann Gottberg, applicant.

Following a brief interview and discussion with the applicant, it was on motion by Selectman Murray unanimously

VOTED: To appoint Elizabeth Ann Gottberg, 89 Mossman Road, to the Town Report Preparation Committee, for a term to expire April 30, 1982.

Appointment - Sign Review Board

Present: Sandra L. O'Neill, applicant.

Following a brief interview and discussion with the applicant, it was on motion by Chairman Donald unanimously

VOTED: To appoint Sandra L. O'Neill, 149 Pantry Road, to the Sign Review Board, replacing Barbara F. Pryor, for a term to expire April 30, 1984.

Appointment - Board of Appeals Associate/Earth Removal Board

Present: Tamar S. Knoff, applicant.

Following a brief interview and discussion with the applicant, it was on motion unanimously

VOTED: To appoint Tamar S. Knoff, 9 Hermitage Street, to the Board of Appeals as an Associate Member and to the Earth Removal Board, replacing Lawrence L. Blacker, for a term to expire April 30, 1982.

Transfer Request - Police Equipment Purchase, Account #320-51

Selectman Cossart questioned the need for transfer request No. 1022 to Account #320-51, Police Equipment Purchase, since there is such a large remaining balance in the account. The Executive Secretary responded that it is anticipated that this fund, earmarked for three cruiser replacements, will be insufficient because of an expected 18-22% increase in the cost of 1982 models. The Executive Secretary further informed the Board that the Finance Committee had approved the transfer at its meeting of October 1, 1981.

It was on motion by Selectman Murray unanimously

VOTED: To confirm the Board's telephone vote of September 30, 1981, in signing and approving Reserve Fund Transfer Request No. 1022, dated September 30, 1981, in the amount of \$550 for Account 320-51, Police Equipment Purchase, for the additional funds required for the purchase of a highway safety vehicle, under the Governor's Highway Safety Program.

Annual Town Meeting Warrant and Budget Schedule

The Board reviewed and accepted, with one date change, the 1982-83 Budget Submission Schedule and the 1982 Annual Town Meeting Warrant and Budget Schedule, as submitted by the Executive Secretary under date of October 5, 1981.

December 5 on the Budget Submission Schedule for the Selectmen's budget review was changed to December 12 because of a conflict in Chairman Donald's commitments.

Selectmen's Meeting - October 14

Due to several conflicts, the Selectmen concurred that their meeting which had been previously rescheduled because of the holiday to Wednesday, October 14, at 7:30 p.m. in the lower Town Hall, would now be held at the Loring Parsonage at 5:00 p.m. on that date.

Dog Hearing - Kurriss/Marino

Present: Mrs. Deanne L. Kurriss; Mr. and Mrs. Jerry C. Marino; and Dog Officer Betsy M. DeWallace.

Chairman Donald convened a public hearing under General Laws, Chapter 140, section 157, on the dog complaint dated September 4, 1981, of Deanne L. Kurriss, 44 Minebrook Road, against the German Shepherd/Labrador Retriever dog, owned by Mr. Jerry C. Marino. This hearing was scheduled at the request of Mr. Marino, who was unable to attend the original hearing on September 21.

Executive Secretary Richard E. Thompson stated that all parties concerned had received a copy of the minutes of the September 21 hearing, and related information/reports.

Town Counsel Paul L. Kenny swore in all those who were planning to speak.

Mr. Jerry C. Marino stated that he was unable to appear before the Board at the hearing on September 21, but that he had received notice of the Board's vote that he restrain his dog at all times. Mr. Marino read the list of complaints against his dog, noted in a report from the Dog Officer, dated September 17, 1981, and stated that he had not been aware of the incidents which occurred on December 24, 1980, January 14, 1981, and May 18, 1981. On two occasions, March 8, 1981, and September 3, 1981, he had been notified by the Dog Officer to control his dog because of complaints and had in turn asked her to have the Kurrisses get in touch with him and/or submit to him any medical bills incurred as a result of the incidents. Mr. Marino stated that he never heard from the Kurrisses or received any medical bills.

Mr. Marino stated that he had been surprised when the Dog Officer called him and said that his dog had been accused of biting the Kurriss dog, because in the past the two dogs had been friendly. Mr. Marino stated again that he was not aware of any of the other complaints and further stated that, if he felt he had a vicious dog, he would have restrained it.

Mr. Marino stated that last Spring he had been asked by the Dog Officer not to let his dog run free.

Mr. Marino continued to say that he had seen two youths (implying the Kurrissboys) throw rocks and sticks at his dog, and that his dog had come home, on more than one occasion, beaten.

Mr. Marino suggested there being a case of mistaken identity on the 14th of January, because there was another German Shepherd on Minebrook Road that day.

Mr. Marino stated that he now felt it would be safer for his dog if he were restrained, but asked if he might be able to let the dog run for about an hour late at night when the neighborhood was still.

Chairman Donald asked the Kurrisses if they had ever called the Marinos. The Kurrisses responded that they had always communicated through the Dog Officer, but that on September 4, they had taken their dog, who had just been released from the hospital, over to the Marinos to show them the result of their dog's attack, but only the children were at home.

Mrs. Marino stated that her dog was there when the Kurrisses brought their wounded dog over, and that her dog did not do anything to the dog - implying that it seemed unusual to her that, if her dog had attacked the Kurrisses' dog, she would have had some reaction when the Kurrisses came into their home. The Dog Officer stated her opinion that it would be unlikely for the Marinos' dog not to have reacted if she had previously attacked the Kurriss dog!

Mr. Marino, referencing the September 3 attack again, stated that in late August, the Kurrisses' dog came right into his garage while he and his son were working, and implied that there was no incident between the two dogs, even though his dog is very big and the Kurriss dog is very small.

Responding to the Selectmen, the Dog Officer stated that she had been away on the 3rd, but that she had spoken to the Marinos about their dog a few other times; however, last Spring she had asked the Marinos to comply with the Dog Control Law.

Mrs. DeWallace informed the Board that when she met the Marinos' dog, the dog had tucked her tail and cowered slightly. Mrs. DeWallace confirmed that there is another German Shepherd which lives across the street in the winter time. The Kurrisses did call her on one occasion when that dog was bothering another black dog in the area.

Mr. Marino stated that his dog is a pest at times, he has seen people yelling at her and she runs away. He also told the Board that the dog is restrained during daytime hours and that the accusations made by the Kurrisses to the Dog Officer that he leaves his dog running loose during the day while no one is home are untrue. The discrepancy that the Kurrisses reported to the Dog Officer that the Marinos' dog was unrestrained one day at 2:00 and at 7:45 p.m. after the September 21 hearing, while the Marinos insisted that the dog had been on a run, went unresolved.

Mrs. Marino stated that she always has a lot of people coming in and out of her house and finds it hard to believe that her dog bothers the Kurrisses!

Mr. and Mrs. Marino expressed their opinion there was no proof their dog was the cause of the complaints itemized, particularly as the times of the day of the supposed occurrences were not given. Mr. Marino again suggested mistaken identity with the German Shepherd across the street from him, who, he stated, has chased him, his car, and on one occasion, his wife's bridge group.

Mrs. Kurriss stated that all the attacks were witnessed by her children.

Selectman Murray commented that they were talking about fear of a dog versus a pet, stating to Mr. Marino that it is for his protection and everyone who lives in the area that he keep the dog under his control at all times.

At the conclusion of discussion it was on motion by Selectman Cossart unanimously

VOTED: That the German Shepherd/Labrador Retriever dog owned by Jerry C. Marino, of 37 Minebrook Road, be permanently restrained, by keeping the dog in the house, in a penned area or on a dog run or leash, except between the hour of 11:00 p.m. and midnight when the dog will be allowed to run free. Any further report of the dog being unrestrained will result in a further hearing to determine the disposition of the dog, either to be removed from the Town or destroyed.

Chairman Donald added that the Kurrisses should make a strenuous effort to keep their dog off the Marinos' property at all times.

Barton Land - Application, Agricultural Preservation Restriction Act

Present: Chairman Joan C. Irish, H. Rebecca Ritchie, Conservation Commission.

On the question of endorsing an application under the Agricultural Preservation Restriction Act relative to 1) Barton Land under Article 30 of the 1981 Annual Town Meeting, Barton I, (46+-acres); and 2) the portion of the Barton Land, (Parcel 5) under Article 29 of the 1981 Annual Town Meeting, Barton II, (23+-acres), Conservation Commission member Rebecca Ritchie showed the Board a more detailed plan of the land entitled, "Limited Development & Open Space Plan - Revised Key Plan, Barton Properties (Barton I and II)".

Ms. Ritchie stated that the application relative to Parcel 5 has been revised to reflect the new applicant - Massachusetts Farm and Conservation Lands Trust.

Following a brief discussion and review of the plan, it was on motion by Chairman Donald unanimously

VOTED: To endorse the application, as noted above.

The Executive Secretary was directed to send a letter of appreciation to Mr. Davis Cherington, Executive Director of the Massachusetts Farm and Conservation Lands Trust. Ms. Ritchie suggested that a copy of the letter be sent to William King of the State Department of Food and Agriculture. On the concurrence of the Board, Mr. Thompson stated that he would do so.

Whitman and Howard, Inc., Agreement

Present: Chairman Joan C. Irish and H. Rebecca Ritchie of the Conservation Commission.

Executive Secretary Richard E. Thompson stated that both the MDC Sudbury River Diversion Subcommittee, and the Sudbury Water District Commissioners had reviewed the proposed agreement with Whitman and Howard for a definitive study of the effects on the Town of Sudbury of diversion of the Sudbury River. Mr. Thompson further stated that he met with Health Director John V. Sullivan, Whitman and Howard representatives and Assistant Town Counsel Thomas M. French, Friday, and explained that the sub-sections of the agreement had been devised to avoid duplication of effort of work between the Town and the Water District. Also, Whitman and Howard will go through any documentation in our office and will use our staff, where possible (i.e., copies), to minimize expenses.

On the recommendation of Conservation Commission member Becky Ritchie, the Executive Secretary stated that he would follow through on obtaining a copy of the Data Summary for our office so that it would be available to Whitman and Howard.

Town Counsel Paul L. Kenny stated that he had several concerns regarding the agreement, and that he would contact Mr. Steven Dean of Whitman and Howard in Wellesley and the Chairman of the Board to discuss and resolve the same.

At the conclusion of discussion, Chairman Donald thanked Mrs. Irish and Ms. Ritchie for attending and tabled further consideration of the Agreement until Town Counsel could comment on the same.

Auxiliary Cruiser

Present: Police Chief Nicholas Lombardi.

During discussion relative to disposing of the auxiliary police cruiser, Chief Lombardi confirmed that it was not worth more than \$50 for a trade-in value.

Executive Secretary Richard E. Thompson suggested that by sealed bid, the cruiser, exclusive of the lights and radio which will be used in a new vehicle, be offered to the the highest bidder.

It was on motion by Chairman Donald unanimously

VOTED: To direct the Executive Secretary to take appropriate measures under Bylaw Article XII, Town Property, for the disposition of the Auxiliary Police cruiser, as requested by Police Chief Nicholas Lombardi in a letter dated October 1, 1981, and recommended by the Executive Secretary.

Furniture - Police Station

Present: Police Chief Nicholas Lombardi.

Executive Secretary Richard E. Thompson stated that under Article 25 of the 1980 Annual Town Meeting - the addition to the new Police Station - there was a provision for furnishings and, subject to Permanent Building Committee (PBC) confirmation that there is enough money available, recommended that the Board indicate their concurrence with the Police Chief's recommendations under date of October 1, 1981, to purchase certain items of furniture to be used at the Police Station. There was a consensus of the Board in favor of the purchase, subject to notification of final cost amounts.

The Chief stated that, according to PBC member Michael Melnick, the completion of the fire alarm system and the television monitoring system amounted to more than originally planned, although he was not sure what those figures were. The Executive Secretary will follow through with the PBC and report back to the Board.

Following further discussion, it was on motion by Selectmen Murray unanimously

VOTED: To authorize an expenditure in the amount of \$200 from the allocated funds for the Police Station addition, under Article 25 of the 1980 Annual Town Meeting, for the purchase of tools for the garage at the Police Station, subject to receipt of a copy of an estimate for the purchase.

Responding to Selectman Murray, the Chief stated that he had spoken to the PBC regarding the lacquer-type odor in both the library and the photography room, and that they will question the contractor about it.

Annual Performance Review

Present: Police Chief Nicholas Lombardi.

In accordance with the Selectmen's Performance Review Policy, the Board met with Police Chief Nicholas Lombardi.

Executive Secretary Richard E. Thompson stated that the Board had received a report dated July 9, 1981, from the Police Chief reviewing the functions of the Police Department over the past Fiscal Year, and a statistical report, signed by Patrolman Jeffrey F. Gogan under date of July 3, 1981, comparing the first six months of 1981 to the first six months of 1980.

Selectman Cossart stated, following comment from the Executive Secretary, that he would have preferred to have the statistical report when it had been received rather than to have had it held on file until the Chief's annual performance review.

The Chief stated that the first eight months of 1981 indicated a 5% increase in overall crimes; the report showed a +4% over the first six months.

Responding to Selectman Murray, the Chief stated that the reference to Business Break and Enter included schools, and that probably the majority of the breaks were to schools, mostly Fairbank.

Relative to the decrease of 85% in the value of property recovered for the first six months of 1981 as compared to the first six months of 1980, the Chief stated the main reason being the immediate fencing of stolen goods.

During discussion, Selectman Cossart questioned where the responsibility lies for the low stolen property recovery figures. Selectman Murray commented that according to local papers Wayland and Weston are reporting less break-ins than Sudbury. The Chief responded that every year there are more and more cutbacks and without money and manpower, his Department cannot do a 100% job. The Chief stated that he used to be able to send an officer into Boston two - three times a week to check the pawn shop lists, but can no longer continue to do this because he does not have the money or the manpower. Chief Lombardi commented that the Town of Weston, in his estimation, has about double the alarm systems in private homes as Sudbury. Chief Lombardi also stated that the decrease of 85% in the value of property recovered this year over last does not reflect the amount of crime which is cleared - the number of people who are prosecuted for these crimes, but who no longer have the stolen goods. Restitution, he said, is not always successful, in that it really depends on how much the individual can afford to pay - sometimes payments are spread out over a very long period of time. Selectman Cossart contended that this is a good example of why a better numerical indicator is needed to demonstrate what is really taking place within the Police Department.

Selectman Cossart commented on the difficulty of generally holding performance reviews in public session - that the whole idea is for it to be a positive experience for everyone involved. Selectman Cossart stated, because he felt it was awkward to be constructive in public session, he had prepared, under date of October 5, 1981, some personal comments for Chief Lombardi's annual performance review. Selectman Cossart suggested that perhaps a future procedure for conducting annual performance reviews would be to have the Executive Secretary consolidate comments from the Selectmen and prepare a composite which would be given to and discussed with the individual.

Selectman Cossart stated several times during the meeting that the Chief of Police has the toughest job in Town, and, speaking on behalf of the Selectmen, stated that the Selectmen would like to help him in any way possible. Selectman Cossart stated that, had the Selectmen known that the Chief was operating with no portable radios, they would have addressed the issue sooner. During some discussion on that subject, the Police Chief agreed that, although the Department is presently operating with no radios, it would be beneficial to his Department

if at least some of the six hand portable radios were repaired. Selectman Cossart suggested that perhaps replacements could be expended from monies remaining in the appropriation for the Police Station addition under furnishings, and asked the Chief to let the Selectmen know if he needed money, and if so how much, to repair and/or replace the portable radios for the Department.

Relative to the reference in the Chief's annual report that by mid-year there will be no EMT's in the Department, the Chief stated that he did not feel this was a terribly important issue, since his men were all trained to be First Responders (first aid and CPR training) with recertification required every three years. The Chief added that some of his officers are taking EMT training on their own.

Relative to manpower, the Chief stated that the Department has been down by four men who have been out on sick leave, several for a long period of time; two officers are at the academy, leaving the Department down by 4-6 men. The Chief stated that with a bare minimum of staffing for the patrol of the three sectors, 24-hours a day, the Department needs 17 patrolmen and the four sergeants, and that he is operating with 15 patrolmen at the present time. Any further shortages in the Department, the Chief stated, will affect his specialist positions - the Juvenile Safety Officer and the Detective, who will have to go on patrol.

During discussion on that subject, Selectman Cossart suggested that the Chief should decide what kind of adjustments would be needed in order to have the level of protection he feels is required, and so inform the Board.

Relative to the overtime budget, the Chief stated that of the \$57,249 appropriated, there is currently a balance of \$33,650. Following discussion on that subject, the Board requested that Chief Lombardi submit to the Board in writing a review in forecast of the overtime account as it relates to his ability to cover shifts for the remainder of the budget year, in order that the Board might help establish a policy on future minimum shift coverage.

Chairman Donald suggested that a letter of appreciation be forwarded to Officer Wayne Shurling from the Selectmen for his assistance in completing some work at the Police Station which was not covered by the contract for the addition. The Executive Secretary stated he would do so.

Chief Lombardi stated his dissatisfaction of the manner in which the performance review was handled this year. The Chief stated that his salary was set before the review and before consideration was given to his accomplishments this past year. Chief Lombardi stated that in the future, performance reviews should be held prior to setting salaries. Chairman Donald stated that with Proposition 2 1/2, the Selectmen acted on financial matters when and as they could.

Selectman Cossart commented that he will not be comfortable until an arrangement for annual performances can be set up; that he agrees with the Chief that the Selectmen should have heard from him before his salary had been set; and that he extended his personal apologies to the Chief for these reasons.

Selectman Cossart gave a copy of his personal private comments to the Chief, dated October 5, 1981, relative to his annual performance review, previously distributed at this meeting to the Board of Selectmen.

Selectman Cossart asked if the Chief might review it and make comment and/or discuss it with him at a later date.

Selectman Murray complimented Selectman Cossart for the time and effort he expended in making a written, personal evaluation for the Chief of Police, which he considered to be very constructive.

Report - Coatings Engineering

Executive Secretary Richard E. Thompson briefly updated the Board relative to Health Director John V. Sullivan's meeting with Coatings on October 1. Selectman Murray stated that he was more interested in knowing the outcome of the specific incident, he had reported at the last Selectmen's meeting, involving smog and fumes being discharged at Coatings. Mr. Thompson stated that he would follow this matter up and report back to the Board.

Minutes

It was on motion by Chairman Donald unanimously

VOTED: To approve the minutes of the Regular Session of September 28, 1981, as amended, and the Executive Session of that date as drafted.

Current Items of Interest

Zoning Bylaw

Selectman Cossart suggested that Town Meeting have an opportunity to reconsider the zoning of industrial (and/or commercial and business) sites in the Town, in view of the recent neighborhood concerns expressed during site plan hearings pertaining to the Drake Park Industrial Site on Powder Mill Road, in order to protect existing residences which abut undeveloped commercial zones.

Selectman Murray suggested that the Board meet with the Planning Board - hold a public forum - and review the overall zoning districts throughout the Town in terms of future zoning considerations.

Since the Board of Selectmen will be meeting with the Planning Board October 19, it was agreed this would be a good time to approach the subject with that Board.

Chairman Donald suggested consideration might be given to revise the zoning bylaw to allow less expensive housing construction, with no increase in density; i.e., pre-fabricated/mobile homes (non-vehicle trailers).

Cavicchio Property - Monitoring Well

Responding to Selectman Murray, Mr. Thompson stated that he would investigate whether or not the Water District intended to install a monitoring well on the Cavicchio property, as previously agreed to with the Board last year.

Application for Automatic Amusement Devices - Richard J. Rogers, d/b/a
Sudbury Variety, 621 Boston Post Road

The Executive Secretary referenced the above-captioned application, dated October 2, 1981, and stated that it would be placed on a future agenda for the Board's consideration.

Department of Energy Grant

Following review of a communication, dated September 30, 1981, from High Saussy, Jr., Director, Office of Regional Activities, Boston, U.S. Department of Energy, Region I, and accompanying grant award documents relative to the implementation of conservation measures at the Curtis Middle School (formerly Curtis Jr. High School), it was on motion unanimously

VOTED: To accept Grant Award DE-FG41-81R113199, dated September 29, 1980, from the United States Department of Energy, in the amount of \$5,300 for Technical Assistance and Energy Conservation Measures, under Title III of the National Energy Conservation and Policy Act; and to authorize the Executive Secretary to complete and sign said grant acceptance Notice of Grant Award, and any and all documents related thereto.

1981-82 Assessed Valuation/Tax Rate

Mr. Thompson referenced his memorandum to the Board, dated October 5, 1981, noting the current schedule for setting the 1981-82 tax rate, as follows:

October 7 - There will be a final review of assessed valuation figures with McGee and Magane;

October 15 - The Assessors will approach the State for approval (ten-day turn around);

October 29 - Tax bills will go out, if not sooner.

1981 Town Report Schedule

The Board acknowledged receipt of the 1981 Town Report schedule and specifications.

Executive Session

At 10:25 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.

(Chairman Donald, in favor; Selectman Cossart, in favor; Selectman Murray, in favor.)

Chairman Donald 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 11:00 p.m.

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk