

IN BOARD OF SELECTMEN
MONDAY, OCTOBER 20, 1986

Present: Chairman Josiah F. Frost, Anne W. Donald and David A. Wallace.

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

Dog Complaint Hearing - Dealy/Thompson

The Board of Selectmen had scheduled a public hearing to consider the September 15, 1986 complaint of Cynthia A. Dealy, 95 Hopestill Brown Road, against the dog (Labrador retriever mixture), owned by Richard E. Thompson, 10 Alta Road.

Chairman Frost stated that the Board had received a letter dated October 16, 1986 from Cynthia Dealy, and a confirming telephone communication, advising that she was withdrawing her request for a hearing. Mrs. Dealy's letter will go on record per her request.

Civil Service Patrolman Requisition # 86-1627

Executive Secretary Richard E. Thompson recommended that the Board hold returning Requisition No. 86-1627 Certification List for selection of one Permanent Patrolman from the Massachusetts Department of Personnel Administration, dated September 30, 1986; and refer the October 15, 1986 letter from Chief of Police Peter B. Lembo recommending the appointment of two (2) Civilian Dispatchers on January 4, 1987 at a Grade 4 minimum salary of \$14,520, to the Personnel Board, the Police Union Local 315, and Labor Relations Counsel. If the final decision is to employ civilian police dispatchers, then the certification list would be returned without a selection.

Following discussion, it was on motion unanimously

VOTED: To refer Police Chief Peter Lembo's October 15, 1986 letter requesting appointment of two Civilian Dispatchers, to the Personnel Board, Police Union Local 315 and Labor Relations Counsel; and to hold responding to Requisition #86-1627 pending the outcome of the matter.

Note: Police Chief Peter Lembo arrived later on during the meeting and was advised by the Board of the above-subject discussion. Chief Lembo stated his concurrence with the Board's action.

Signing Site Plan Special Permit, SP86-300
BayBank Middlesex, 509 Boston Post Road

Present: The Mugar Group representatives Ellen M. Lee and David Gilkie, and BayBank Attorney John C. Powers.

The Selectmen reviewed the decision drafted by Town Counsel following the Board's vote at their October 6, 1986 meeting, to approve Site Plan Special Permit Application SP86-300, BayBank Middlesex.

Subsequent to the October 6 hearing, communication dated October 6, 1986 was received from the Design Review Board stating three items of concern: 1) esthetically the kiosk placed in front of the Star Market is not appropriate and should become a part of the main facility; 2) photographs presented of the kiosk indicate a strong cape cod flavor, neither the building nor the architecture is compatible with the existing structure; 3) the placement of the kiosk will impede the flow of traffic.

BayBank Attorney John C. Powers agreed to meet with the Design Review Board regarding the matter of a facade that is more compatible with the other buildings in the Plaza.

It was on motion unanimously

VOTED: To approve and sign plans and Notice of Decision relative to Site Plan Special Permit Application 86-300, the conditioned vote in said Decision reading as follows:

"VOTED: To grant a Site Plan Special Permit to BayBank Middlesex to construct a remote transaction facility, at 509 Boston Post Road, Sudbury Plaza, Limited Business District #2, owned by The Mugar Group, Inc., as shown on plan: "BayBank Middlesex, Sudbury Plaza, Sudbury, Massachusetts, X-Press 24 Facility, Revised 8/11/86", subject to compliance with all governmental laws and regulations including, but not limited to zoning, building and health laws and regulations, and further subject to the following conditions:

- 1) there shall be no drive-up teller area for the facility;
- 2) the Conservation Commission's concern that the observation wells on site should be functional shall be addressed to the satisfaction of the Commission;
- 3) the use of salt or chemical de-icers on the site is prohibited;
- 4) placement of all utilities underground;
- 5) approval of signs or advertising devices as required under the sign bylaw;
- 6) no storage or use of chemicals on site except in conformity with guidelines and requirements of the Board of Health and except with written notice of the same to the Board of Health and the Fire Chief; the owner or operator of the site shall comply with the Massachusetts Oil and Hazardous Material Release Prevention and Response Act, G.L. c.21E, as amended, and all regulations issued thereunder;
- 7) exterior lighting shall conform to the standards stated in Bylaw Article IX,V,A,6,f and shall be approved by the Inspector of Buildings;
- 8) "No Parking - Fire Lane" signs shall be placed at the north and west sides of the building;

9) the applicant will meet with the Design Review Board to comply with the Design Review Board's recommendation that the facade be of a design compatible with the other buildings in the Plaza;

10) submission of an "as built" site plan - any change in the physical condition of the site, including changes in the location or design of structures or systems, following prior approval of the site plan will require approval of the Board of Selectmen;

11) no building permit shall be issued until item 2, as specified by the Board, is satisfied;

12) no occupancy permit shall be issued until items 4, 5, 6, 7, 8, and 10, as specified by the Board, are satisfied;

13) this Special Permit shall lapse if a substantial use thereof has not commenced, except for good cause, within one year from the effective date of said permit."

See amendment voted on November 24, 1986.

Signing Site Plan Special Permit #SP86-301
Dental Arts Building

It was on motion unanimously

VOTED: To approve and sign plans and Notice of Decision relative to Site Plan Special Permit Application 86-301, the conditioned vote in said Decision reading as follows:

"VOTED: To grant a Site Plan Special Permit to Doctors James Healy, Ann Kirk, and William Hershberger to construct a one-story, 5,593 square foot, professional Dental Arts Building at 57 Codjer Lane, in accordance with Application #86-301 dated August 18, 1986, as shown on the following plan: "Hop Brook Dental Center in Sudbury, Mass. owned by: A&M Realty Trust, Applicants: Drs. J. Healy, A. Kirk, W. Hershberger, Plan By: Colburn Engineering, Inc. 454 Main Street, Hudson", dated August 14, 1986, Sheets 1-4, subject to compliance with all governmental laws and regulations including, but not limited to, zoning, building and health laws and regulations, and further subject to the following conditions:

- 1) an Order of Conditions under the Wetlands Protection Act by the Conservation Commission;
- 2) approval of the drainage system, including traps, catch basins, and periodic maintenance as required by the Town Engineer, including the use of a standard catch basin with trap and cleanout within the parking area;
- 3) extension of Sudbury Water District lines to the site by the owner; no wells for drinking water purposes to be installed on the site;
- 4) approval of the septic system plan by the Board of Health;
- 5) underground storage tanks are not permitted;

- 6) the building may be used only for office or other allowed uses under the zoning bylaw which would be consistent with the low water usage requirement of the Board of Health;
- 7) no storage or use of chemicals on site except in conformity with guidelines and requirements of the Board of Health and except with written notice of the same to the Board of Health and the Fire Chief; the owner or operator of the site shall comply with the Massachusetts Oil and Hazardous material Release Prevention and Response Act, G.L. c.21E, as amended, and all regulations issued thereunder;
- 8) the use of salt or chemical de-icers on the site is prohibited;
- 9) if required by the Town, the grant by the owner to the town of a restrictive covenant to run with the land governing, restricting or prohibiting the following which shall conform to the requirements of the Board of Health, Town Engineer and/or Conservation Commission as appropriate:
 - a) the disposal or removal of effluent and wastes generated on the site;
 - b) the use of salt or chemical de-icers on the site;
 - c) the installation by the owner of one or more monitor wells on the site including the Town's right of access for periodic testing and monitoring thereof, and any other protective device as may be required by the Board of Selectmen;
- 10) the grant of an earth removal permit by the Earth Removal Board, if applicable;
- 11) approval of signs or advertising devices as required under the sign bylaw;
- 12) placement of all utilities underground;
- 13) approval of the final landscaping plan by the Board of Selectmen, said plan to provide for vertical evergreen planting to break up the visual impact of the deck areas shown on the Rear/Parking Elevation at Sheet 3 of the site plan;
- 14) exterior lighting shall be directed away from adjacent residences and have shields, and shall comply with the standards of Bylaw Article IX,V,A,6,f and be approved by the Inspector of Buildings;
- 15) submission of an "as built" site plan - any change in the physical condition of the site, including changes in the location or design of structures or systems - following prior approval of the site plan will require approval of the Board of Selectmen;
- 16) no building permit shall be issued until items 1, 2, 4, and 13, as specified by the Board, are satisfied;
- 17) no occupancy permit shall be issued until items 3, 7, 9, 10, 11, 12, 14, and 15, as specified by the Board, are satisfied;
- 18) this Special Permit shall lapse if a substantial use thereof has not commenced, except for good cause, within one (1) year from the effective date of said Permit.

Selectman Donald requested that discussion of the pros and cons of granting a one year time period for substantial use of a Special Permit versus a two year period, be placed on a future agenda by the Executive Secretary.

Bid Acceptance/Fire Engine

Present: Fire Chief Michael C. Dunne.

In accordance with a communication from Fire Chief Michael Dunne, dated October 16, 1986, and following discussion, it was on motion unanimously

VOTED: To accept a bid to furnish a vehicle for the Fire Department from Greenwood Fire Apparatus, Inc. representing Emergency One, Inc., in accordance with their bid dated October 15, 1986, for a new Class A 1000 gpm triple combination fire engine pumper, for a net-delivered price of \$117,920, (\$119,920 less \$2,000 trade-in allowance).

Students Against Apartheid Informational Table

Present: Amanda Lewis, 272 Concord Road and Mrs. Richard Sampson, 27 Maynard Road.

The Board discussed with Amanda Lewis and Mrs. Richard Sampson a request, dated October 6, 1986, from Ms. Lewis on behalf of Students Against Apartheid, to set-up an informational table on the Town Common. It was agreed that it would be safer to use the portico and adjacent area at the front of Town Hall, blocking off the short drive across the front.

Following discussion, it was on motion unanimously

VOTED: To grant permission to Amanda Lewis, representing Students Against Apartheid, to set up an informational table in front of the Town Hall, making use of the portico, drive, and grass area as desired, on Friday, October 24 from 3:00 to 6:00 p.m., and on Saturday, October 25 from 11:00 a.m. to 3:00 p.m.

The Executive Secretary asked that the student group be sure to remove all signs and banners relating to this by the end of the final day and that they adhere to the hours as requested and approved.

Capital Expenditure Plan Submission/FY88-92

Following discussion by the Board and Executive Secretary, it was on motion unanimously

VOTED: To approve a submission for the Fiscal Year 1988-1992 Capital Expenditure Plan as prepared by the Executive Secretary, dated October 3, 1986, for a \$150,000 project to prepare Central Town Offices at the Nixon School.

File Legislation - Swimming Facility, STM Article 22

It was on motion unanimously

VOTED: To record in the minutes the signing by the Board and submission on October 17, 1986, of a petition to the Massachusetts Senate and House of Representatives in General Court for passage of a special act to enable the Town of Sudbury to purchase a swimming facility, in accordance with the vote of the September 25, 1986 Special Town Meeting under Article 22.

Reimbursement Entitlement/General Laws Chapter 90

It was on motion unanimously

VOTED: To record the signing by the Board on October 15, 1986, of a Memorandum Agreement with the Department of Public Works, Massachusetts Executive Office of Transportation and Construction, relative to reimbursement entitlement under General Laws Chapter 90, Sec. 34, Clause 2(a) on approved projects in the amount of \$65,974.

Signing Chapter 90 Project/Union Avenue - Concord Road

It was on motion unanimously

VOTED: To sign Chapter 90 Project Final Reports relative to Memorandum Agreements #31850 and #31647 for work on Union Avenue - Taylor Road to Concord Road and Concord Road - Union Avenue to Walkup Road - Pantry Road to Concord T/L.

Transfer Request

It was on motion unanimously

VOTED: To approve transfer request 87-23, dated October 15, 1986, for transfer of \$5,949 from Line Item 501-110, Selectmen's Administrative Salaries, to Account 501-130, Selectmen's Clerical Salaries, to pay for approved FY87 salary increases.

Drainage Easement - Harry R. & Eleanor T. Tapply

It was on motion unanimously

VOTED: To accept a Drainage Easement granted by Harry R. Tapply and Eleanor T. Tapply, shown on "Plan showing drain easement over land of Harry R. & Eleanor T. Tapply, Village Road, Sudbury, Massachusetts", dated August 6, 1986, by the Town of Sudbury Engineering Department.

Massachusetts Municipal Association Town Report Award

The Executive Secretary advised the Board that the office received a letter dated October 17, 1986 from the Massachusetts Municipal Association stating that Sudbury's Town Report won first place in its population category.

Salary Amendments/Finance Committee

The Executive Secretary advised the Board in his communication dated October 15, 1986 that he, Police Chief Peter Lembo, Fire Chief Michael Dunne, Town Accountant James Vanar, and Town Planner Lee Newman propose to request a

meeting with the Finance Committee, with Town Counsel present, to resolve an issue regarding the Finance Committee vote on October 9, reducing salaries of certain management-level town employees, by not fully funding the same from the Salary Adjustment Account.

The Board strongly supported this action and plans to attend the meeting with the Finance Committee.

Employment Contract - Executive Secretary

Following discussion it was on motion unanimously

VOTED: To amend the Executive Secretary's Contract and the Board's vote of September 8, 1986 by deleting items #1 and #2 of the Contract in total, and replacing with the following:

- "1) An annual salary for 7/1/86 to 6/30/87 to be \$56,717,
- 2) In addition to an annual salary of \$56,717, an additional 3% (1,702) Longevity, in accordance with the Personnel Bylaw Article XI, Section 4, Salary Plan."

and by adding a new item, #4, to the above vote:

- "4) If death occurs while an employee of the Town, all monetary benefits due Richard E. Thompson will accrue to his wife, if living, and, if not, to his estate."

Transfer Council on Aging Van to Building Department

Following receipt of a letter dated October 6, 1986 from Council on Aging Chairman Paul J. Leahy, it was on motion unanimously

VOTED: To rescind the Board's vote of September 8, 1986, to sell the Council on Aging's older van to the Sudbury Housing Authority, and to authorize the transfer of the van to the Building Department.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular session of October 6, 1986 as submitted.

Transfer Request

It was on motion unanimously

VOTED: To approve transfer request #87-24, dated October 17, 1986, from the Reserve Fund to Account 310-710, Fire Department Uniform Account, in the amount of \$4,800, a stipend to comply with the new Firefighter Contract which has included a uniform cleaning stipend.

Removal of Unauthorized Signs

Chairman Frost discussed with the Board, what could be done to discourage people from leaving signs for yard sales, etc., on trees and poles after the event has taken place.

Meeting with Neal M. Drawas/Waste Management Master Plan

Present: Neal M. Drawas, Long Range Capital Expenditures Committee (LRCEC)
Members Joseph W. Mooney and Robert G. Johnson.

The Board met with Mr. Neal M. Drawas, 15 Colonial Road relative to the development of a Waste Management Master Plan for Sudbury, as proposed in his communication dated September 3, 1986.

Executive Secretary Thompson stated that Sudbury has recently made changes in the Regulations of the use of the Landfill, making it more difficult for out-of-town dumping. Also, fees are now charged for commercial dumping, commercial tire and tree or wood dumping are prohibited, and lastly, a fulltime monitor is stationed at the Landfill.

Some of the items discussed were the cost of closing a landfill facility, the national attention at this time on waste management facilities, utilizing the current landfill as a transfer station, buying into outside facilities such as Millbury, the length of time we may have to utilize the current facility and the desirability of saving this facility for an emergency and incorporating another method of waste disposal at this time.

Executive Secretary Thompson stated that even though we may have ten or fifteen years left to this landfill, we really should close it in five years or sooner, and to last fifteen years, the Landfill will probably need another cell.

Mr. Drawas questioned whether the cell would be a cost effective measure, and Selectman Donald questioned whether the state Department of Environment Quality Engineering (DEQE) would approve the cell, as she stated she felt the DEQE would like to close all landfills as soon as possible.

Mr. Drawas suggested the town create a Waste Management Master Plan which would assess:

- Managing the landfill's finite resources.
- Liability in operating and closing the landfill.
- Environmental impacts.
- Current and projected disposal needs.
- Disposal alternatives, should the landfill be closed.

Mr. Drawas stated the Board should examine commercial landfill companies in the state, to see when they will be filled to capacity and how many clients they can handle now.

Mr. Mooney and Mr. Johnson of the LRCEC recommended that they be involved in future discussions regarding the landfill situation, and that they would

like a member of the LRCEC to be on the Resource Recovery Committee when it is established.

Mr. Mooney stated that the LRCEC has already appointed a sub-committee to study the landfill's future use and possible options for waste disposal.

The Board agreed to appoint a Resource Recovery Committee as soon as possible to address the foregoing matters and asked the Executive Secretary to advertise for candidates.

Dog Complaint Hearing - Sanders/Leonard

Present: Mr. & Mrs. Leonard Sanders, 44 Normandy Drive; Mr. & Mrs. Allan Leonard, 36 Normandy Drive; Dog Officer Betsy DeWallace; Mr. Ronald Sullivan, 50 Alton Drive; Mrs. Anthony D'Andrea, 68 Churchill Drive; Mrs. Robert Huffman, 59 Normandy Drive; and Mr. Paul Chorney, 28 Normandy Drive.

Chairman Frost convened a public hearing on the complaint dated October 3, 1986, of Jeanne M. Sanders, 44 Normandy Drive, against the Great Dane dog owned by Mr. & Mrs. Allan Leonard, 36 Normandy Drive.

Mr. Thompson swore in all those planning to give testimony.

Executive Secretary Richard E. Thompson stated that all appropriate parties and Town officials had been notified by certified mail, and noted receipt of the complaint dated and filed with the Town Clerk October 3, 1986, stating the following: "attacked my 6 lb. Bichon resulting in \$200 vet fee, climbed room from porch and started to jump off to attack me, scratched and dug at our fence to get in our yard, would not allow me to get out of my own door".

The report from Dog Officer Betsy DeWallace dated October 17, 1986 states, "The Great Dane owned by the Leonards on 36 Normandy Drive is a very aggressive dog - runs out at walkers and bikers barking and snapping. The owners try to keep the dog tied, but she gets loose. This dog should not live in that close of an environment."

The Executive Secretary advised that the hearing is a semi-formal hearing and that the decision of the Board can be appealed to the District Court within ten days of receipt by the parties of the decision.

Chairman Frost asked Mrs. Jeanne Sanders if she would address the Board concerning her complaint. Mrs. Sanders gave the Chairman two letters, one from Claire Piscitelli, 21 Churchill Street, saying that she had never complained to the owner of the noisy dog, but its barking had been annoying; and one from Carole and Bruce Daniels, 25 Normandy Drive. To summarize the latter communication, the Daniels stated they have a great deal of legitimate concern regarding the Leonards' dog. In July the Leonards' dog came into the Daniels' yard and attacked their Lhasa Apso dog. The Daniels advised the Leonards of this the following day. Mrs. Leonard said that they had never had problems with the dog before, and that kids in the neighborhood were antagonizing the dog. Mrs. Leonard assured the Daniels that the dog was confined. At that point, someone, by accident, opened the front door of the Leonard home and the Great Dane came charging out. Mr. Daniels picked up his

dog and turned away from the Great Dane as it ran toward him. The dog grabbed Mr. Daniels in the back, piercing his shirt. The Leonards grabbed their dog and brought the dog into the house. The next major interaction was one Sunday this fall - the dog was loose and the Leonards were not at home. The Chorneys and the Daniels were unable to leave their properties for a walk because every time they took a few steps, the dog charged forward. The Daniels called the Dog Officer several times. When she came, she brought a male assistant, who was attacked by the dog as soon as he got out of the truck. The Daniels spoke with the Dog Officer who said that she could not contain the dog right away as she had an emergency with an injured animal. Several neighbors riding bikes that afternoon were chased and fled home. Mrs. Sanders also gave Chairman Frost a shirt, which she said had been ripped by the Leonards' dog when being worn.

Mrs. Sanders reported as follows: The Leonards' Great Dane had attacked her six pound Bichon at her mailbox. Her dog's veterinarian bill was \$200. The dog's eyes popped out of her head, she had massive holes in her head, and it was a very traumatic experience. She did not hear from the Leonards until six months later, when they paid the veterinarian bill after they had been asked three times. She has not been able to go out of her door, she has no peace, the dog barks and barks, she cannot walk around the neighborhood. Even with a harness on the dog, the barking is just as bad a problem. The dog also barks at the Leonards' bay window, and she has heard of Great Danes jumping through windows to get at somebody. The other day, the dog jumped from the Leonards' porch to their roof and would not let her put her garbage out. When he was loose a week later, she did not get out of her house. She was terrified, although she loves animals. She called the Pembroke Dog Officer today, Pembroke being the town that the Leonards moved from, who said that this dog was the world's worst nuisance - a horrible nuisance. He also said the dog jumped fences, chased people, and chased dogs, and will be a continuous problem. The Leonards never acknowledged the notices that he put on their door nor answered his calls.

Chairman Frost asked if anyone else would care to address the Board.

Mr. Leonard Sanders spoke as follows: His wife has been a gymnast all her life, active in nautilus, taught gymnastics, goes horseback riding at least twice a week, and she is not typically afraid of people or animals, but she is terrified by this dog. Because of the attack on their dog by this dog, he believes the dog is really a potential danger to the neighborhood, and there is a responsibility that should be considered. This is a large, noisy, vicious dog. The dog wakes him up at night. His wife is so upset about this that she actually said they should think of selling the house even though they love their house.

Mr. Paul Chorney spoke, stating that one Sunday afternoon about five weeks ago, he heard some growling in his yard. He went out and saw the Leonards' dog attacking a small dog in his yard. Evidently the Leonards' dog had gotten loose. He chased the dog away and went into the house and tried to telephone the Leonards to advise them that their dog was loose. (They weren't home.) The dog actually came after him and, Bruce Daniels, his neighbor, hollered, don't turn his back on the dog. He turned around and pointed and shouted at the dog. The dog backed away, and he backed away too, facing the dog. He went into the house and was unable to do his chores outside that day

because the dog was loose. The dog remained loose all day. Finally the Dog Officer arrived and tried to coax the Leonards' dog into their garage, unsuccessfully. In fact, he believed the Dog Officer's son (actually a friend) who was with her, got bitten by the dog. No child was safe going by on the street; every bicycle that went by was attacked by that dog. He (Mr. Chorney) kept running out, hollering at the dog and chasing it away. Mr. Chorney emphasized the dog is a nuisance, and they haven't had any peace. During their daughter's wedding, the Leonards' did keep the dog in during the ceremony. He added his concern that if it had been his wife being attacked, he did not know what she would have done.

Mr. Ronald Sullivan stated that he has a seven-year old daughter who plays with the Leonards' little girl. A few months ago his daughter was going riding on her bike. Two minutes later, she came screaming at the door. She came in the house, having left her bike down the road. When asked what the problem was, she said Leah, the name of this dog, was off the run and came down and barked as if to attack, at the roadside. She had dropped her bike and run to the house crying. He called Mrs. Leonard at that time. Three weeks ago, on a Saturday morning, traveling easterly; he saw Leah dash across the front of the house adjacent to the Daniels, attacking what appeared to be the Croche dog. The Croche boy was to the rear of the house. He stopped because he thought the dog was chasing his car. He really did not know whether the Leonards' dog was after the Croches' dog, the Croches' son, himself or what was going on, but cautioned Mr. Croche to keep his dog at home.

Mrs. Mary D'Andrea stated that she does like walking around the circle for health reasons and does find it extremely uncomfortable and difficult to get out of her home because of the worry and concern that she would be attacked by this animal. She found it very difficult to understand why the Leonards do not respond when neighbors have come forward concerning their dog. She said, "I am worried that someone will be seriously injured, that is why I came here. I hope you will consider this is a very serious matter."

Mrs. Jacqueline Huffman stated that she moved to Sudbury seventeen years ago for peace and quiet. They have a retarded child who enjoyed walking around the block and the Huffmans felt comfortable having this surrounding for their daughter. At present she cannot walk around the block because she is traumatized and terrified because of this dog. Currently the daughter is recovering from an accident and is in a wheelchair. Her home health aid has tried to walk her around the block, and is now refusing to take her out around the block because of the animal. Mrs. Huffman expressed her opinion that the children and people who live here really have priority.

Mr. Allan Leonard stated that he could not understand why they have not heard of these complaints. He said that this was the first time he had met most of the people here. He said that neighbors had asked them not to put the dog out early in the morning, and they do not. He understood that there is a leash law. They had problems with a leash and now have a harness. He said there were two dogs that come into their yard, and it is difficult if their dog is chained. As for the dog up on the roof, he believed that was learned from other dogs in the neighborhood.

Chairman Frost asked Mr. Leonard if, now that he has heard the complaints tonight, there is anything else he might do with the dog to make sure that it does not get loose.

Mr. Leonard replied that they have two small children, and there are children in the yard all the time without any problem. The dog is a watchdog. His wife and children are alone often as he travels quite a bit. Once, when the dog was gone from the house, someone broke into their cars.

Chairman Frost asked about the barking. Mr. Leonard replied that they had one complaint about barking, and they were asked not to put the dog out early in the morning.

Dog Officer Betsy Wallace stated that she received a call on a Sunday morning that the dog was loose. The dog was very aggressive; she could not get near her. The dog did go after her (the Dog Officer) and a friend who had come with her, but the dog grabbed the stick. She thought that was basically their fault because they went onto the dog's property. Mrs. DeWallace stated, however, that the dog did dash out and bark, and definitely is a dangerous dog. That day she was unsuccessful in catching or confining the dog in the garage and she was nervous about leaving her there, but could do nothing further while the dog was on her own property. She talked to Mrs. Leonard that night, who told her she was going to give the dog up the next day, but they later decided not to do that. She also reported she had spoken with the daughter a couple of time to take the dog in after receiving calls that the dog was loose. The daughter would say the dog was in. Mr. Leonard has confirmed to her that they are not going to give up the dog. The Dog Officer stated her opinion that being tied is not controlling the dog; unless she is in a very secure pen...she is going to hurt someone.

Selectman Wallace asked the Dog Officer how many calls she has received regarding this dog. Dog Officer DeWallace replied there were at least a half dozen. The Dog Officer stated that she would not want to live next door to this dog.

Selectman Donald asked Mr. Leonard if he and his wife both worked or if there was someone home during the day. Mr. Leonard responded that they both worked and that there was a baby sitter there some of the time.

Selectman Donald stated she understood Mr. Leonard wanting a watch dog but did not think it was right to keep the dog in a situation like this unless he could guarantee that it would not get out.

Mr. Leonard said that he has had a problem with other dogs in his yard, such as Mrs. Sanders', and was aware that there was a leash law.

Selectman Donald said that the dog control law requires the dog to be in control of the owner or whoever is walking the dog; thus, if you are not there, the dog is not in your control. She asked if Mr. Leonard would be willing to build a fence to hold the dog.

Officer DeWallace said that the dog does go to the edge of the property but she also does go off the property after people. She stated, "I don't

think the Leonards know what she is like when they are not there, and I have seen her, and what these people have said is completely honest."

Selectman Wallace stated he felt the Board should act on this matter now.

At the conclusion of discussion, it was on motion unanimously

VOTED: To order the Great Dane dog, owned by Mrs. & Mrs. Allan Leonard and housed at 36 Normandy Drive, restrained immediately, twenty-four hours a day, and removed from the Town of Sudbury permanently on or before December 1, 1986.

Executive Secretary Thompson asked the Leonards if they had any questions regarding the Board's decision. He stated that they would be notified in writing and once they have received notice, if they have questions, they should call the Selectmen's office. He also offered the Dog Officer's assistance to help them locate a home for the dog.

There being no further business to come before the Board the meeting was adjourned at 9:30 p.m.

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk