

IN BOARD OF SELECTMEN  
MONDAY, JANUARY 27, 1975

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

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

Police Rules and Regulations

Present: Police Chief Nicholas Lombardi

The Executive Secretary reported that on December 31, 1974, the Board had received from Police Chief Lombardi the Rules and Regulations of the Sudbury Police Department and a communication of that date, which requested the Board's approval of the same within the required thirty-day period.

The Executive Secretary further reported that a communication dated January 22, 1975, had been received from Town Counsel, following his review of the rules and regulations, which recommended several changes upon which discussions were held and agreements reached as follows:

1. Chapter 2, Section 2, General Duty Requirements (p. R-3) - An amendment to the first sentence so that it reads, "In addition to... must be observed, while on duty and while off duty, unless otherwise specified."
2. Chapter 2, Section 3, entitled Personal Conduct - Department (p. R-5) - An amendment to the first sentence so that it reads, "The following acts by a member of the force are prohibited while on duty and while off duty, unless otherwise specified." This amendment to include items "a" through "r", with the exceptions of "c" and "g", which will be specified as "while on duty".
3. Chapter 2, Section 7D, Court Appearances (p. R-11) - An amendment so as to read, "Pre-trial discussion with opposing lawyers, except as required by law, in or out of court, is forbidden except with the permission of the Chief of Police." (Scheduled for further discussion).
4. Chapter 3, Section 1a, Duties of Personnel (p. D-1) - An amendment to strike out the words "or Lieutenant".

Town Counsel also recommended and Police Chief Lombardi approved the addition of the following clause, to be appropriately placed:

"The invalidity of any section or provision, or any part or portion thereof, shall not invalidate any other section or provision and the remaining part and portions thereof."

It was on motion unanimously

VOTED: To table further consideration of the Rules and Regulations of the Sudbury Police Department as submitted by Police Chief Lombardi until a special meeting of the Board to be held at 7:30 p.m. on Wednesday, January 29, at the Loring Parsonage.

Town Fathers' Forum

At 8:00 p.m. Chairman Powers convened the 97th session of the Town Fathers' Forum, a transcript of which is attached hereto and is a part of these minutes.

Ordering of the Warrant - 1975 Annual Town Meeting

Present: Moderator Frank Sherman, Ronald Blecher and John Hennessy of the Finance Committee; Frederick Welch, Chairman of the Highway Commission; Eben Stevens, of the Planning Board; Joseph Tratnyek, Chairman, and John Cutting of the Conservation Commission; Sally VonBenken, Chairman of the Committee on Town Administration; and William Cooper of the Wayland-Sudbury Septage Disposal Planning Committee

In conjunction with the Town Meeting Moderator and members of Town boards and committees, the Board ordered the warrant for the 1975 Annual Town Meeting.

Auxiliary Police Force

Present: Police Chief Nicholas Lombardi; Roger Davis and Gerald Morin of the Auxiliary Police Force

The Board, at its meeting on January 20, 1975, voted to table further consideration of the request of the Sudbury Police Auxiliary to carry arms until receipt of a response to the Executive Secretary's request to the Sudbury Police Association for a recommendation on the matter.

The Executive Secretary reported that the Board had previously received a communication dated January 14, 1975, from Town Counsel on the subject of the request of the Sudbury Police to carry arms and the liability of the Town in this regard, which had been discussed at the January 20 meeting. He had since received a communication dated January 23, 1975, from the President of the Sudbury Police Association, which stated that the Association had decided, by a majority vote (18-5), that the Sudbury Auxiliary Police should carry firearms while on duty.

Mr. Thompson stated that the matter had also been reviewed by the Finance Committee who indicated that they wished to be kept informed of any change in the status of arming and, if granted arms, the Finance Committee would look at the auxiliary police budget in a different manner.

Mr. Blecher stated that if the Auxiliary is granted the right to bear arms, this will be a change in the information the Town recieved at the Auxiliary's inception and that the Finance Committee is of the opinion that the Town should reevaluate the auxiliary issue and that the Committee should again review their budget.

Chairman Powers stated that the Auxiliary's arms request does not include any budget request for the cost of the arms, and Mr. Blecher responded that, while this is the case, the Town should be made aware that the Auxiliary will now carry arms, if that is to be the Board's decision. Mr. Blecher stated that the Committee could recommend zero appropriation or could merely "flag" the change and that the Committee wished to know of the Board's decision in the matter in order to determine its own position.

The Executive Secretary recommended that this subject be discussed more fully at next week's meeting and that in the meantime he would distribute Town Counsel's January 14th memorandum on the subject.

In response to a question, Mr. Blecher stated that the Finance Committee has not yet taken an official position on this issue and that the position he has expressed tonight is his own.

Selectman Toomey stated that, in his opinion, the matter should be heard in a meeting publicized with the help of the press to enable all interested groups and individuals to be heard.

Following further discussion, it was on motion unanimously

VOTED: To schedule a public meeting on the request of the Sudbury Police Auxiliary to carry fire arms as part of the Board's regularly scheduled meeting on February 3, 1975 (8:30 p.m.)

Police Chief Lombardi and Roger Davis, a member of the Auxiliary, expressed their concern for the safety of both the unarmed auxiliary men and the regular police officers with whom they patrol on weekends, and Mr. Davis stated that he was afraid a Town Meeting discussion on the matter of carrying arms would degenerate into a progun, anti-gun discussion.

#### Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive session of January 20, 1975, the former as amended.

#### Appointment

At the request of Police Chief Lombardi in a communication dated January 22, 1975, it was on motion unanimously

VOTED: To appoint, in accordance with G.L. c147 §10F, Jeremy V. P. Rogers, 1 Nobscot Road, as a Special Police Officer, Non-Paid, for duty at the Boy Scout Reservation for a term to expire on April 30, 1975.

#### Regional Concerns Committee - Joint Regional Transportation Committee

The Board received a communication dated January 17, 1975, from Malcolm Beers, Chairman of the Regional Concerns Committee relative to his attendance at a January 16 Joint Regional Transportation Committee meeting held to request input from the western corridor communities relating to attacking transportation problems in this area.

The Board requested the Executive Secretary to compile a sheet of specific points to which the Board can react sometime after the first of March.

It was on motion unanimously

VOTED: To defer the subject of the Regional Concerns Committee's above-referenced communication to the Executive Secretary for further action.

Utility Petitions UP75-25A, UP75-25B, and UP75-25C, Stearns Lane, Middle Road,  
and Firecut Lane

It was on motion unanimously

VOTED: To confirm the existence, upon property accepted by the Town as public ways, of Boston Edison utility poles at the following locations: Stearns Lane, Middle Road, and Firecut Lane - individual poles as specified on petitions of Boston Edison Company dated January 10, 1975.

Reserve Fund Transfer Request - Repair of Town Hall Boiler

Following consideration, it was on motion unanimously

VOTED: To approve a request for a transfer (#0605) in the amount of \$2,548.60 from the Reserve Fund to Account 340-32, Town Hall Maintenance, to cover payment of bills for the unforeseen repair of the Town Hall Boiler.

Sudbury Housing Authority - Joint Access Road

The Executive Secretary reported that the Board had received a communication dated January 27, 1975, at 7:15 p.m., this date, from the Sudbury Housing Authority, which advised the Selectmen that the Housing Authority, at its January 20 meeting, by majority vote (2-1;1 abstention) accepted the Selectmen's proposal for an easement location known as "Hudson Road Long" for a price not to exceed \$3,200.00, subject to approval of the expenditure by the Department of Community Affairs.

Following discussion, it was on motion unanimously

VOTED: That the Board of Selectmen vote to sell an easement to the Sudbury Housing Authority, the terms and conditions of the easement to be those set forth in the easement agreement previously approved by the Board of Selectmen dated December 2, 1974, with the exact dimensions and location of the easement and the developed way to be constructed therein, to be subject to further review and approval by the Board of Selectmen upon completion by the Sudbury Engineering Department of an easement plan, with the sales price to be in the amount of \$3200, despite the way in which the Sudbury Housing Authority handled its negotiations.

Selectman Taft requested that the Permanent Building Committee be invited to attend the Board's meeting at which the plan of the access road will be reviewed.

Police/Fire Headquarters - Bill for Architects' Fees

The Executive Secretary reported that the Permanent Building Committee had received and approved payment of two bills relating to the police/fire headquarters; one for printing in the amount of \$320.23 and a second for the architects' and engineers' fees in the amount of \$6201.00, the latter designated as overrun as the result of delay in bidding and inclusion of a Civil Defense Emergency Operation Center in the design. The Executive Secretary also reported that the Permanent Building Committee had requested and received a reserve fund transfer for said payment from the Finance Committee.

The Board expressed doubt as to whether the bill for the architects' fees was appropriate and owed, and suggested that the Town Accountant be requested to withhold payment on the same until such time as the bill has been investigated relative to its being or not being a matter for which the architect was paid under the main contract.

The Executive Secretary suggested that the Board also request minutes of the Finance Committee meeting at which justification for the reserve fund transfer approval was made.

Selectman Taft stated that the contract for the police/fire headquarters building had been drawn by the A.I.A. to include the standard clause relating to architects' fees, and that when going through the design stage, a reserve fund transfer had been obtained to do some additional studies regarding the design concept which the architect refused to do without additional fee. Selectman Taft recommended that future business with architects be done on a fixed fee basis and requested that Town Counsel thoroughly examine the contract to determine the Town's responsibility in the matter.

Following further discussion, it was on motion unanimously

VOTED: To request the Town Accountant to withhold payment of the bill and to direct the Town Accountant, Town Counsel, and the Executive Secretary to do a background check on the bill relative to its appropriateness; and it was further

VOTED: To request a copy of the minutes of the Finance Committee at which the transfer was approved for the Board's review and to request a meeting with the Permanent Building Committee for further discussion of the matter.

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

VOTED: To adjourn the meeting at 11:20 p.m.

Attest: Richard E. Thompson  
Richard E. Thompson  
Executive Secretary/Clerk