

IN BOARD OF SELECTMEN
MONDAY, APRIL 20, 1982

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

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

Selectmen's Business

Chairman Cossart stated that he finds it very distracting when the Selectmen, and Town Counsel, are interrupted during their meeting by various Town officials and/or committee/board members who want to ask a question or advice of Town Counsel. Selectman Cossart stressed that the Selectmen's business should have a top priority and that these interruptions should be stopped. The Board concurred.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular Session of April 12, 1982, as amended, and the minutes of the Regular Session of April 13 and the Executive Sessions of April 12 and 13, 1982, all as drafted.

Interest in Shick Parcel

It was on motion by Selectman Donald unanimously

VOTED: To confirm the Selectmen's vote of April 15, 1982, to approve and sign a petition to the Massachusetts General Court for the passage of special legislation to dispose of the interest in certain land (Shick parcel off Lincoln Road, Sudbury), as authorized by the 1982 Annual Town Meeting under Article 38.

Mr. Thompson stated that he had spoken to Representative Lucile Hicks today, and that it is her intention to file a bill accordingly.

Renewal Agreement - Multi-Group Health Plan

It was on motion by Selectman Murray unanimously

VOTED: To authorize the Chairman to sign a renewal agreement with Multi-Group Health Plan, effective May 10, 1982, through May 9, 1983, premiums to be \$55.91 for the individual plan and \$143.69 for the family plan.

Community Sign Boards

It was on motion by Selectman Donald unanimously

VOTED: To approve use of the two community signboards on Routes 20 and 117 for announcement of the Annual Town Roadside Cleanup for the week prior to May 15.

Ecumenical Program

Following discussion it was on motion by Selectman Donald unanimously

VOTED: To table until Monday, April 26, taking any action on the request for permission to the Sudbury Interfaith Committee Against Nuclear War to use the Town Hall steps and lawn for the purpose of holding a townwide ecumenical program on Sunday, May 16, 1982, from 1:00 - 2:30 p.m., and in conjunction with the same, to use Heritage Park for picnicking, and to block traffic from the road between Old Sudbury Road and Concord Road in front of the Town Hall.

Action was tabled for the following reasons:

- The request was submitted under date of April 12, 1982, by Debbie Hawes. The Board directed that she be contacted and asked to provide the Board with a list of sponsors/those who will be responsible for the event and the cleanup.
- Additionally, the Executive Secretary was directed to inform Ms. Hawes that police detail (perhaps two paid police detail) should be provided for the event, and to question her as to the anticipated size of the crowd.

Extending Site Plan #82-241, M & S Sudbury Realty Trust

On the recommendation of the Executive Secretary, it was on motion by Selectman Donald unanimously

VOTED: To extend, upon mutual agreement, the expiration date and consideration of Site Plan #82-241 of M & S Sudbury Realty Trust, for property located at 474 Boston Post Road, to May 17, 1982, at 8:00 p.m. in the lower Town Hall.

1982 Liaison Assignments

Following review of the Board's liaison assignments for 1982, and after making three revisions to the same, the Executive Secretary was directed to prepare the revised list of liaison assignments for 1982 for the Chairman's signature.

Current Items of Interest

State Department of Food and Agriculture

Chairman Cossart informed the Board that he attended, with Ms. Ritchie of the Conservation Commission, the Saturday get-together at Nine Acre Corners with the U. S. Secretary of Agriculture and other State officials in conjunction with a tour of Sudbury farmlands projects, during which Ms. Ritchie was presented with a certificate of appreciation, which she accepted, on behalf of the Town, for the work Sudbury has done on agricultural land preservation.

Later in the evening, the following current items of interest were discussed:

Constable Bond

On the recommendation of the Executive Secretary, it was on motion unanimously VOTED: To approve, under Section 92 of Chapter 51 of the General Laws, the surety of the constable's bond of Michael P. Jennette, bond number S-04-23-11, Perless Insurance Company, surety in the amount of five thousand dollars, and to approve the filing of the bond with the Town Clerk.

Communication from Boston Edison

It was on motion by Selectman Murray unanimously

VOTED: To acknowledge receipt of a communication from Boston Edison Company, dated April 15, 1982, relative to its concern regarding legislation filed which would prohibit Boston Edison to recover the investment in the cancelled Pilgrim II project through increased rates.

Massachusetts Municipal Association Meeting

Selectman Cossart directed the executive Secretary to ask Mr. William Reed of the Insurance Advisory Committee if he would be interested in attending the April 22 meeting of the Massachusetts Municipal Association, along with the Town Accountant, relative to insurance benefits under the Massachusetts Interlocal Insurance Association (MIIA).

Communication from Adams-Russell

Mr. Thompson referenced a communication from Adams-Russell to the Cable Advisory Committee which stated that due to the lack of similarity or standards in the financial data supplied by the three applicants, Sudbury might find it helpful to use the Town of Dedham's approach in completing its licensing specifications (a copy of Dedham's specifications was enclosed).

Excise Tax Evaders

Chairman Cossart referenced a communication dated April 8, 1982, from Registrar Richard E. McLaughlin regarding excise tax evaders.

Communication from Ronald Fitzgerald

Mr. Thompson noted receipt of a communication from Minuteman Regional Vocational Technical School Representative Ron Fitzgerald, dated April 13, 1982, enclosing Governor King's formula for distributing additional State aid.

Dog Complaint - Aschettino/Murray

Present: Elaine M. Aschettino, complainant; John E. Murray, owner of the dog; Richard A. Schaeffer and James G. Hannoosh, neighbors; and Betsy M. DeWallace, Dog Officer.

Chairman Cossart convened a Public Hearing under General Laws, Chapter 140, section 157, based on the dog complaint dated, and notarized in the Town Clerk's office, March 4, 1982, concerning the Labrador retriever owned and harbored by John E. Murray, 19 Hawthorne Drive, which states that the dog has a vicious disposition and creates other disturbances during the dog control hours.

Executive Secretary Richard E. Thompson stated that the parties involved had been notified by certified mail of tonight's public hearing, and noted for the record the following communications:

- from John E. Murray, dated March 23, 1982, to the Dog Officer, responding to the complaint by stating that he has restrained his dog during the dog control hours, and taking exception to that part of the complaint which declares his dog as possessing a vicious disposition. Mr. Murray indicated that this would handle the complaint and requested the Dog Officer to contact Mrs. Aschettino since her telephone number is unlisted.

- a report from the Dog Officer, received and dated April 20, 1982, naming complaints involving the Murrays' dog by five different neighbors, some on more than one occasion.

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

Mrs. Aschettino read a prepared statement containing information, in part, as follows:

- that Mrs. Aschettino filed this complaint against the Murrays' dog because it is a nuisance during the dog control hours and her complaints to the Murrays and the Dog Officer on several occasions failed to solve the problem. In February, the Murrays' dog and another injured her dog causing it to be hospitalized. On several occasions, the Murrays' dog has jumped the 4' fence which pens in her dog and attacked her dog. On numerous other occasions the Murrays' dog has been on her property barking. The Murrays restrained their dog only after this complaint had been filed and the complainant had subsequently telephoned the police to complain when the Dog Officer was not available. Mrs. Aschettino expressed dissatisfaction with the manner in which the Executive Secretary expedited the hearing procedure. On several occasions the Murrays' dog followed her and her son to and/or from a neighbor's home barking and snarling at them. Mrs. Aschettino was informed that several other neighbors have had problems with the dog and this information is on file with the Dog Officer.

Mr. Murray stated that he did not doubt his dog's ability to get into Mrs. Aschettino's rubbish, as she had complained to him on one occasion, or to jump a 4' high fence, but that on the occasion when Mrs. Aschettino called the police to say that his dog was on her property, his dog was in the house.

In the particular instance in which Mrs. Aschettino alleged that her dog had been injured by the Murray dog, Mr. Murray stated that he had been told by the Dog Officer that two dogs, one of which might have been the Murrays' dog, annoyed the Aschettino dog and that the Aschettino dog's paw caught in the fence which separated the dogs. The Dog Officer had also told him that since the Aschettinos were leaving on a trip, Mrs. Aschettino had treated the dog herself; when she returned the

following week, she found that the dog's paw had become infected and the dog was subsequently treated by a veterinarian. Mr. Murray stated that Mrs. Aschettino had contacted him the following Saturday and had asked him to pay the \$70 veterinary bill, which he refused to do.

Mr. Murray stated that his dog is restrained during the Dog Control hours and is walked on a leash by his children and himself.

Responding to Chairman Cossart, Mrs. Aschettino stated that the veterinary bill would not have been an issue if the Murray's dog had been under their control following that incident. Mrs. Aschettino added that, on three occasions when she called the Dog Officer because the Murrays' dog was on her property, the Dog Officer was not in.

Mr. James G. Hannoosh of 99 Pelham Island Road, stated that he lives one-half mile from the Murrays. He stated that on February 28, while walking his dog, and walking with his three-year-old son, two dogs (one belonging to the Murrays and one belonging to the Clevelands) attacked his dog. Although no damage was done to his dog, Mr. Hannoosh stated that he did so much screaming that he was without a voice, and, consequently, out of work for two days! Mr. Hannoosh apologized for not reaching the Murrays personally about the incident.

Mr. Murray stated that this is the first he heard of this incident. Mr. Hannoosh later stated that on several occasions the Murrays' dog had growled at his wife on their neighbor's property.

Mr. Richard A. Schaeffer of 49 Pelham Island Road stated that they are new in the neighborhood and recently spent \$3,000 on a chain link fence for his three dogs and the Murrays' dog jumps the fence. Mr. Schaeffer suggested that, as a Selectman, Mr. Murray should set a prudent example to the citizens and should respect the laws of the Town. Mr. Schaeffer further stated that Mr. Murray's dog has been running around with a broken piece of rope hanging from his neck. Mr. Schaeffer asked for a commitment tonight that the dog would be kept "at his own home and not at mine". Responding to Chairman Cossart, Mr. Schaeffer stated that the dog has growled at him in his own yard, and is out constantly.

Mr. Murray stated that his dog wears a chain that goes down to his knees but admitted that his dog, on occasion, has managed to get away. Selectman Donald stated that a chain leash would be more appropriate than a rope for such a large dog. Mr. Murray again stated that the dog has a chain collar not a rope and that he is kept in the yard.

Responding to Chairman Cossart, the three people who were present agreed that there was no case of mistaken identity.

Replying to Mrs. Aschettino, the Dog Officer stated that the owner (Mr. Murray) had been notified regarding all of the complaints against his dog.

Mr. Murray stated that he was not in agreement with Mrs. DeWallace's statement that he had been notified regarding all of the complaints against his dog.

Mr. Thompson defended his position and explained to Mrs. Aschettino when he indicated to her that dog hearings did not have the highest priority since the Town was in the midst of Town Meeting and other important business; that he had been as

courteous and expeditious as possible in handling the arrangements. Mrs. Aschettino stated she felt six and one-half weeks was an unnecessarily long time to have to wait for a hearing after filing her complaint.

The neighbors present agreed that for the past two weeks the Murrays' dog has not been seen running loose but he has been barking. Mr. Murray stated he intended to keep the dog under his control.

Responding to remarks by Mr. Hannoosh regarding "special consideration" given to Mr. Murray because he is a Selectman, Mr. Murray responded that at no time did he discuss the dog complaint with any of his colleagues. Further, that had he been consulted as to the date of the hearing it would have been on a Monday night when his wife could have attended. The Selectmen confirmed Mr. Murray's statements. Mr. Murray added that he had voluntarily confined his dog.

Mr. Thompson stated that he had told the Dog Officer to proceed as usual and that this complaint should not be treated any differently than anybody else's. Mrs. DeWallace confirmed that information.

Following further discussion it was on motion by Selectman Donald unanimously VOTED: To instruct John E. Murray to obey the Dog Control Bylaw - restrain his dog between the hours of 7:00 a.m. and 8:00 p.m. - and to keep his dog from being a nuisance in the neighborhood.

Main Street Auto

Present: Sid Braveman and Richard Ruo, General Service Manager, Main Street Auto Sales and Service Inc.

Chairman Cossart opened a meeting with representatives of Main Street Auto Sales and Service, Inc., at their request, concerning the police cruiser bid award of March 31, and apologized for the Police Chief's absence, explaining that Chief Lombardi has a chronic medical problem.

Mr. Braveman thanked the Selectmen for giving them a hearing and explained the following series of events: Main Street Auto was the low bidder for police cruisers, but on the Police Chief's recommendation, the bid had been awarded to the second lowest bidder, Natick Ford, based on problems with the rear axles of the particular vehicles Sudbury had purchased last year from Main Street. Mr. Braveman contended that the blame should be with Ford Motor Company not with Main Street Auto and expressed his frustration of the bid being awarded to another Ford dealer.

Mr. Braveman referenced the Police Chief's communication of March 29, 1982, parts of which he read, which recommended the bid be awarded to Natick Auto Sales although their bid is \$819.59 over the low bidder, Main Street Auto.

Mr. Braveman went on to say that the police cruisers had been out-of-warranty when Main Street Auto obtained approximately a 50% adjustment from Ford Motor Co.; and at a later date, Main Street Auto obtained a full transmission for another vehicle which was also out-of-warranty. Mr. Braveman added that the Sudbury Police Department is still using Main Street Auto's service department for their cruisers, which, he stated, speaks well for their service.

Executive Secretary Richard E. Thompson referenced Assistant Town Counsel's letter of November 4, 1981, to General Service Manager of Main Street Auto indicating that action on their part with Ford Motors was inadequate.

Defending Selectman Murray's point that Main Street Auto is the Town's representative to the Ford Motor Company, Mr. Ruo stated that he did everything possible to get reimbursement from Ford Motors and that he went beyond by requesting and receiving reimbursement on certain things the Police Chief was unaware of. Mr. Ruo talked of instances where a \$700 transmission job cost the Town only \$100 and preventative maintenance of their own initiative on a fourth vehicle cost the Town only \$34.18.

Chairman Cossart pointed out that the Selectmen had agonized over the matter of the bid on two occasions, and that the Selectmen shared the Police Chief's feeling that perhaps the Police Department's case could have been better represented by Main Street Auto.

Mr. Ruo indicated that the Police Chief was not always available for consultation while cruisers were being repaired, whereas in larger cities/towns there are "fleet" managers that he can deal directly with.

Mr. Braveman stated that he was a past employee of Natick Auto Sales and, therefore, is familiar with their service department. Mr. Braveman's opinion was that there would be no difference in the service provided by Main Street Auto or Natick Auto Sales.

Mr. Ruo stated that he had some documentation relative to his statements and events and offered it to the Board for review. Chairman Cossart suggested that the information be given to the Executive Secretary who could then review it and update the Board and the Police Chief, and stated that, although the Board shares some of the Chief's feelings, based on this information, the Selectmen should further address the matter.

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

VOTED: To take under advisement until April 26 the matter of awarding a bid for three police cruisers until such time as the Board and the Police Chief have had an opportunity to fully review Main Street's file on past transactions pertaining to service by them on Sudbury's police cruisers.

Sanitary Landfill - Hours of Operation

Present: Highway Surveyor Robert A. Noyes; and Board of Health member Michael W. Guernsey.

Chairman Cossart explained to the Highway Surveyor and Board of Health member, Michael Guernsey, the Selectmen's concern regarding the competitive situation Sudbury is in with Wayland regarding hours of operation of the two landfills. Selectman Cossart stated that Wayland has recently closed their landfill on Thursdays and it is apparent that Sudbury's Landfill is being used on that day by residents and packers of Wayland.

Selectman Murray expressed his opinion that, if the two towns had the same hours, this would solve the problem.

Highway Surveyor Robert A. Noyes pointed out that he had compared the hours of operation in several surrounding towns and stated that every town is different. Relative to traffic counts done during two different periods last year, Mr. Noyes stated that Thursday was one of the lowest days at the Sudbury landfill. However, it was his opinion that it would be difficult for packers to make other arrangements if the landfill were closed on Thursdays to coincide with Wayland's hours.

Mr. Guernsey stated that he would present the matter to the Board of Health tomorrow evening at their regular meeting and report back to the Selectmen.

Chairman Cossart expressed his opinion that coordinating Sudbury's Landfill hours with Wayland's was not the right approach since Sudbury had tried that before.

Selectman Murray stated that he would like to have Mr. Thompson and himself meet with Wayland to try to resolve the matter, as soon as possible.

Following further discussion it was agreed that Selectman Murray and the Executive Secretary would meet with Wayland, and that Mr. Guernsey or another member of the Board of Health would comment back to the Board.

The Selectmen had briefly discussed earlier in the meeting the fact that there were several road signs down, mostly in North Sudbury, and that the Highway Surveyor should be asked to consider this a priority since some of the signs included stop signs at dangerous intersections. The Board pointed this out to the Highway Surveyor at this time. Mr. Noyes conveyed his awareness of the situation and indicated that his department has been working on the problem, stating that it will be costly to replace all of the signs.

Chairman Cossart expressed to the press that they might consider writing something to the effect that, since there was significant vandalism over a very large portion of the Town, there may have been witnesses, and ask them to step forward.

On another subject, Mr. Guernsey reported to the Board that 19-year-old Robert D. McCart had been convicted of assault and battery today in conjunction the incident which took place last spring on Sunset Path involving several adults and a group of teenagers.

Executive Session

At 9:00 p.m. it was on motion by roll call

VOTED: To enter into Executive Session for the purpose of discussing the reputation and character, physical condition or mental health rather than the professional competence of a single individual.

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

Chairman Cossart announced that Open Session would not reconvene following the Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 9:50 p.m.

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk