

IN BOARD OF SELECTMEN
MONDAY, MARCH 23, 1987

Present: Chairman Josiah F. Frost, Anne W. Donald, 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.

Executive Secretary Pro Tem

On motion of Chairman Frost, it was unanimously

VOTED: To appoint Janet Silva Executive Secretary Pro Tem for purposes of the minutes of this meeting.

R. G. Trucking - Use of Landfill

Present: Robert Grierson of R. G. Trucking.

The Board reviewed a letter from Landfill Agent Robert A. Noyes dated March 17, 1987, wherein he reported a violation of the Town's rules and regulations governing the operation of the sanitary landfill; to wit, the driver of the truck unloaded materials originating from a town other than Sudbury.

Robert Grierson of R. G. Trucking was present, stating he had spoken with Robert Noyes concerning the matter and admitted that his driver did violate the rules and regulations by unloading materials from another town at the Sudbury Landfill. He explained that the driver wrongfully theorized that "a load is a load" and thus exchanged this load for one from Sudbury, which he unloaded in Marlboro. Mr. Grierson asked the Board to consider the fact that R. G. Trucking takes approximately 5,000 cu. yds. of Sudbury's waste to an out-of-town landfill due to the fact that Sudbury's landfill is closed on Mondays, which is a cost absorbed by the trucking company. He also pointed out that they service six to ten roll-off jobs in Sudbury per week. Of these, the company takes a minimum of 50% for recycling for erosion control, fuel for woodburning stoves, and composting.

Selectman David A. Wallace stated that this action cannot be ignored by the Town because it may endanger keeping our landfill open longer; he thereupon recommended a fine of \$200. Chairman Josiah F. Frost opposed imposition of a fine in this situation, but recommended strengthening the current penalty provided for in the rules and regulations by moving to authorize the landfill agent in the future to impose a \$200 fine on the driver and the company owning the vehicle to be barred from the landfill for one to fourteen days. He suggested that in the matter before the Board this evening a verbal warning would be sufficient, because although the rules and penalties are in effect, R. G. Trucking is the first company to be brought before the Board concerning an infraction thereof. Selectman Wallace did not feel the message would be strong enough unless a fine is imposed. He did agree with Chairman Frost that suspension would be too harsh in this situation. It was pointed out that R. G. Trucking did have a warning for a similar offense in February of 1985.

On motion of Selectman Anne W. Donald, it was

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VOTED: To impose a fine in the amount of \$200, to be divided equally between the driver of the truck and R. G. Trucking; and if future infractions of the rules and regulations occur by R. G. Trucking or its driver, to authorize the landfill agent to bar the company from the landfill for a period of one to fourteen days.

(Selectmen Donald and Wallace in favor; Chairman Frost opposed.)

Feasibility Study of Police/Fire Dispatch Consolidation

The Board reviewed a letter to Executive Secretary Thompson dated March 13, 1987, from Jacquelyn M. Kelly, Assistant Town Manager of the Town of Concord, regarding an Incentive Aid Grant in the amount of \$10,000 to study the feasibility of consolidating police/fire dispatching among Concord, Carlisle, Lincoln, Sudbury, Maynard and Acton.

Chairman Frost informed the Board he has spoken with Fire Chief Michael Dunne concerning this and Chief Dunne would be willing to represent both the fire and police departments of Sudbury throughout the study period. Mr. Frost indicated that any decisions made by the Board would also be based upon Police Chief Lembo's comments and suggestions.

On motion of Selectman Donald, it was unanimously

VOTED: To support the Feasibility Study of Police/Fire Dispatching on a Multi-Town Basis, as outlined in the Request for Proposals submitted by the Town of Concord under cover letter dated March 13, 1987, to Executive Secretary Thompson; and further to designate Fire Chief Michael Dunne representative for the Town of Sudbury, who shall work with the Board of Selectmen, with regard to this study.

Approval of Minutes

On motion of Chairman Frost, it was unanimously

VOTED: To approve the minutes of the meeting of March 16, 1987, as corrected.

Election of Town Treasurer to State Association

The Board noted with pride the election of Town Treasurer Chester Hamilton to the Executive Board of the Massachusetts Collectors & Treasurers Association. This state-wide association, which has been in existence since 1928, is comprised of Treasurers and Tax Collectors of the 351 cities and towns of the Commonwealth and has sponsored and promoted legislation of financial benefit to the cities and towns.

Middlesex County Advisory Board

Selectman Donald informed the Board that she would be attending the Middlesex County Advisory Board budget voting meeting scheduled for Wednesday, April 1, 1987.

MAGIC Meeting

Chairman Frost informed the Board that he attended the MAGIC meeting on March 19, 1987, and found it very interesting and informative. He reported that members of the towns in attendance were very concerned about the State's involvement in the comprehensive permit process and the Homeownership Opportunity Program, and in possible overriding of local towns and cities by use of comprehensive permits by State Board of Appeals under the Homeownership Opportunity Program when permits have been turned down by local boards. At the March 19th meeting, the Metropolitan Area Planning Council (MAPC) was asked to investigate the situation and report to MAGIC so that the MAGIC group can take a stand, particularly with regard to the Homeownership Opportunity Program.

Chairman Frost further stated that MAPC has hired an individual who is considered in some respects to be a legislative representative to work with the towns and cities, and MAPC will be involved in supporting or opposing different types of legislation affecting the towns and cities. He commented he would like assurance that, as Sudbury supports MAPC, there will not be a conflict with the Massachusetts Municipal Association.

Visit to Sudbury Landfill by Chairman Frost

Chairman Frost reported to the Board that he spent Saturday, March 21, 1987, at the Sudbury Landfill to observe and learn. His conclusion from his observations was that there are certain items which the Board should look into. One of these items concerns the rules regarding home improvement waste. He observed three instances where private townspeople came in with such things as two window sashes, or three sheets of plasterboard, and in each situation, the individual was told he would have to pay the \$10 fee. It was Mr. Frost's opinion that this charge is excessive for such small home projects and perhaps the Board could suggest an alternative to this fee requirement. Selectman Donald suggested that if the individual could verify to the Highway Department that he/she is a private townspeople, and not a commercial or large-scale renovator, the Department could issue a pass at no charge.

Chairman Frost noted another problem to the townspeople was the inaccessibility to obtain stickers or pay fees on Saturdays. He suggested an adjunct issuance, during the hours the Highway Department is closed, by the clerk at the desk of the Police Department. Selectman Donald suggested that Executive Secretary Richard E. Thompson contact Robert Noyes of the Highway Department to discuss this or another proposed alternative procedure.

Adams-Russell - Cable Television

Chairman Frost was approached by a number of townspeople who expressed displeasure with the service of Adams-Russell. Mr. Frost informed those individuals that they should immediately contact the local Cable Television Committee.

Council On Aging--Appointment of M. Priscilla Mesar

The Board reviewed the resume submitted by M. Priscilla Mesar for appointment to fill the unexpired term of Eleanor Kelley to April 30, 1988, and the letter of support dated March 4, 1987, from Donald Oasis, Member, Council On Aging.

On motion of Chairman Frost, it was unanimously

VOTED: To appoint M. Priscilla Mesar to fill the unexpired term of Eleanor Kelley to April 30, 1988, to the Council On Aging.

Safe Homes Program

At the invitation of Chairman Frost, Judith Kaskel, Chairman of the Safe Homes Program, gave a brief presentation of the Safe Homes Program to the Board and requested the Board's support.

Mrs. Kaskel informed the Board that she was introduced to the Safe Homes Program in New Jersey, where she and her family resided prior to moving to Sudbury in June 1986. The Program was born out of frustration by concerned parents to do something constructive about the use of drugs and alcohol by their teenagers, and to instill in their younger children a respect for themselves and their parents. Mrs. Kaskel stated she has attended numerous meetings with the parents' organization and the Youth Commission at the high school, the junior high school and elementary schools, and one concern rang loud and clear: As the children get older, the most popular activity is "partying", which is defined as going to a house that has no parents present, and plenty of beer, other liquor and/or drugs. The Safe Homes Program is basically a pledge the parents make to their children and other parents, saying they or another responsible adult will be at their home whenever there is a party and they will not allow alcohol or illegal substances to be used at their home. The list of those parents signing the pledge is published in the local newspaper, and thus instead of negative peer pressure, it is a positive action taken by the parents. The children can see they are not the only ones whose parents have taken this action and thus will learn not to be embarrassed to say "no" to drugs or alcohol. Mrs. Kaskel pointed out this is not meant to be a solution by itself.

Mrs. Kaskel informed the Board the fliers will be going out to the townspeople in about a month and the Program would, therefore, like the endorsement of the Board of Selectmen, so its name may be added to the many committees and groups already endorsing the Program.

Selectman Donald expressed the view of the Board when she supported the Program wholeheartedly. She did inform Mrs. Kaskel that she has spoken with some parents of high-schoolers concerning the program, and although the parents were generally supportive of it, they did express a reluctance to having their names printed in a newspaper. Mrs. Kaskel pointed out that the sample pamphlet prepared by a group in West Orange, New Jersey, included a section where the parents could indicate by checking the appropriate box whether or not they wish to have their names published; and this would be included in the pamphlet being prepared for Sudbury.

Chairman Frost thanked Mrs. Kaskel for her efforts in this important endeavor.

On motion of Selectman Donald, it was unanimously

VOTED: To endorse the Safe Parents Program as outlined by Judith Kaskel, Chairman; and to allow the publication of its endorsement thereof.

Annual Town Meeting Articles 22A and 22B

Executive Secretary Pro Tem submitted to the Board for its approval a letter drafted by Executive Secretary Richard E. Thompson dated March 18, 1987, to Kenneth Ritchie, Chairman, Industrial Development Commission, requesting that the Industrial Development Commission to evaluate Articles 22A and 22B prior to the upcoming Town Meeting.

On motion of Chairman Frost, it was unanimously

VOTED: To approve the letter drafted by Executive Secretary Thompson dated March 18, 1987, to Kenneth Ritchie, Chairman, Industrial Development Commission, requesting its evaluation of Articles 22A and 22B, and scheduling a meeting to discuss same on Wednesday, April 8, 1987, at 7:30 p.m. at the Lincoln-Sudbury Regional High School Library.

State Local Aid - Town of Arlington Referendum Question

The Board had received a letter dated March 5, 1987, from Donald R. Marquis, Town Manager of the Town of Arlington, relating to its concern that the State comply with legislation requiring that 40% of State "growth taxes" be returned to cities and towns via Local Aid and its proposed referendum question to increase that percentage to 50%. Executive Secretary Pro Tem Janet Silva submitted supplementary information to the Board as follows: (1) a note that House Bill 3236 has been filed by Arlington to amend the required 40% of growth taxes for local aid to 50%; (2) letter dated November 13, 1986, also from Mr. Marquis; and (3) letter dated January 15, 1987 from Representative Patricia G. Fiero and Senator Richard A. Kraus, House Chair and Senate Chair respectively of the Local Aid Commission.

Chairman Frost suggested that action concerning this matter be tabled for the present, since he felt the need for further clarification.

On motion duly made, it was unanimously

VOTED: To table discussion of the local aid issue pending receipt of further information and clarification; and to place this matter on the next-available agenda of the meeting of the Board of Selectmen.

Twin Meadows Subdivision--Drainage Easement, Lot 3, Conservation Restriction

Present: Daryl Nash, President and Treasurer, Nash Development Corporation; Edward Kreitsek.

Daryl Nash, President and Treasurer of Nash Development Corporation, with the assistance of Edward Kreitsek, presented to the Board a plan entitled "Definitive Subdivision Plan of Twin Meadows - Sudbury, Mass." dated December 19, 1986, revised March 13, 1987 and drawn by Colburn Engineering, Inc., for the purpose of obtaining the Board's acceptance of a 30' Drainage Easement on a portion of Lot 3, located on the southerly side of Fairbank Road, as shown on said plan; and further to approve receipt of a Conservation Restriction on such property, pursuant to the provisions of General Laws c. 40, §8C.

In response to inquiry by Selectman Wallace, Mr. Kreitsek explained that the reason for the conservation restriction is to retain some kind of permanent control over the property; that there would be no public access.

After discussion, on motion of Chairman Frost, it was unanimously

VOTED: To accept the following interests in land, located off Fairbank Road, relative to the Twin Meadows Subdivision, given by Nash Development Corporation, as shown on a plan entitled "Definitive Subdivision Plan of Twin Meadows - Sudbury, Mass." dated December 19, 1986, revised March 13, 1987, and drawn by Colburn Engineering, Inc., located on the southerly side of Fairbank Road: (1) Drainage Easement, Lot 3; and (2) Conservation Restriction.

Dog Complaint Hearing - Cook/Marrone

Present: Bruce M. Cook, Barbara Cook, Pauline Sylvain, Cathy Jennings, Kenneth Berton, Ruth Berton, Alan Marrone, Linda Marrone, Dog Officer Betsy DeWallace.

At 8:45 p.m., the Board of Selectmen conducted a public hearing to consider the complaint dated March 9, 1987, of Mr. Bruce M. Cook of 12 Howell Road, against a dog harbored by Mr. Alan Marrone of 17 Stone Road. It was noted that notice of this hearing had been sent to the parties involved by Certified Mail and receipts received. Also, a report dated March 19, 1987 had been received from the Dog Officer.

Town Counsel Paul L. Kenny explained that this was an official hearing of the Board of Selectmen, and that those giving testimony would have to be sworn in, whereupon ten individuals stood and were sworn in. Attorney Kenny informed those present that all parties concerned have ten days to appeal the decision of the Board to the District Court. He informed the parties that they will be notified in writing, and the time for appeal will not commence until the parties are so notified in writing.

Chairman Frost requested Bruce Cook to first testify.

Mr. Cook testified that he resides at 12 Howell Road and the complaint was brought by him as a result of two specific incidents: The first was on Thursday, March 5, 1987, at 1:30 p.m. He was in his home when he heard a commotion in his back yard and went outside to see what was going on. His eight-month old puppy, who was tied up, was bitten in the front of his head by the Doberman [pinscher] known as "Colt", who had gone across the yard to the puppy. Colt made some threatening gestures, curled up his lip, and ran off. Mr. Cook then brought his dog inside. Two minutes later, he went out to the breezeway of his garage and the Doberman again came around and made another threatening gesture to him. The second specific incident took place on Sunday, March 8, 1987. Mr. Cook stated he and his wife were walking their dog on Robbins Road when the same dog came running from a yard across the grass toward them, the dog's lip raised and growling. The Doberman came within twenty feet of him, at which point Mr. Cook yelled at the Doberman, who ran off. About another thirty feet, the same thing happened, with Mr. Cook having to make threatening gestures to defend himself.

Mr. Cook further testified that there had been times when he has come home (around Midnight) to find the Doberman running across Mr. Cook's front yard, and although the dog never touched him, the dog did make threatening gestures. As a result, he called the dog officer and signed this complaint.

The Board next heard from Pauline Sylvain of 17 Hickory Road. Mrs. Sylvain testified that on March 5, 1987, she was walking with her nine-month-old and three-year-old children on Robbins Road at approximately 2:00 p.m. The Doberman came charging after them, and they started to run. Mrs. Sylvain pushed her children in front of her and turned around and screamed at the dog. She was caused to run up the street with her children in her arms.

Cathy Jennings of 80 Robbins Road next testified that about a year ago she was walking around the corner of Howell Road, the Doberman ran out after her, and he was called back by someone. The second time, while walking around the same place, between Twelve and Three in the afternoon, the dog came after her again and this time bit her on the leg. Mrs. Jennings went home and telephoned the dog officer. She consequently got a tetanus shot.

Kenneth Berton of 24 Stone Road testified that as long as the dog (Colt) has lived across the street he has complained about him. Mr. Berton stated the dog is constantly barking and constantly being tied up outside. He explained that he works two jobs and would like to sleep when he can. He related an incident where his son had to be driven home by a policeman because the dog was running loose and scared him. He further testified that one morning, not too long ago, he was awakened from sleep by a loud "thud". When he went outside, he observed a gentleman who had been knocked off his bicycle. The man suffered a broken hip and he is in the process of a law suit. He concluded by stating that he knows of a little girl who lives at 8 Stone Road who can no longer walk to the corner of her street to catch the school bus. He or his wife picks her up in the morning to drive her to school. He stated that for three or four years the dog has been nothing but a problem.

Ruth Berton of 24 Stone Road added that their son and a friend were in their front yard, when the Doberman came charging in, causing the boys to run into the house. She further stated that her nine-year-old daughter always runs into the house because she cannot tell whether the dog is tied or loose.

Barbara Cook of 12 Howell Road testified she will no longer let her dog out in the evening. She stated that she has to stand outside with all her floodlights on. She further stated the Doberman does not wear a collar, so she hears no warning of his approach. Mrs. Cook told of an incident last summer when they were outside searching the sky for Haley's Comet. The Doberman chased them inside and they were unable to continue their star-gazing.

In response to Selectman Wallace as to whether anyone has spoken with Alan Marrone concerning these problems, Messrs. Cook and Berton responded that an attempt has been made, but Mr. Marrone only replies that "the neighbors aren't very friendly." It was suggested to Mr. Marrone that he take the dog with him to the store when he works; he did this for a couple of days only.

Selectman Wallace asked Mrs. Jennings about the complaint she had filed last year. Mrs. Jennings responded by stating that she and her husband, who is an attorney, could not agree upon a solution with regard to the complaint. Her husband wanted to bring suit because he did not think the recommendation of the Dog Officer and the order by the Board of Selectman to restrain the dog was sufficient, but she did not think bringing suit was necessary. Selectman Wallace indicated he could not recall a hearing on her complaint, and Mrs. Jennings explained that because the Town was in the middle of its annual Town Meeting, no formal hearing was held.

Dog Officer Betsy DeWallace had no comment.

Alan Marrone next testified in his defense. He acknowledged that he had some problems with the Doberman in the past, and that he was presently attempting to locate a good home for it. He explained that the Doberman was only a nine-month-old puppy when he was first brought home and that was the reason for the excessive barking. He further explained that the reason the dog is often without a collar is because he gets off his "run". Mr. Marrone stated it was his understanding, regarding the incident with Mrs. Jennings, that she had stated she was not sure whether she had been bitten or merely scratched. Because of the pending litigation with regard to the man on the bicycle, he could not comment other than to state it was his opinion that the bicycle hit the dog.

Mr. Marrone pointed out to the Board that in that area there are many dogs loose, alleging that there is a dog across the street from Mr. Cook that constantly barks and chases cars. Mr. Marrone further stated that to his knowledge the dog has never attacked or bitten anyone. He further pointed out that the Beltraminis, who live across the street from him, have never complained about the Doberman, nor has Hester Lewis, who lives next door. Mr. Marrone stated that the only time Mr. Berton spoke to him about the Doberman was one night at 10:30 p.m., when Mr. Berton came banging at his door, yelling and swearing.

On motion of Selectman Donald, it was unanimously

VOTED: To order the Doberman pinscher known as "Colt", owned by Alan Marrone of 17 Stone Road, removed from the environs of the Town of Sudbury no later than May 1, 1987; and that until such removal takes place, said dog shall be permanently restrained at all times.

Executive Session

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

VOTED: To go into Executive Session for the purpose of discussing litigation issues.

(Chairman Frost, aye; Selectman Donald, aye; Selectman Wallace, aye).

The Chairman 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 9:20 p.m.

Attest: _____
Janet Silva
Executive Secretary-Clerk
Pro Tem