

IN BOARD OF SELECTMEN  
MONDAY, JANUARY 5, 1976

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

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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 E. Taft.

Police Department Personnel - Patrolman Robert Wenham

Present: Police Chief Nicholas Lombardi

Chairman Taft reported that the Police Chief was tonight meeting with the Board to discuss the proposed return of a police patrolman following an injury.

At 7:40 p.m., following an unanimous affirmative roll call vote, it was on motion by Selectman Toomey unanimously

VOTED: To enter into executive session for the purpose of discussing the physical condition rather than the professional competence of a single individual.

Chairman Taft announced that the regular meeting would reconvene following the brief executive session.

At 8:00 p.m. the regular meeting reconvened and Chairman Taft announced that Patrolman Robert Wenham had been out of action since August 1 with a serious, non-work related back injury and that the Personnel Board had agreed to permit him to return to work, at desk duty only, for a 90-day period. Chairman Taft further announced that the Selectmen had concurred with the Personnel Board's decision and would receive reports as to Patrolman Wenham's condition and service from the Police Chief at the end of 30 and 60 days.

Highway Commission - 1976 Annual Town Meeting Articles and Budget

On the subject of the 1976 Annual Town Meeting, Selectman Toomey stated that the budget and articles submitted by the Highway Commission, which will dissolve after the Town election, will have to be presented and spoken to, and he suggested that the offices of the Selectmen, the Executive Secretary, and the Town Accountant be made available to any candidates for the possible elective position of Highway Surveyor. Selectman Toomey stated that he would like to express these views to the Finance Committee and Highway Commissioners this evening, plus a request for the Board to meet jointly with the Highway Commission in case the Selectmen are responsible for Highway operations after the Town election.

Chairman Taft concurred with the necessity of an orderly transition between the Highway Commission and either an elective or appointed Highway Superintendent and further stressed the importance of reviewing the Highway Commission's proposed articles and budget before any Town Meeting presentation.

Selectman Powers stated that until such time as the vote is cast in the Annual Town Election, no one can know who or what will replace the Highway Commission and that neither the current candidates for the elective or appointed position or the Board of Selectmen really know who will have jurisdiction. Selectman Powers further stated that, although the Selectmen must keep involved, he would not want anyone to think that the Selectmen are trying to second guess or interfere with whoever replaces the Highway Commission, or suggest recommendations for change of program or priorities under their jurisdiction, until after the Town election, when the Commission will cease to exist. Selectman Powers expressed his hope that the Commission take the Selectmen and any candidates for the office of Highway Superintendent into their confidence as much as possible.

Selectman Toomey stated that he would express Selectman Powers' and Chairman Taft's concerns to the Finance Committee.

After discussion, it was on motion unanimously

VOTED: To authorize Selectman Toomey, during his appearance before the Finance Committee later this evening, to speak on behalf of the Board in requesting that the Selectmen meet with the Highway Commission, at the Highway Garage, at their earliest convenience to review the proposed 1976 Annual Town Meeting articles and budget for the Highway Department, in order to assure an orderly transition in case the Town votes at the next Town election to have the Selectmen appoint a Superintendent of Streets and Tree Warden.

Auxiliary Police - Petition Article - 1976 Annual Town Meeting

Present: William Bonwitt, Edward Murphy, and Roger Davis of the Auxiliary Police

Messrs. Bonwitt, Murphy, and Davis met with the Board to discuss their petition article that the Town adopt a bylaw to officially establish the Sudbury Auxiliary Police unit which has been serving the Town since June 1974.

In response to Chairman Taft's question as to what change would be brought about by adoption of the article, Mr. Bonwitt stated that the bylaw would affirm the Town's desire to have an auxiliary police unit and would clarify its relationship with the regular police and with the statutes.

Town Counsel stated that he was of the opinion that the only way the Town can proceed to take this action would be under Chapter 40, Section 21.

In response to Selectman Powers' question, Mr. Bonwitt stated that the purpose of the article was to give recognition to the Auxiliary Police. Mr. Bonwitt stated that if there were some other vehicle to accomplish this end, they would be willing to consider it.

In reading the article Mr. Bonwitt commented that the Finance Committee had recommended that the word "shall" be changed to "may" in Section 3, so that it would read, "Auxiliary Police Officers may be appointed by the Board of Selectmen upon recommendation of the Chief of Police".

Following a review of Chapter 41, Section 97a, Chairman Taft stated the word "shall" would be consistent with the statute.

In discussion of Section 1 of the article, Town Counsel stated that, in his opinion, if the Auxiliary Police unit is to exist in the Town, other than in its Civil Defense capacity, it must exist under a bylaw set up under G.L.c40, §21.

In discussion of the remaining sections, it was the opinion of the Board that Sections 2, 3, and 4 were unnecessary as these provisions were covered by the General Laws, and that Section 5 was a matter covered by the collective bargaining.

Selectman Toomey stated that the Auxiliary has been doing an outstanding job, but questioned the wisdom of possibly reopening the debate on the matter of their carrying firearms on the floor of the Town Meeting.

Selectman Toomey then left the meeting (8:30 p.m.) to attend the Finance Committee hearings.

Mr. Davis stated that one of the Auxiliary's reasons for official establishment would be to provide them with protection from liability and asked if there were some way to officially establish the Auxiliary other than a bylaw.

Town Counsel again stated that, in his opinion, establishment must be done under G.L.c40, §21.

Selectman Powers recommended that further review by and discussion with Town Counsel be held to find another, more simple method.

In response to Chairman Taft's question concerning the Auxiliary Police unit's and the Town's protection if a member must make an arrest, Town Counsel stated that it could be made only as a citizen's arrest, but that adoption of Section 1 of the article as a bylaw would provide protection.

After further discussion, it was the consensus of those present that further discussion and review of the issue be held by Town Counsel and members of the Auxiliary Police with the Board taking no position on the proposed article.

#### Sudbury Bus Transportation Committee

Present: Robert Coe and Paul Buxbaum of the Sudbury Bus Transportation Committee;  
Alan H. Grathwohl, candidate for appointment

Robert Coe and Paul Buxbaum of the Sudbury Bus Transportation Committee met with the Board during its interview with their candidate for appointment to their Committee and to discuss other matters set forth in their letter to the Board dated January 5, 1976.

Interview - The Board interviewed Alan H. Grathwohl, 12 Stubtoe Lane, as to his interest in and qualifications for serving on the Sudbury Bus Transportation Committee.

Application for Matching Funds for Demonstrations Transportation Systems - Mr. Coe reported that, in the Committee's opinion, there was little hope that Sudbury would be chosen to receive matching funds for their demonstration transportation system. Mr. Coe stated that he, Mr. Buxbaum, and Mr. Grathwohl, who had been attending their meetings, had considered three alternatives in the event that Federal money is not received: 1) to run a restricted fixed route system with available Town money (approximately \$23,000), 2) to establish a dial-a-bus system with the available Town money, and 3) to refrain from spending the Town money and to give the April Town Meeting the opportunity to decide what, if anything, should be done.

Selectman Powers expressed his opinion that the Committee has a public credibility problem that must be overcome and suggested that they were in a strong position to refrain from spending the remaining \$23,000 funds. Selectman Powers stated that the three months before the Annual Town Meeting could be used to gain knowledge of Wayland's present bus system and those of other towns.

The Executive Secretary stated that he has been following the Wayland bus operation and that he was of the opinion that no decision can be made until the Committee learns definitely about the Town's application for matching funds. Mr. Thompson also commented that, in his opinion, turning back to the Town money which was appropriated for transportation purposes was inappropriate.

It was the consensus of the Board that, with the prospective appointment of a new member, this subject be referred back to the full Committee for further discussion.

Possibility of Direct Federal Funds - Mr. Coe stated that the Town of Dedham, at a recent hearing before the MBTA on the distribution of Urban Mass Transportation Authority (UMTA) funds, had claimed the right to be considered for direct Federal assistance, and he requested that the Executive Secretary investigate the possibility that Sudbury could make a direct application for Federal UMTA funds and report back his recommendation on the subject.

The Board was in agreement.

Regal Bus Line - Mr. Coe reported that the Bus Transportation Committee had been asked by a consultant to the Regal Bus Line to testify, on behalf of the Town of Sudbury, in favor of Regal's application to provide bus service between Acton and Logan Airport through Sudbury Centre, and he asked the Board's authorization for the same. Mr. Coe reported that the Committee intends to support such service, provided that passengers to and from the airport will be picked up and discharged at at least one point in Sudbury, probably the Town Hall.

Chairman Taft informed Mr. Coe that, at the time of the Board's approval of the Regal Bus Line's route request, the company representative had mentioned a stop at Sudbury Centre on this route, and the Board sanctioned the Committee's support of the bus line's application at the hearing.

#### 1976 Annual Town Meeting Warrant Articles

Chairman Taft read the list of monied articles which had been received for inclusion in the warrant for the 1976 Annual Town Meeting and stated that, excluding the budget, they total \$551,000.

The Executive Secretary announced that the following non-monied articles had also been submitted: Personnel Bylaw: Salary Plan; and Personnel Bylaw: Employee Benefits, submitted by the Personnel Board; To Hear Reports; and Temporary Borrowing, submitted by the Selectmen.

The remaining Selectmen's non-monied articles were then reviewed with Town Counsel as follows:

1. A Bylaw amendment relative to garage sale signs -- It was agreed that the location of the sign would be determined by the Building Inspector.

2. A Bylaw amendment restricting distribution of unsolicited material -- The Board concurred with the recommendation of Town Counsel to strike the clause, "other than at the home of a person soliciting the same". In response to Selectman Powers' question as to what assurance could be given that the proposed bylaw will overcome the ruling of the previous Attorney General on a similar article at a past Town Meeting as to the constitutionality of the same, Town Counsel stated that it would if the Attorney General acts properly on the matter.

3. Vote to accept Chapter 147, Section 10F of the General Laws relative to Parking Control Officers.

It was on motion unanimously

VOTED: To withdraw the proposed article.

4. Convey Raymond Road well site to Sudbury Water District -- The Board requested that the warrant indicate that this article was submitted by the Selectmen at the request of the Sudbury Water District.

5. Amend Article XI, Section 12, Personnel Administration Plan -- Cosponsored by the Personnel Board.

1975 Annual Town Report -- Report from Executive Secretary

The Executive Secretary reported to the Board on the matter of the preparation of the 1975 Annual Town Report. Mr. Thompson stated that his position on the matter is to recognize the fact that the Town has a certain sum available for this purpose on the one hand and the responsibility of the Board of Selectmen to achieve a finished report on the other.

The Executive Secretary stated that in the past the Selectmen have gone out to bid for the printing of the Town Meeting Proceedings as part of the Town Report, but that it is his recommendation to delete the Proceedings specifications from those for the Town Report and to have the Proceedings printed as a separate function. Mr. Thompson stated that the allocation for the Town Report includes the cost of the printing of the Proceedings (approximately \$1,000).

Selectman Powers stated that the separate printing of the Proceedings could obviate the need of public bid for this publication and expressed his concern that a public bid not be used.

The Executive Secretary then recommended that he send out an addendum to the Town Report specifications to include the Proceedings.

Town Counsel suggested that, if a lower price could be obtained by separate bids, he proceed in this manner and further suggested that wording be included in the specifications to indicate that award can be made for either or both publications.

Selectman Powers commented that last year's report had not been reviewed by the Board and expressed his hope that the Town Report Preparation Committee would report to the Board with the finished document as it will be printed. Selectman Powers stated that he was greatly concerned with an overrun on pages, commenting that the Town must comply with the statute as to the Report's content and that the Board needs the recommendation of the Committee as to what committee reports shall and shall not be printed as well as their idea of how many pages will be required. Selectman Powers further stated that the Selectmen, in his opinion, have a problem in complying with the law and staying within the budget.

The Executive Secretary stated that he could assure the Board they would see the completed report prior to going to the printers.

Specifications for the Town Report and for the Proceedings were then reviewed and the Board asked that the following be included in the specifications for the 1975 Town Report: alternate cost excluding photographs, alternate cost of saddle stitching

and perfect bind vs. stapled binding. The Executive Secretary was also requested to clarify color stock and two color print.

In response to Selectman Powers' question, the Executive Secretary stated that the text is to be camera ready and that it will be typed by the Town Report Preparation Committee hired personnel.

Selectman Powers again expressed his concern that there will be a problem with overrun, and he requested that a second, higher range be specified in addition to the 96-104 page range.

Next discussed was the report of the Highway investigation, which must be submitted to the Town Clerk and included in the Town Report, and it was agreed that Town Counsel would prepare a brief summary for these purposes by January 16.

The Executive Secretary raised the question as to the Board's interpretation of Bylaws Article IV, Section 4, Finance Committee, as to what constitutes the Finance Committee's report to be printed in the Town Report. Discussion followed and Chairman Taft stated that it was his interpretation that the report should be the one that prefaces the Annual Town Meeting Warrant.

In further discussion, it was agreed that the Town Report Preparation Committee should prepare the report in accordance with their interpretation of the requirements under Article IV, Section 4 of the Bylaws.

(Selectman Toomey returned to the meeting at 9:30 p.m. during the discussion of the preparation of the Town Report.)

#### Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular meeting and the executive session of December 29, 1975, the former as amended.

#### 1976 Annual Town Election

At the request of the Town Clerk in a communication dated December 31, 1975, it was on motion unanimously

VOTED: To set the 1976 Town Election for the four (4) precincts in Sudbury for Monday, March 29, 1976 from 7:00 a.m. to 8:00 p.m. in the Peter Noyes School.

It was further

VOTED: To set the opening session of the 1976 Annual Town Meeting on Monday, April 5, 1976 at 8:00 p.m. in the auditorium of the Lincoln-Sudbury Regional High School.

It was further

VOTED: That the Annual Regional School District Election shall be combined with and held as part of the Annual Town Election of Sudbury; that the ballot for the Annual Regional School District Election shall be included with and prepared as part of the ballot for the Annual Town Election.

It was further

VOTED: That the listing of the offices shall be the same as set forth in the Warrant for the Lincoln-Sudbury Regional School Committee election and shall be printed as the last office on the ballot,

and it was further

VOTED: To allow the Board of Registrars to hold special registration sessions prior to the Annual Town Election and Town Meeting at the Town Hall, in accordance with Chapter 51, Section 30 of the General Laws.

Department of Housing and Urban Development Funding Approval - \$30,000

In response to a communication dated December 5, 1975 from the Boston Area Office of the Department of Housing and Urban Development (HUD), notifying the Town of HUD's approval of the Town's application for discretionary funding for partial development of the Haskell property for recreational purposes, it was on motion unanimously

VOTED: To authorize the Executive Secretary to execute HUD Form #7082 relative to funding approval in the amount of \$30,000 under Title I of the Housing Community Development Act of 1974.

Personnel Board

The Board received a communication dated December 28, 1975, from Helen Priest Deck relative to her resignation from the Personnel Board.

After discussion, it was on motion unanimously

VOTED: To table consideration of the same until January 19, 1976.

1976 Annual Town Meeting Warrant Articles - Data Processing and Purchase of Ambulance

It was agreed to defer discussion of the proposed articles on the subject of data processing and the purchase of an ambulance until a time, to be scheduled by the Executive Secretary, when the Town Accountant and the Police Chief and Fire Chief could be present.

The Executive Secretary suggested that the possibility of combining Town Hall and School Department data processing equipment and office personnel be discussed with the School Committee and Superintendent O'Neill prior to their decision to fill the School Department's present vacant position of Business Manager for the Sudbury Schools.

Executive Session - Appointment

At 11:05 p.m., following an 2-0 affirmative roll call vote (Selectman Powers voted "present"), it was on motion unanimously

VOTED: To enter into executive session to discuss and consider the reputation and

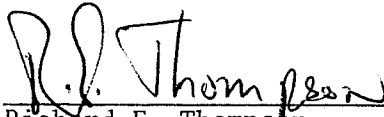
character of an individual for the purpose of making an appointment.

Chairman Taft stated 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 11:25 p.m.

Attest:

  
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Richard E. Thompson  
Executive Secretary-Clerk