

IN BOARD OF SELECTMEN  
JANUARY 14, 1974

Present: Chairman William F. Toomey, John C. Powers, and John E. Taft

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The statutory requirements as to notice having been complied with, the regular meeting was called to order at 7:30 p.m. by Chairman William F. Toomey.

1974-75 Collective Bargaining - Executive Session

Present: Richard Murphy, Sudbury Labor Relations Counsel; Bruce Ostar, George Distler, and Anthony Fredella of the Personnel Board

The Executive Secretary reported that Richard Murphy, Labor Relations Counsel, had met with bargaining groups for the police, fire and highway departments, that the fire department had submitted its proposals and that proposals from the highway and police departments will soon be submitted.

At 7:35 p.m., it was on motion unanimously

VOTED: To enter into executive session for the purpose of discussion on collective bargaining matters, which if made public might adversely affect the financial interest of the Town and the reputation of any person.

1974 Annual Town Meeting Warrant Articles - Walkways

Present: Eben Stevens, Paul McNally, Jane Gillespie, Edward Connors of the Planning Board; Arthur E. Harding, Town Surveyor

At 8:15 p.m. the Selectmen met with the Planning Board for the purpose of discussing walkway articles.

Mr. Stevens displayed a map showing proposed walkways and explained that planning, construction, and maintenance of school walkways within a one-and-one-half mile radius of a school are eligible for 25% - 30% reimbursement by State school aid. Mr. Stevens stated that the proposed walkway Articles 31 A, B, C, and D fall within this category and are worded so that the walkways would qualify for reimbursement.

Article 31 A - Woodside and Landham Road area - Mr. Stevens stated that sufficient money (\$83,000) for this section of walkway has already been appropriated, but that the article should be revoted in order to qualify for State reimbursement.

Selectman Powers questioned whether walkway construction could be tied in with reconstruction of Landham Road. Town Surveyor Arthur Harding reported that reconstruction of Landham Road was scheduled for 1975, and that the Woodside Road walkway and southerly end of Landham Road walkway to the Town line could be constructed independently of the road reconstruction, but that the northerly end might have problems if constructed independently.

Article 31 B - Horse Pond Road - \$36,000 needed for final engineering and construction, -- engineering completed and all easements but one have been received. Previous planning money article needs to be revoted in order to qualify for State reimbursement. No reconstruction of Horse Pond Road is planned.

Article 31 C - Peakham and Old Lancaster Road area - \$36,000 needed for final engineering and construction. This walkway is in accordance with the layout of the road before it is impacted with the results of the drainage study - may be revised.

When asked if the design would change if these roads were made one way, Mr. Harding responded that the design probably would not change.

Article 31 D - Walkways - Butler, Fairbank and Hudson Road area - Funding in the amount of \$7,500 has already been appropriated for this section of Hudson Road. \$50,000 additional funding needed for final engineering and construction. No road reconstruction planned for these areas.

Mr. Stevens stated that planning and preliminary engineering costs for the following school-related walkways have been included in Article 32 A and B, and that these articles have been worded so that the walkways would qualify for State reimbursement.

Article 32 A - Walkways - Haynes, North, Great, Mossman, Marlboro and Morse Road area - \$33,500 needed for planning and preliminary costs. The Town Surveyor reported no request from the Highway Commission for reconstruction of roads in this area.

Selectman Taft requested that the Planning Board consider Puffer Lane as a walkway route in addition to the proposed North Road walkway between Haynes Road and Puffer Lane.

Article 32 B - Walkways - Peakham, Old Lancaster, Willow, Hemlock, and Tanbark Road area - \$17,500 planning and preliminary engineering needed. The Town Surveyor stated that the Highway Commission had requested engineering for Peakham Road from its junction at Pratt's Mill Road south to the railroad tracks.

Article 33 - Walkways - Sudbury Centre, Old Sudbury and Concord Road area and Union Avenue - Bicentennial oriented walkway final engineering and construction money needed in the amount of \$91,000 - possibility of Federal assistance.

Town Counsel stated that wording in this article would enable the Town to seek assistance money if possible.

Article 34 - Walkways - Wayside Inn, Boston Post, Concord, Pantry, and Dakin Road area - Bicentennial oriented planning and preliminary engineering money in the amount of \$34,000 needed -- will have construction estimate for approximately 20,000 feet of walkway at time c Annual Town Meeting.

Mr. Stevens stated that the Planning Board feels that planning and construction money should be bonded. Selectman Taft commented that walkways are a continuing program and, as such, should not be bonded. Town Counsel will meet with the Planning Board on this matter.

Mr. Stevens stated that the Planning Board had met with the Highway Commission and that the Commission wants to assume responsibility for the bidding and awarding of contracts, authorization of payment, and inspection of walkways, on which matter the Selectmen expressed no opposition at this time.

At the request of the Selectmen, the Planning Board will provide them with a list of walkway priorities.

Article 17 - Amend Zoning Bylaw, Art. IX, Sec. IV, A, 2 - Recorded Lots - Selectman Powers asked the Planning Board how many lots would be affected by passage of this article. Mr. Stevens replied that he did not know at this time.

Article 19 - Amend Zoning Bylaw, Art. IX, Sec. IV - Wetland Minimum Lot Size - Selectman Powers asked the Planning Board how many lots would be affected by passage of this bylaw. Mr. Stevens replied that he did not know at this time.

#### 1974 Annual Town Meeting - Conservation Articles

Present: Margaret Langmuir and Olga Reed of the Conservation Commission; Eben Stevens, Jane Gillespie, Paul McNally and Edward Connors of the Planning Board; and Arthur E. Harding, Town Surveyor

Members of the Conservation Commission met with the Board for discussion of articles sponsored by the Conservation Commission for the 1974 Annual Town Meeting.

Article 11 - Acquire Whitman Land, Boston Post Road - Mrs. Langmuir stated that this 18-acre parcel bordered on the Grist Mill Pond and that the Conservation Commission has applied for self-help funding reimbursement on this parcel and has been told it has a high priority.

Article 12 - Acquire Davis and Boston Edison Land - Mrs. Langmuir stated that the parcel included the Davis farm and the Boston Edison right-of-way through the Davis property, with approximately sixty-six acres in the Davis property and fifteen in the Boston Edison right-of-way, for a total of eighty-one acres.

Mrs. Langmuir stated that the purchase and sales agreement was not yet signed, but a firm price had been reached with Mr. Davis.

Town Counsel stated that Boston Edison has indicated an interest in selling the land within their right-of-way to the stream, and the Town Surveyor stated that the balance of the easement, from the brook to Concord Road, had been reconveyed to the former owner(s).

Mrs. Langmuir stated that at the time the Conservation Commission learned of the availability of the parcel, they contacted each board in regard to its interest in a portion of the property and that the Highway Commission and the Park and Recreation Commission had responded affirmatively -- the Highway Commission because of its interest in straightening the dangerous curve in North Road in that area and the Park and Recreation Commission because of its interest in the open field and right-of-way; the Conservation Commission's interest being the hill and back field.

Mrs. Langmuir stated that Bureau of Outdoor Recreation funding has been discussed, but that it had not yet been decided whether the Conservation Commission alone, or also the Park and Recreation Commission, will submit applications for BOR consideration; in any case, the Conservation Commission will apply for self-help funding. Mrs. Langmuir also stated that the Commission has received appraisals on both parcels.

Article 16 - Amend Zoning Bylaw, Art. IX, Sec. I, G. Flood Plains - Mrs. Langmuir stated that approximately 22% of Sudbury's acreage is at or below flood plain level and that this article deals with the additional 5% of land that is subject to periodic flooding. Mrs. Langmuir stated that public meetings on the subject will be held at the Curtis Junior High School at 8:00 p.m. on January 24th and 31st and that, in addition, each household will receive notification of inclusion of said article in the warrant and the schedule for the public meetings. Mrs. Langmuir added that the Conservation Commission had been informed by Town Counsel that it is legal to include wetlands in their flood plain zoning.

Chairman Toomey requested that the Conservation Commission meet with the Selectmen again at 9:00 p.m. on January 21st for discussion of Article 13 - Acquire Hulbert Land, and Article 14 - Acquire Land Bordering Bowditch and Boston Post Roads, and further discussion on Article 11 (Whitman land) and Article 16 (Flood Plain zoning).

Mr. Stevens stated that the Planning Board will meet with the Conservation Commission on January 16th for discussion of Article 16 (Flood Plain zoning) and would also like to attend the Commission's January 21st meeting with the Selectmen.

Mrs. Langmuir stated that detailed maps of Article 16 are now on view at the Engineering Department and the Goodnow Library.

Chairman Toomey requested that all maps relative to the article be made available for the January 21st meeting.

At this point in the discussion, Selectman Taft brought to the attention of Chairman Toomey the fact that the proceedings were being tape recorded by a citizen (Robert Noyes, 321 Peakham Road) of the Town, and Chairman Toomey stated that, as Chairman of the

Board of Selectmen, he was unaware that the meeting was being recorded, and was sorry that the citizen had not requested the Board's permission for doing so.

Selectman Powers questioned the Conservation Commission as to the number of lots which would be affected by passage of this article. Mrs. Langmuir replied that the Conservation Commission did not know.

#### 1974 Annual Town Meeting - Ordering of the Warrant

Present: Frank R. Sherman, Moderator; Eben Stevens, Jane Gillespie, and Edward Connors of the Planning Board.

The Board ordered the warrant for the 1974 Annual Town Meeting and will sign it at the next regular meeting on January 21, 1974.

#### Minutes

The Board agreed to table the question of approving the minutes of the regular meeting and the executive session of January 7, 1974, until the meeting on January 21, 1974.

#### Appointments

It was on motion unanimously

VOTED: To appoint, appointment retroactive to October 29, 1973, Elinor L. Bentley, 574 Peakham Road, to the Revolutionary War Bicentennial Committee;

and it was further

VOTED: To appoint, in accordance with G. L. Chapter 147, Section 10F, Bernard G. Murphy as Special Police Officer, non-paid, for traffic duty only at Raytheon, for a term to expire on April 30, 1974.

It was on motion unanimously

VOTED: To table consideration of appointment to the Historic Districts Commission until the Selectmen's meeting on January 21, 1974.

#### U. S. Military Reservation Land

The Board noted the correspondence, dated January 8, 1974, relative to excessed land of the Defense Department Natick Laboratories from the Executive Secretary to Commissioner Arthur W. Brownell, Department of Natural Resources.

Managerial Employees under Chapter 150E

It was agreed to take under advisement the correspondence, dated January 7, 1974, from Town Manager of Concord relative to managerial employees under Chapter 150E<sup>1/2</sup>, to become effective on July 1, 1974, stating that Concord is considering petitioning the Labor Relations Commission to remove Captains from the Fire Department bargaining unit and asking if Sudbury is planning to take similar action.

Writ of Mandamus - Town of Sudbury, Board of Selectmen, Director of Civil Service

On the subject of the pending Sudbury Chief of Police court case, Town Counsel reported that he had recently spoken with the attorney for the petitioner, who was unsure of the present status of the law suit. Mr. Turner stated that if action is not taken by the petitioner to dismiss the action, the Assistant Attorney General and Town Counsel will appear in Court to argue the demurrer.

Sick Leave Request

As requested by Francis E. White, Building and Inspections Department, it was on motion unanimously

VOTED: To authorize submission of sick leave request for Edward A. Sherman, Building Services Coordinator, to the Personnel Board, dated January 3, 1974; subject to submission by Mr. Sherman of appropriate medical evidence of illness to the Selectmen's office.

Resignation - Conservation Commission

The Board received a communication, dated January 4, 1974, from Raymond P. Clark, tendering his resignation from the Conservation Commission, effective immediately.

The Board accepted Mr. Clark's resignation with regret and directed the Executive Secretary to send a letter to Mr. Clark thanking him for his service to the Town.

Wayland Board of Selectmen - Exclusion of "Thru" Heavy Trucking

The Board received a communication, dated January 3, 1974, from the Wayland Board of Selectmen relative to exclusion of "thru" heavy trucking on Routes 27, 30, and 126 in Wayland.

The Board directed the Executive Secretary to contact the Wayland Executive Secretary to request further information of a more specific nature on the matter.

Regional Concerns Committee

The Board received two communications dated January 8, 1974, from the Regional Concerns Committee, one of which recommended that Arthur W. Grellier, a member of the Regional Concerns Committee, represent the Town of Sudbury on the Subregion Intertown Liaison Committee (SILC), and the second setting forth the Regional Concerns Committee's recommendation relative to sub-region breakdown for planning and delivery of State services.

The Executive Secretary suggested that he forward copies of the communications to Secretary William I. Cowin, Secretary, Executive Office for Administration and Finance, and the Selectmen were in accord.

duRobtrater Corporation d/b/a The Bottle Shop, 513 Boston Post Road

In response to a telephone request from Mr. Stephen Steinberg, it was agreed to replace the Board's statement, following their hearing on December 3, 1973, relative to the duRobtrater, Inc., stock transfer, as set forth in the Executive Secretary's communication, dated January 11, 1974, to Edward L. Morrill, duRobtrater, Inc., with a vote of the Board.

It was on motion unanimously

VOTED: To grant permission to transfer stock in duRobtrater, Inc., d/b/a The Bottle Shop, to the Hudson National Bank, Hudson, Massachusetts, for loan purposes.

Authorization of Employment - Chief of Police

The Board received a communication, time-stamped by Civil Service on January 8, 1974, from Edward W. Powers, Director of Civil Service, which authorized the employment of Nicholas Lombardi, 22 Franklin Place, as Chief of Police.

There being no further business to come before the Board, it was on motion unanimously

VOTED: To adjourn the meeting at 11:30 p.m.

Attest:   
Richard E. Thompson  
Executive Secretary-Clerk