

IN BOARD OF SELECTMEN
MONDAY, JANUARY 23, 1978

Present: Chairman 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 John C. Powers.

Jurors

Present: Betsey M. Powers.

The Board drew the name of Lawrence T. Schwamb, 22 Lynne Road, to serve as juror at Lowell Court commencing March 6, 1978, and the names of Edward H. Schow, 11 Hunt Road and Elmer W. Kerns, 273 Lincoln Road, to serve as jurors at Cambridge Court commencing March 6, 1978.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular meeting of January 9, 1978, as corrected.

Conservation Commission Article "Purchase Agricultural Property"

Present: Kathleen M. Brown, Judith Cope.

Following discussion on the question of reviewing the article entitled "Purchase Agricultural Property" which has been requested to be withdrawn by the Conservation Commission, it was on motion by Selectman Potell unanimously

VOTED: To withdraw the article entitled "Purchase Agricultural Property" from the 1978 Warrant, as requested by the Conservation Commission.

Transfer of Obsolete Library Books

On the question of approving the transfer by sale of obsolete library books to Friends of the Goodnow Library, in accordance with a request dated December 20, 1977, from Helen Lowenthal, Director, and George D. Max, Chairman, Goodnow Library Trustees, tabled January 17, 1978, Executive Secretary Richard E. Thompson said that the librarian is now out of town, but that she had spoken with Town Counsel, and the data has been compiled in accordance with the Board's vote on January 9, 1978. Mr. Thompson suggested tabling the issue until the Board's next meeting.

It was on motion by Selectman Potell unanimously

VOTED: To table the above subject matter until January 30, 1978.

Conservation Commission -- 1977 Raymond Land Report

On the question of accepting a report from the Conservation Commission received January 17, 1978, relative to the management of the Raymond Land during 1977, Executive Secretary Richard E. Thompson said that each year the Conservation

Commission must submit a report of activities on parcels of land assigned to them by the Board of Selectmen. The above-mentioned report received from Kathleen M. Brown stated in response to the Board's suggestion last year to begin cutting brush, that the land had been too wet to mow this year, but it would be tried again next year.

It was on motion by Selectman Potell unanimously

VOTED: To accept the report from Kathleen M. Brown, Chairman of the Conservation Commission received January 17, 1978.

Selectman Potell mentioned that the Board would like to have such reports dated in the future.

Town Administration -- "Town Meeting Questionnaire/Survey"

The Board received a request dated January 13, 1978, from the Committee on Town Administration to include a "Town Meeting Questionnaire/Survey" as part of the 1978 Annual Town Meeting Warrant. Executive Secretary Richard E. Thompson stated that the Board had met with the Committee on Town Administration about a month ago to discuss this idea. Mr. Thompson said that the "Town Meeting Questionnaire/Survey" would take one page in the Warrant if there was available space. Mr. Thompson continued that this would enable Townspeople to fill the questionnaire/survey in, cut it out and return it at the Town Meeting; otherwise, the questionnaire/survey could be mailed to Town Hall. Mr. Thompson said further that the main concern of the Committee on Town Administration is to distribute the "Town Meeting Questionnaire/Survey" in the most economical way possible.

After discussion, it was on motion by Selectman Potell unanimously

VOTED: To approve the request dated January 13, 1978, from the Committee on Town Administration to include a "Town Meeting Questionnaire/Survey" as part of the 1978 Annual Town Meeting Warrant or Town Report or to circulate said Survey separately, whichever is most economical, and subject to the correction regarding the misspelling of the word "Representative" on question #11.

Easements -- Requested by Highway Surveyor

Chairman Powers referred to a letter dated January 17, 1978, to Thomas M. French, Assistant Town Counsel, from Robert A. Noyes, Highway Surveyor, enclosing copies of four easements, listed below, and requesting the signatures of the Selectmen for the purpose of having the easements recorded at the Registry of Deeds in Cambridge.

a. On the question of signing the walkway easement from Hazel Hodder for Hudson Road, it was on motion by Selectman Potell unanimously

VOTED: To sign and accept on behalf of the Town of Sudbury the walkway easement from Hazel Hodder for Hudson Road dated June 20, 1977, subject to approval of Town Counsel as to form.

b. On the question of signing the drainage easement from Sudbury Valley Trustees, Inc. for Old Lancaster Road, it was on motion by Selectman Potell unanimously

VOTED: To sign and accept on behalf of the Town the drainage easement from Sudbury Valley Trustees, Inc. for Old Lancaster Road, undated and notarized June 30, 1977, subject to approval of Town Counsel as to form.

c. On the question of signing the drainage easement from Kathryn T. Looney, Mary T. Keohane, and Mary Lou Thompson for Old Lancaster Road, Chairman Powers stated that the notarization was incorrectly placed, and it was agreed to refer the document to Town Counsel, to be placed on a future agenda for signing when in order.

d. On the question of signing the drainage easement from Hazel Hodder for Old Lancaster Road, it was on motion by Selectman Potell unanimously

VOTED: To sign and accept on behalf of the Town of Sudbury the drainage easement from Hazel Hodder for Old Lancaster Road, dated June 20, 1977.

Transfer of School Crossing Guards to Jurisdiction of School Department

Executive Secretary Richard E. Thompson stated that his letter dated January 12, 1978, to Dr. John J. O'Neill, Superintendent of Schools, relative to the possible transfer of School Crossing Guards to the jurisdiction of the School Department, had been brought to the attention of the Board at its meeting last week. Mr. Thompson recommended that the Board endorse the proposed transfer and expressed his hope that the School Committee will act upon it favorably.

It was on motion by Selectman Potell unanimously

VOTED: To approve the proposal to transfer School Crossing Guards to the jurisdiction of the Sudbury School Department, and further directed the Executive Secretary to so inform the Sudbury School Committee.

Resignation -- Board of Appeals Associates and Earth Removal Board

The Board received two letters dated January 13, 1978, from Joseph Klein, who tendered his resignation from the Board of Appeals Associates and the Earth Removal Board, effective immediately.

The Board accepted Mr. Klein's resignation and directed the Executive Secretary, Richard E. Thompson to acknowledge Mr. Klein's letters and to express the Board's appreciation for his acceptance of full membership on the Board of Appeals.

Olde Towne Circle -- Deacon Lane

Chairman Powers referenced a letter dated January 18, 1978, from Assistant Town Counsel Thomas M. French relative to the request of Robert Noyes, Highway Surveyor, that Olde Towne Circle be added to the street acceptance article. Chairman Powers said that as stated in the letter, there seems to be two ways to handle the acceptance and change of name, as follows:

"1) Lay out and accept the street as Olde Towne Circle, and add a sub-part (c) to the article to change the name to Deacon Lane with a copy of the Town vote recorded at the Registry of Deeds, or

2) The Planning Board, on its own motion or the petition of any person, may vote the name change prior to layout, and the street may be laid out and accepted as Deacon Lane (see G.L. Ch 41 s. 81W). The public hearing notice requirements of

G.L. Ch 41 s. 81T (publication once in each of two successive weeks) must be followed, and the vote must refer to the definitive subdivision plan, state the names of the owners of the street, and be recorded in accordance with the provisions of Ch 41 s. 81W."

Mr. Thompson added that Town Counsel had received a letter dated January 9, 1978, from the Planning Board which stated that the Planning Board would hold the necessary hearings for renaming Olde Towne Circle to Deacon Lane.

After discussion and review of the same, it was on motion by Selectman Potell unanimously

VOTED: To request the Planning Board to, on its own motion, vote the name change prior to layout, so that the street may be laid out and accepted as Deacon Lane (see G.L. Ch. 41 s. 81W), in accordance with Town Counsel's memorandum dated January 18, 1978, subject to completion before March 20, 1978.

Town Fathers Forum -- 120th Session

At 8:00 p.m. Chairman Powers convened the 120th Session of the Town Fathers Forum, a summary of which is attached and is a part of these minutes.

Lot 30, Sylvan Way

Executive Secretary Richard E. Thompson stated that as a follow-up to last week's meeting of the Board with David Lee Turner, representing the West Newton Savings Bank, and Harold Jacobi, III, Attorney for the Morans, Town Counsel recommends the Board authorize Town Counsel to accept service on a complaint concerning Lot 30, Sylvan Way, and to allow a speedy completion of pleadings so that a decision may be made by the Superior Court forthwith.

It was on motion by Selectman Potell unanimously

VOTED: To authorize Town Counsel to accept service on a complaint concerning Lot 30, known as 28 Sylvan Way, and to allow a speedy completion of pleadings so that a decision may be made by the Superior Court forthwith; and it was further

VOTED: To request Town Counsel to submit a written report to the Board in accordance with the Board's vote of January 18, 1978, and relative to the complaint referenced above.

Request For Two-Week Extension -- Sudbury Case

Following discussion it was on motion by Selectman Potell unanimously

VOTED: To authorize Town Counsel to assent to a request by the Commissioner of Corporations and Taxation allowing a two-week extension of time to file a supplementary report to the Supreme Judicial Court relative to Sudbury Case, which would extend the time for filing from February 1, 1978, to February 15, 1978; only.

Article -- "Purchase -- Lincoln Lane"

Present: Chairman Kathleen M. Brown, Judith Cope, David Grunebaum, John Murray, Joan Irish, W. James Hodder of the Conservation Commission.

Following consideration of the verbal request of the Conservation Commission Chairman Kathleen Brown made this evening, it was on motion unanimously

VOTED: To withdraw the article entitled "Purchase -- Lincoln Lane" from the Warrant.

Ordering of the Warrant for the 1978 Annual Town Meeting

Present: J. Owen Todd, Moderator; Chairman Kathleen Brown, David Grunebaum, John Murray, Joan Irish, Judith Cope, and W. James Hodder, Conservation Commission; Helga Andrews and Dallas Hayes, Sudbury Non-Profit Housing Corporation; Robert Noyes, Highway Surveyor; and Chairman Pasquale Piscitelli, Claire J. Feeley, and Arthur A. Walker, Park and Recreation Commission.

In regard to the ordering of the Warrant for the 1978 Annual Town Meeting, Chairman Powers read through the list of articles and suggested those which might be considered to be consent calendar as follows: Temporary Borrowing; Unpaid Bills; Street Acceptances/Discontinuance; Tree Planting Program; Abolish Citizen's Task Force; Abolish Industrial Development Financing Authority; Historical Commission/Historic Structures Commission; Amend Bylaws, Art. V(A) -- Removal of Earth; Amend Bylaws, Art. III, 2 -- Town Affairs; Amend Bylaws, Art. XII, 1 -- Town Property; Sale of Tax Possession Parcel 164; Change Name of Rice Street; Increase Membership -- Goodnow Library Board of Trustees; Amend Bylaws, Art. IX, Sec. VI -- Administration; Amend Bylaws, Art. IX, Sec. VI -- Use Variance Guidelines; Amend Bylaws, Art. IX, Sec. III -- Provision for Similar Uses; Amend Bylaws, Art. IX, Sec. III -- Provision for Scientific Research or Development; Amend Bylaws, Art. IX, Sec. I -- Extension and Enlargement.

Petition Articles

On the question of the inclusion of a petition article, relative to the so-called Quirk Land off Route 117 and its rezoning to residential land, it was on suggestion of Chairman Powers agreed to have the Executive Secretary speak with the petition sponsor, Mr. Silver, regarding the necessary signatures needed to accept a petition article, particularly relative to his petition article to rezone residential land off Route 117, indicating the Board's willingness to accept the same with ten signatures as allowed by State statute Chapter 39, Section 10.

The following order was determined for the petition articles listed below:

- 1) Amend Bylaws, Art. IX, Sec. IV -- Open Space Residential District
- 2) Amend Bylaws, Art. IX, Sec. III -- Open Space Residential District
- 3) Amend Bylaws, Art. IX, Sec. I -- Open Space Residential District
- 4) Amend Bylaws, Art. IX, Sec. II -- Open Space Residential District

Park and Recreation Commission Articles

Chairman Powers requested that the Park and Recreation Commission consider withdrawing the article entitled "Park & Rec Truck and Plow" (\$9,000) and include it instead in the budget, which is the standard procedure of the Highway Department, Police Department, etc.

Mr. Arthur A. Walker, Park and Recreation Commission, said that usually the Commission submits the above-mentioned article in this manner rather than in the budget, but that they would discuss it further and get back to the Board with a decision of the Park and Recreation Commission.

In response to question from the Board, the Park and Recreation Commission stated they preferred to have the Horse Riding Facilities article precede the Swim Facility article.

After further discussion, it was on motion by Selectman Potell unanimously VOTED: to table the ordering of the Warrant articles until the Board's meeting on February 6, 1978, at 9:00 p.m.

Executive Session

At 10:15 p.m. it was on motion following a unanimous roll call

VOTED: To enter into Executive Session for the purpose of discussing collective bargaining or litigation where open discussion of the same may have a detrimental effect; and for the purpose of discussing transactions in real property where open discussion may have a detrimental effect on such transaction.

Chairman Powers announced that public session 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: _____

Richard E. Thompson
Executive Secretary -- Clerk