

IN BOARD OF SELECTMEN
WEDNESDAY, JANUARY 3, 1979

Present: Chairman John E. Murray and Robert J. Hotch.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:30 P.M. by Chairman John E. Murray.

Minutes

It was on motion unanimously

VOTED: To table the matter of approving the minutes of the regular and executive sessions of December 18, 1978.

Accepting Articles for Inclusion in 1979 Annual Town Meeting Warrant

The Board distributed a list of articles to those present, submitted under the January 2nd deadline for inclusion in the 1979 Annual Town Meeting Warrant, which Chairman John E. Murray read.

It was on motion by Selectman Robert J. Hotch unanimously

VOTED: To accept the following articles submitted under the January 2nd deadline for inclusion in the 1979 Annual Town Meeting Warrant, as submitted:

- Unpaid Bills
- Town Audit
- Police/Fire Headquarters
- Police Telephone Log Recorder
- Update Property Values
- Surface Drains
- Electrical Services - Landfill & Salt Storage Shed
- Walkway Construction - Haynes/Puffer
- Walkway Construction - Mossman
- Purchase Microfilm Printer/Reader
- Fairbank School - New Roof
- Horse Pond School - Heating System
- Summer School
- Community Use of Schools
- Landham Road Reconstruction
- Trinity Mental Health services
- Swim Facility
- Swim Facility Operations Budget

and it was further

VOTED: To approve the warrant reports for two articles submitted by the Selectmen, Police/Fire Headquarters and Police Telephone Log Recorder as written.

Regional Cable Television Proposal

The Board acknowledged receipt of a communication dated December 20, 1978, from Ron Fitzgerald, Superintendent-Director of the Minuteman Regional Vocational Technical School District (MRVTSD), concerning the question of participating in a

regional committee (Lexington area) to plan a regional cable television proposal; said communication was read by the Administrative Secretary, Janet Silva.

The Board requested that Donald D. Bishop, MRVTSD representative, be asked if he would be willing to participate in the regional committee and keep the Selectmen up-to-date on this matter.

Minuteman Regional Vocational Technical School District (MRVTSD) -
Entitlement under Local Aid Formula for 1978-79

Chairman John E. Murray read a communication dated December 15, 1978, from Ron Fitzgerald, Superintendent-Director of the MRVTSC, addressed to Representative James G. Collins, relative to the matter of receiving their proper entitlement under the local aid formula for fiscal 1978-79.

The Board stated its desire to go on record in support of the letter from Mr. Fitzgerald in a communication to Representative Collins and appropriate legislative and state officials.

The letter indicated a hearing to be held on January 18th, and the Board directed the Administrative Secretary to forward a copy of Mr. Fitzgerald's December 15th communication to Donald D. Bishop, MRVTSD representative, and to ask if he could attend the hearing.

Annual Town Election

It was on motion by Selectman Robert J. Hotch unanimously

VOTED: To set the 1979 Town Election for the four (4) precincts in Sudbury for Monday, March 26, 1979, from 7:00 a.m. to 8:00 p.m. in the Peter Noyes School;

and it was further

VOTED: To set the opening session of the 1979 Annual Town Meeting on Monday, April 2, 1979, at 8:00 p.m. in the auditorium of the Lincoln-Sudbury Regional High School;

and it was further

VOTED: To establish 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;

and it was further

VOTED: To establish 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 approve allowing 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.

Appointment

Present: Robert A. Melley.

Following an interview of the candidate it was on motion by Selectman John E. Murray unanimously

VOTED: To appoint Robert A. Melley, 110 Prides Crossing Road, to the Police Auxiliary in accordance with a communication, dated December 26, 1978, from Police Chief Nicholas Lombardi recommending the appointment of Mr. Melley.

Resignation - Constable

The Board received a communication dated December 20, 1978, from Mr. Valmore W. White, Jr., who tendered his resignation as Constable due to acceptance of out-of-state employment, effective immediately.

The Board accepted Mr. White's resignation with regret and directed the Administrative Secretary, Janet Silva, to acknowledge Mr. White's letter and to express the Board's appreciation for his service to the Town of Sudbury.

Chairman John E. Murray recessed the meeting at 7:55 p.m. for a coffee break; the meeting was called back to order at 8:00 p.m.

Public Hearing - 1979 Small Cities/Community Development Program Funding

Present: Patrick J. Moriarty, Housing Rehabilitation Specialist.

Chairman John E. Murray convened a public hearing (the first in a series of two, the second public hearing being scheduled for January 8) to provide citizen participation in formulating an application to the federal Department of Housing and Urban Development for funding under the 1979 Small Cities/Community Development Program. (Notice of the hearings has been published in accordance with application requirements.)

Chairman Murray introduced Housing Rehabilitation Specialist Patrick J. Moriarty, and asked him to explain the proposed pre-application and the Housing Rehabilitation Program.

Mr. Moriarty explained that the proposed application for housing rehabilitation funds is to continue an on-going program in the Town of Sudbury, and that this new application will be for future funding to cover a period from October, 1979 to September, 1980. He stated that under a "rebate" type of program eligible homeowners contract work (which has been approved by the Town) following receipt of three bids; said work is then paid for by the Town (on a progress payment basis) by a 25-100% grant to the homeowner not to exceed \$2,000 per homeowner.

In answer to questions asked, Mr. Moriarty commented as follows:

- To assure proper distribution of checks, each payment check will be made out to the contractor as well as to the homeowner.

- The Town has already received two grants totaling \$180,000 committed to a total of 115 families, and has a total of approximately 73 applicants on a waiting list.

- Eligibility on the new application will be based on income guidelines and/or the expense ratio based on said income.

- Homeowners can apply under more than one grant.

- The initial inspection of work to be done will be handled by the Housing Rehabilitation Specialist, approved by him, and monitored while the work is in progress; any work requiring a building permit will be inspected in conjunction with the Building and/or Health Departments.

There were no further questions or comments; Chairman Murray thanked Mr. Moriarty for explaining the program and answering questions tonight.

Award Bid - Fire Alarm Cable

Chairman John E. Murray read a communication dated December 15, 1978, from Fire Chief Josiah F. Frost recommending that the Board accept a bid for furnishing fire alarm cable to the low bidder, Clifford of Vermont, Inc.

As indicated in the letter, two bids were received: one from Clifford of Vermont, Inc., dated December 5, 1978, at the price of \$.89 per foot; and the other from Tamaqua Cable Products Corp., dated November 30, 1978, at the price of \$1.096 per foot.

It was on motion by Selectman Robert J. Hotch, in accordance with the recommendation of Fire Chief Josiah F. Frost dated December 15, 1978, unanimously

VOTED: To accept the bid for furnishing fire alarm cable from Clifford of Vermont, Inc., by quotation dated December 5, 1978, for a minimum of 4,000 feet, 12 pair #16 gauge Figure 8 I.M.S.A. Specification-20-4-1973 Fire Alarm Cable (delivered to the Fire Department Headquarters free of all taxes and other charges) at \$.89 per foot.

Current Items of Interest

Chairman John E. Murray announced that Executive Secretary Richard E. Thompson is not present tonight due to the death of his mother, and expressed the Board's deepest sympathy for his loss.

The Board confirmed receipt of a communication from Labor Relations Counsel relative to the Fire Fighters Local 2023 Sick Leave Buy-Back Grievance acted upon at the Board's meeting of December 18, 1979.

Administrative Secretary Janet Silva reminded the Board that the Finance Committee will be discussing the Building and Dog Officer budgets at their meeting tomorrow evening, January 4th, at 8:00 p.m.

Following the reading of a proclamation by the Administrative Secretary, enclosed in a letter, dated December 18, 1978, from Alan I. Alford relative to the protection of wildlife in the State, prepared by "friends of animals, inc.", the Board agreed to forward the same to Town Counsel, the Police Chief and the Conservation Commission for their comments on this matter.

Selectman Robert J. Hotch announced that the League of Women Voters will hold a candidates night on January 10th at the Goodnow Library (Owen Todd will be Moderator) in conjunction with the upcoming Special Election on January 22, 1979, to elect a Selectman.

Accepting Gifts

It was on motion by Selectman John E. Murray unanimously

VOTED: To accept the sum of \$1,000 from the Sudbury Foundation to be deposited in and used as part of the Town's Charity Fund, in accordance with a communication dated December 28, 1978, from J. Howard Sherblom, Trust Officer of the Mechanics Bank, Worcester;

and it was further

VOTED: To accept the sum of \$25 for the Rice Museum Fund received December 29, 1978 from the family of Kenneth L. and Harriett P. Ritchie, 244 Goodman's Hill Road.

Chairman Murray directed the Administrative Secretary to send a letter of thanks to the Sudbury Foundation and to the Ritchie Family for their contributions on behalf of the Town of Sudbury.

Chairman John E. Murray recessed the meeting at 8:25 p.m. for a five-minute coffee break; the meeting was called back to order at 8:30 p.m.

Landham Road Annual Town Election Ballot Question

Present: Mr. and Mrs. Ross Piken, Mr. and Mrs. Harold R. Cutler, Mr. and Mrs. George W. Gibson, residents of Landham Road favoring 24' width; Mr. J. Eric Johnson, Petitioner favoring 30' width; and approximately 15 other Landham Road abutters.

Chairman Murray opened a discussion regarding the question of placing on the next Annual Town Election ballot a non-binding public opinion advisory question, which reads: "Are you in favor of Landham Road being reconstructed at a width of thirty (30) feet, rather than twenty-four (24) feet as presently planned?"

(by petition signed by seventeen registered voters) by asking for comments and/or questions by those present.

Mr. Ross Piken of Landham Road said that he would like to read a statement dated December 30, 1978, prepared by Peter Anderson of Landham Road, who was unable to attend this evening, summarized as follows:

- that the Board consider this non-binding question, concerning the width of Landham Road, to be a "political gimmick" which would unreasonably "open up old wounds";

- that he supports citizens' right to petition; however,

- that the Board "make a clear distinction between what the Board must do as a matter of law and what you do as a matter of elected policy";

- that support of the petition indicates adopting a policy of encouraging the efforts of a few who want the Town to reconsider the Landham Road issue;

- that the Board be consistent with their public statement that they are proceeding "full steam ahead" with the reconstruction of Landham Road at a width of 24'.

Mr. Piken then apologized to the Board for his expressed anger at the last meeting (January 3rd.).

Mr. Piken commented that it would be more realistic to require the petitioners to petition in accordance with the requirement of signatures of 10% of the Town's registered voters on the petition, rather than allowing the petition question to be placed on the ballot, as it stands now, with seventeen signatures (10 required). Mr. Piken further commented that his opinion is based on his interpretation that the purpose of the new State law is to provide a more definitive town-wide consensus of the referendum. He further suggested that guidelines be set for future use of "non-binding" referendum questions.

Marie Flynn of Patricia Road objected to the Selectmen "allowing" any further discussion relative to the width of Landham Road, and stated that the Selectmen have an obligation to proceed with what they have been asked to do by Town Meeting vote (to reconstruct Landham Road at a width of 24') and questioned why this matter was being brought up again.

Chairman Murray stated that it is the right of the Townspeople to petition, and it is the petitioners who are bringing up the issue, not the Selectmen, and the Selectmen have no right to stop them. Selectman Murray said that people should not be misled by the fact that there is a petition; the Board of Selectmen is going right ahead, as they have indicated and stated all along, and money is being spent right now on the engineering process to reconstruct Landham Road at 24'. Selectman Murray emphasized that this was the obligation of the Selectmen, and that this is the obligation that the Selectmen are following through with. Selectman Murray concluded by saying that the issue is the petition, and asked Town Counsel to explain the new State law regarding the same.

Town Counsel stated that ten registered voters have a right to petition (as ten people have a right to place an article on the Town Meeting Warrant), and the petitioners can override a Board of Selectmen decision (not to accept the petition) by obtaining 10% of the signatures of all the registered voters.

Selectman Robert J. Hotch stated that the important issue here is not Landham Road, but the right to petition; and in considering this issue (of allowing this petition to appear on the ballot), one must consider the decisions of past Town Meetings.

Petitioner J. Eric Johnson first commented by asking the opposition, had they lost at the last Annual Town Meeting by thirteen votes, if they would have also petitioned? Mr. Johnson said that he would like to see Landham Road built for the safety of the people and children using it, and that is why he feels it should be reconstructed at 30'. He commented that Landham Road takes about 7,000 cars a day, it is presently 22-23 feet wide, and the Town is asking \$400,000 to increase it by one foot, and stated his opinion that all of this does not make sense. Mr. Johnson predicted that if a secret ballot had been used, the vote at last year's Annual Town Meeting would have been to reconstruct Landham Road at a width of 30'.

Mr. Johnson continued to say that he was born and brought up on Landham Road, that his family has been in the house on Landham Road since 1903, and that he would like to see the road reconstructed at a width suitable for the times in which we now live.

Mr. George W. Gibson, abutter, stated that Mr. Johnson is implying that every road in Sudbury should be expanded. Mr. Gibson continued to say that the issue here involves two groups of people who will counter-petition the other on Town Meeting floor.

Mr. Johnson said if every road in Sudbury carried 7,000 cars a day, then there would be a need for expansion. He agreed with Mr. Gibson concerning a counter-petition, and expressed his distaste for the "Democratic Way" of our Town Meetings - the "swapping of votes" by various "groups" and said that this has been going on for the last 15-20 years.

Mrs. Sally Piken, 55 Landham Road, stated her concern regarding "speeding cars" on Landham Road at its present width of 18-21 feet (not 21-23 feet as Mr. Johnson stated earlier), inferring even greater speeds would result with the wider road. Mrs. Piken also commented that the issue is whether the Board will allow the petitioned non-binding referendum question to stand with the required 10 signatures, or if they will require the petitioners to obtain signatures of 10% of the total registered voters in accordance with State law.

Mr. Harold Cutler referenced his letter to the Board dated December 22, 1978, and emphasized his opinion that acceptance of the petition would be justified only if one or more of three following conditions existed:

- 1) If the democratic process relative to past Town actions was improper;
- 2) If there was new information on the matter in question, such as a change in Town Counsel's opinion relative to the liability question; and
- 3) If there was a strong sentiment in favor of reconsideration.

Mr. Cutler expressed his belief that none of these three conditions were met and urged the Selectmen to deny the petition.

Mrs. Marge Gibson stated that the Town, on four occasions, has voted for a 24' width for Landham Road, and expressed her opinion that it should take more than seventeen signatures to have it considered again.

Mr. Johnson stated, and Town Counsel concurred, that legally, bicycles cannot use walkways. Mr. Johnson said that there would be no place for bicycles on a 24' road (such as Landham Road) and stressed that two passing school busses would have trouble, and a motorist having car trouble would have no room to pull off the road on the 24' width of Landham Road.

At the conclusion of the discussion Selectman Hotch stated that the basic issue here is that a decision has been made by more than one Town Meeting, and it is the Selectmen's job to carry out the mandate of Town Meeting, which, he stated,

the Selectmen are in the process of doing - proceeding with plans to reconstruct Landham Road as a 24' road. Selectman Hotch went on to say that now a request has come before the Selectmen to support a petition which is against the decision of Town Meeting, and that, although he sympathizes with the rights of the petitioners, as a Selectman, he cannot support the petition in opposition of a decision made by the Town Meeting.

Mr. Johnson expressed his opinion that having this "non-binding" referendum question on the ballot would be a means of obtaining a "fair vote", unlike the vote of the last Annual Town Meeting.

Selectman Hotch stated his opinion that the vote of Town Meeting was a fair one.

Mr. Johnson further stated that if, at the Annual Town Election, there is a majority vote favoring the 30' width, the petitioners would continue to pursue the article favoring the same at the upcoming Annual Town Meeting, or, on the other hand, withdraw said article if the majority votes in favor of the 24' road.

In response to comments by Mr. Piken, Chairman Murray reiterated that he hoped there was no misunderstanding; the Selectmen are presently carrying out the will of the previous Town Meeting.

Selectman Hotch stated that it was unfortunate that Landham Road was an emotional issue, but expressed his concern that the matter might come again and again before Town Meeting.

There being no further discussion, the petition was automatically referred back to the petitioners to obtain the signatures of 10% of the Town's registered voters in order to place the non-binding public opinion advisory question on the ballot for the 1979 Annual Town Election, due to lack of any formal action on the part of the Board.

Mr. Johnson commented that if the ballot question results showed lack of support for the wider road, then the Annual Town Meeting article could have been withdrawn; however, now the article will be discussed before the Town Meeting.

There being no further business to come before the Board, Chairman Murray adjourned the meeting at 9:30 p.m.

Attest: _____
Janet Silva
Executive Secretary Pro Tem