

IN BOARD OF SELECTMEN
MONDAY, DECEMBER 6, 1976

Present: Chairman William F. Toomey, John C. Powers, and Ira M. Potell

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

Utility Poles - New Bridge Road

Executive Secretary Richard E. Thompson reported that the Board, following receipt of a petition from area residents for utility pole relocation to lessen the hazardous condition that exists on the easterly end of New Bridge Road, had voted at its October 18 meeting to request that an estimate be obtained from the Town Engineer as to how much work would be involved in the pole relocation. Mr. Thompson reported that the matter had been earlier brought to the attention of Frederick A. Roth, District Manager of Boston Edison Company, by the previous Executive Secretary in January 1972, but that the request for relocation of poles had been subsequently withdrawn. Mr. Thompson further reported that he had forwarded the residents' petition to Mr. Roth after the Board's September 13 meeting and that Mr. Roth had responded that, until street layout for New Bridge Road has been completed and approved, it would be impractical to embark on a construction program which might be temporary in nature.

Mr. Thompson reported that Town Engineer James V. Merloni's cost estimate dated November 23, 1976 had been received and that he (Mr. Thompson) would recommend implementing Mr. Merloni's suggestion that five utility poles should be relocated away from the edge of the traveled way and closer to the stone wall in the available seven feet of space. Mr. Merloni estimated that the cost of such relocation would be \$1,840.

After discussion, it was on motion by Selectman Powers unanimously

VOTED: To direct the Executive Secretary to cooperate and work with the Boston Edison Company, as much as possible, relative to the relocation of five utility poles on New Bridge Road.

Marlborough Easterly Treatment Plant - Permit Modification

On the subject of the public hearing concerned with the City of Marlborough's request for its Easterly Treatment Plant's permit modification to allow the Town of Marlborough to discharge treated sanitary wastewater to Hop Brook, the Board received a communication dated November 29, 1976 from the Conservation Commission, which urged that the Selectmen join the Commission in sending statements to the Massachusetts Division of Water Pollution Control and to the Environmental Protection Agency relative to its strong opposition to the granting of said permit modification.

Chairman Toomey stated that the public hearing on the matter was being held this evening, but that he had wished to hold discussion with the Board before advising the Conservation Commission, by telephone, of the Board's position.

Selectman Powers reported that Sudbury has held a consistent line with Marlborough relative to that Town's not dumping additional pollutant material into Hop Brook. Selectman Powers expressed his hope that the Board would support the Board of Health and the Conservation Commission to get on record an indication of the Selectmen's continuing concern that no additional material be dumped into the Brook.

The Executive Secretary distributed a copy of the Conservation Commission's statement dated December 6, 1976 which they intended to make at tonight's hearing.

Selectman Powers expressed his opinion that the Board should indicate to the Massachusetts Division of Water Pollution Control and to the Environmental Protection Agency that Marlboro Treatment Plant effluent should be held at the present levels until much further study has been made.

Chairman Toomey stated that he agreed, in principle, with the purpose of the Conservation Commission, but was of the opinion that the Board should have been advised of the matter several weeks ago.

After further discussion, it was on motion by Selectman Powers unanimously

VOTED: To authorize the Executive Secretary to indicate to the hearing in progress, by telephone, that the Sudbury Board of Selectmen is not in favor, at this time, of any change in the present restrictions relative to the distribution of effluent in the Hop Brook area.

The Board requested the Executive Secretary to advise the City of Marlborough that the Town wishes to be informed in greater detail regarding future matters of this type and to inquire of the Conservation Commission and the Board of Health as to the timetable and procedures involved in the processing of such an application.

Trailer Permit - 63 Old Framingham Road

It was on motion by Selectman Potell unanimously

VOTED: To confirm the verbal vote of the Board on December 1, 1976, to grant permission to William Mahoney to park the trailer owned by Dwight E. Newman on property located at 63 Old Framingham Road, for a period of thirty days, commencing December 1, 1976.

Appointment - Town Report Preparation Committee

Following a report from the Executive Secretary, it was on motion unanimously

VOTED: To appoint Virginia M. Allan, 780 Concord Road, to the Town Report Preparation Committee for a term to expire on April 30, 1976.

Highway Department Contract - July 1, 1976 through June 30, 1978

Present: Donald E. Grenier and Kenneth D. Anderson, representing the Highway Department's Local Union #1156

Executive Secretary Richard E. Thompson stated that agreement has been reached by the Highway Department's union representatives which provides, in summary, for a two-year contract effective July 1, 1976 through June 30, 1978,

a reduction in work hours per week from 45 hours to 42½ hours during the first year and a further reduction to 40 hours per week during the second year, a lump sum stipend of \$250 to each union member in the second year of the contract, a change in the sick leave policy, and a small increase in meal allowance.

Mr. Thompson reported that the contract has been reviewed and approved by Labor Relations Counsel Richard W. Murphy.

After discussion, it was on motion by Selectman Powers unanimously

VOTED: To sign the agreement contract between the Town of Sudbury and the Highway Department Public Employees Local #1156 of the Laborer's International Union of North America, AFL-CIO, for the two-year period July 1, 1976 through June 30, 1978.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive sessions of November 29, 1976, with the exception of the section dealing with the Cemetery Study Committee, consideration of which has been deferred until December 13.

Selectmen's Capital Improvement Project Report - 1976-77 - 1982

The Selectmen reviewed their Capital Improvement Program as prepared by Executive Secretary Richard E. Thompson. Mr. Thompson reported that the program was essentially the same as that of last year--construction of Police/Fire Headquarters and Town Hall Renovations--with the exception that application has been made for 100% Federal reimbursement of funds for the construction of the Police/Fire Headquarters facility in the amount of \$1,166,000.

Chairman Toomey stated that if Federal funding were received by the Town for this purpose, a Special Town Meeting would be called to request acceptance of the funds.

After discussion, it was on motion by Selectman Potell unanimously

VOTED: To approve the Selectmen's Capital Improvement Project Report for 1977-1982, as prepared by the Executive Secretary.

Highway Department Articles-Annual Town Meeting Articles

Present: Highway Surveyor Robert A. Noyes and Town Engineer James V. Merloni

Highway Surveyor Robert A. Noyes met with the Board to review Highway Department Annual Town Meeting Articles, as follows:

1. Acceptance of G.L.c40, §6N, which would authorize the Town to make certain temporary repairs on private ways, if so petitioned by the abutters who own 50% of the linear footage of such way, with the cost of such repairs to be paid by the abutters. In response to Selectman Potell's question, Mr. Noyes stated that the above-referenced statute also provides that the Town shall not be held liable for any damages caused by such repairs.

2. Drainage Study (submitted by Highway Surveyor and Town Engineer) - Mr. Noyes stated that the areas proposed for drainage in this article were areas that had created long-term problems which should be corrected. Mr. Noyes stated that the article would provide for detailed plans and specifications to be drawn up and that when the plans and study were completed, the Highway Department would undertake a five-year construction plan.

Selectman Potell commented that for the last two years, the Town has refused any long-term drainage construction plans and that Mr. Noyes should be prepared to have supportive material available.

3. Accept Layout - Elsbeth Road - Appropriate \$7,500 for the Highway Department's repair and/or reconstruction of Elsbeth Road for integration into that Department's road maintenance program.

Mr. Noyes stated that he would submit a fourth article relative to the relocation of a portion of Hudson Road to correct a roadway condition that, in their opinion, is unsafe for vehicular travel.

Chairman Toomey offered the offices of the Executive Secretary to the Highway Superintendent for assistance in the preparation of his Capital Equipment budget.

Sanitary Landfill Rules and Regulations

Present: Highway Surveyor Robert A. Noyes and Town Engineer James V. Merloni

Highway Surveyor Robert A. Noyes and Town Engineer James V. Merloni met with the Board to discuss the Sanitary Landfill Rules and Regulations as revised following earlier review by the Selectmen, the Highway Surveyor, the Town Engineer, and the Board of Health.

Selectman Potell commented that Town residents were dragging brush into wooded areas rather than to abide by the present regulation that brush and small trees must be cut into lengths no longer than thirty-six inches, as required under Section 4, 2a, and he asked whether this section could be changed to permit longer lengths to be dumped at the landfill.

Mr. Noyes and Mr. Merloni responded that if lengths longer than thirty-six inches are left, problems arise with their compacter in that the brush and trees up-end and can cause damage to the equipment and possible injury to the driver. In addition, Mr. Merloni stated that such fill materials can cause severe problems with good compaction by causing later soft surface and sinking ground holes.

After further discussion, it was on motion by Selectman Potell unanimously

VOTED: To adopt the revised Sanitary Landfill Rules and Regulations as presented.

Selectman Potell asked whether copies of these regulations could be distributed to the Townspeople by inclusion in the Town Meeting Warrant, and after discussion, it was agreed that the Executive Secretary would investigate the feasibility of this method, advertisement in the local press, or other methods of Townwide distribution.

Peakham Road/Old Lancaster Road Intersection - Preliminary Survey and Engineering Work

Present: Town Engineer James V. Merloni and Highway Surveyor Robert A. Noyes

Executive Secretary Richard E. Thompson reported that the Board, at its meeting on May 24, 1976, had requested that he obtain from the Town Engineer an estimate of the effort required to develop a detailed engineering study relative to the hazardous intersection at Peakham Road/Old Lancaster Road before proceeding with preliminary field survey work in this regard.

Town Engineer James V. Merloni, referring to his report dated November 10, 1976, now stated that if the work were to be done by the Engineering Department, there would be no cost involved other than the manhours scheduled for other Town projects and if outside engineering services were used, it would cost approximately \$5,000.

Mr. Merloni further stated that he would hope to do this work as a "fill-in" job with little interruption to his current schedule.

In response to Selectman Potell's question, Mr. Merloni stated that the same design plan could be used for both this study and the proposed drainage work in this area.

The Executive Secretary recommended support of this in Mr. Merloni's work schedule, stating that he would hope that this work could be a sample for other Town intersections.

Selectman Potell recommended that the Town Engineer and the Highway Surveyor review future proposed projects together in an attempt to coordinate projects and budgets.

The Board expressed its appreciation for the existing team approach and cooperation between the Town Engineer and the Highway Surveyor.

After further discussion, it was on motion by Selectman Potell unanimously

VOTED: To authorize the Engineering Department to proceed with the project, as recommended by the Town Engineer on an "as-available" basis, using in-house personnel for the preliminary survey and engineering work required relative to correcting the hazardous conditions at the Peakham Road/Old Lancaster Road intersection.

1977 Annual Town Meeting - Non-Monied Articles

The Executive Secretary reported that all non-monied articles received by his office on or before the December 1 deadline had been approved as to form with certain recommended changes by Town Counsel.

The Board reviewed the list which set forth the subject matters for articles received, as prepared by the Executive Secretary.

After discussion, on the recommendation of the Executive Secretary, it was on motion by Selectman Potell unanimously

VOTED: To accept in the Warrant for the 1977 Annual Town Meeting the non-monied articles listed in the Executive Secretary's report dated December 6, 1976, a copy of which is attached hereto.

Selectmen's Articles - Warrant Reports

The Executive Secretary submitted to the Board, for its review, a draft of warrant reports for the Selectmen's proposed non-monied articles.

Following the Board's review, it was on motion unanimously

VOTED: To approve the warrant reports as drafted by the Executive Secretary, subject to the inclusion of an additional, clarifying sentence at the end of the first paragraph of the report on the article relative to Public Works Employment Act Funds.

Lincoln-Sudbury Regional School Committee - Election to Fill Vacancy

Chairman Toomey advised Selectmen Powers and Potell that he had been requested to attend the December 16 meeting at the Lincoln-Sudbury Regional High School for the purpose of participating in the election of a new member of the Lincoln-Sudbury Regional School Committee to fill the vacancy created by the resignation of Cameron H. Eiseman.

Christmas Tree - Town Common

In response to the Building Inspector's request, through the Executive Secretary, the Board approved the placement of a Christmas tree on the Town Common.

Big W Trans - Request for Route

Executive Secretary Richard E. Thompson reported that Robert B. Winterhalter, President, Big W Trans, had made an application, by letter dated November 29, 1976 for a license under the provisions of Section 1, Chapter 159A of the General Laws to operate as a common carrier for the transportation of passengers by motor vehicle along specified roads in the Town of Sudbury, in order to provide service on a regular basis for residents of Sudbury to various shopping centers in Sudbury and along Route 9, including Shoppers World.

Selectman Potell asked whether these routes, once granted, would be exclusive or whether they could also be granted to others.

The Board requested that Town Counsel review this question and report back.

It was agreed that Chairman Toomey and the Executive Secretary would compile questions relative to fee schedules, routes, and type of equipment for submission to the applicant and to schedule a hearing on the application during the month of January.

Executive Session

At 9:10 p.m., following a unanimous vote, it was on motion further unanimously

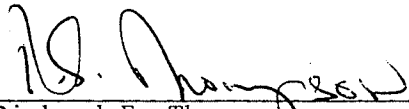
VOTED: To enter into executive session for discussion of the reputation and character, physical condition or mental health rather than the professional competence of a single individual.

Chairman Toomey announced that the public meeting would not reconvene following the executive session.

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

VOTED: To adjourn the meeting at 9:45 p.m.

Attest:



Richard E. Thompson
Executive Secretary/Clerk

1977 ANNUAL TOWN MEETING
NON-MONIED ARTICLES

December 6, 1976

<u>Title</u>	<u>Submitted by</u>
Hear Reports	Board of Selectmen
Temporary Borrowing	Board of Selectmen
Public Works Employment Act Funds	Board of Selectmen
Special Act - Special Police	Board of Selectmen
Accept G.L.c.41, Sec. 100 I, Indemnification of Municipal Officers	Board of Selectmen
Amend Bylaws, Art. VI, Sec. 2, Enforcement	Board of Selectmen
Amend Bylaws, Art. IX, Sec. VI, D, Penalty	Board of Selectmen
Amend Bylaws, Art. V, Secs. 11 & 12, Public Safety	Board of Selectmen
Transfer Landham Road Bridge to DPW	Board of Selectmen
Hudson Road Walkway - Penn Central Railroad Crossing	Board of Selectmen
Old Lancaster Road Walkway - Penn Central Railroad Crossing	Board of Selectmen
Amend Bylaws - Town Seal	Board of Selectmen
Abolish Power and Light Committee	Board of Selectmen and Moderator
Establish Cemetery Rules and Regulations	Board of Selectmen
Personnel Bylaw: Salary Plan, Art. XI	Personnel Board
Personnel Administration Plan, Art. XI	Personnel Board
Amend Bylaws, Art. I, Sec. 3, Town Meetings	Committee on Town Administration
Amend Bylaws, Art. III, Sec. 7 and Accept Ch. 379 of the Acts of 1976 - Town Clerk Fees	Town Clerk and Committee on Town Adm.
Area Dispatch Center	Fire Chief
Accept G.L.c.40 - Temporary Repairs on Private Ways	Highway Surveyor
Amend Bylaws, Art. IX, Sec. III, A, Special Provisions for Single Accessory Dwelling Units	Planning Board

December 6, 1976

Establish Sudbury Housing Policy

Planning Board

Amend Bylaws: Art. IX, Sec. V, A,
Site Plan Approval

Planning Board and Sign Review Board