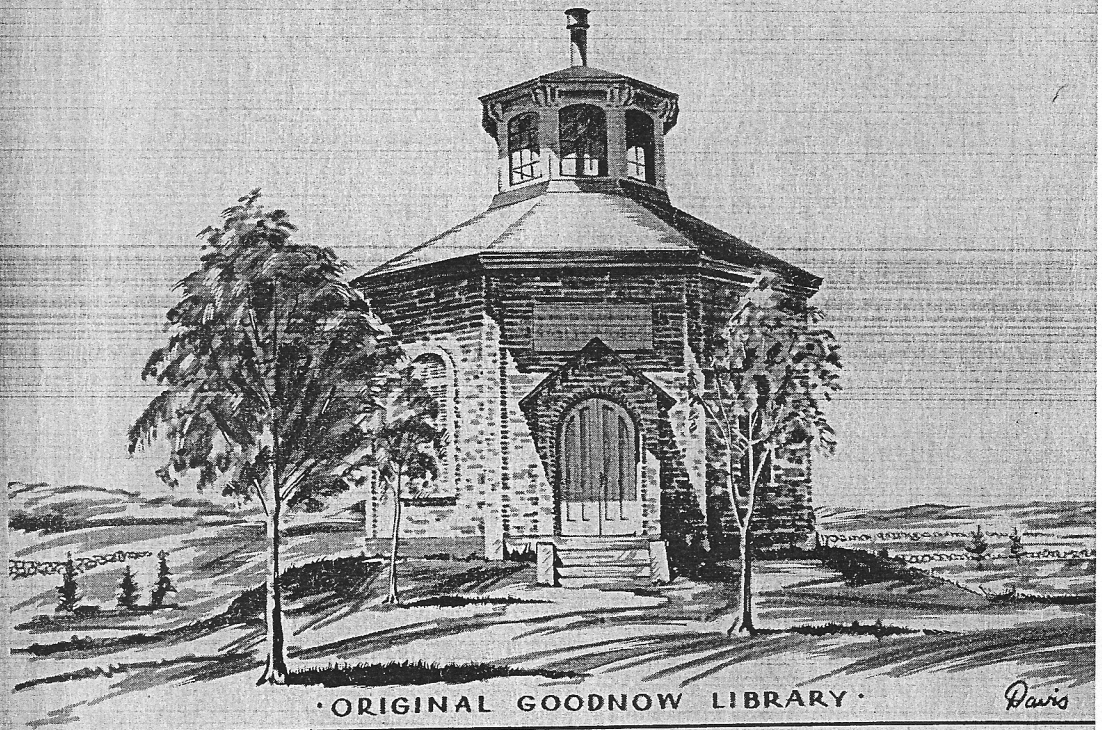


Town Report

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MASSACHUSETTS

1960

COUNTY TREASURER

Edward James O'Donoghue	83
Scattering	14
Blanks	269
Total	<u>366</u>

DISTRICT ATTORNEY

George P. Jeffreys	29
James F. Mahan	190
Richard S. Sanderson	127
Scattering	1
Blanks	19
Total	<u>366</u>

The election was dissolved September 14, 1960 at 1:00 A. M.

A True Record, Attest:

LAWRENCE B. TIGHE,
Town Clerk.

PROCEEDINGS OF THE
SPECIAL TOWN MEETING

SEPTEMBER 29, 1960

Pursuant to law and the foregoing warrant, dated September 16, 1960 and signed by Francis W. Trussell, Harvey N. Fairbank and Lawrence B. Tighe, Selectmen, and the return of service by Augustus V. E. Sharkey, Constable, the Moderator presided, called the meeting to order at 8:10 P. M. and declared there was a quorum present. The Moderator examined the warrant and the return thereon and declared them in proper order, and announced that the amount of "Free Cash" was \$38,043.13.

The Moderator then proceeded to read aloud the warrant.

VOTED: *To dispense with the reading of the separate articles in the warrant at this time.*

FINANCE COMMITTEE
GENERAL REPORT

The first six articles in this warrant deal with the proposed installation of the Boston Edison high tension power lines in Sudbury. While certain of these articles do not directly request funds, their execution may possibly involve the expenditure of town funds in the future.

The Finance Committee is concerned only with the appropriation of money, and it is not within the Committee's pervue to make other than fiscal recommendations.

Without prejudice toward the issue, we believe that

- a. The passage of Article 1 entails no financial commitment.
- b. Affirmative action on Articles 2 through 5 may commit town funds.

The recommendation of this committee on Article 6, which specifically calls for an appropriation of \$25,000.00 will be made at the time this article is brought to the floor.

Article 1. To see if the Town will vote to approve or give its consent to the construction of overhead transmission lines in the Town by Boston Edison Company over the route authorized by the decision of the Department of Public Utilities made on August 3, 1960 with such changes and modifications as may be made in such route for the benefit of the Town or the property owners upon and through whose land said lines will be constructed by agreement between the Board of Selectmen

and Boston Edison Company, which said route as authorized is as follows:

The line will extend from the petitioner's Sudbury substation in a general easterly direction crossing the Sudbury-Wayland town line a distance of 0.6 miles to a point, thence northeasterly crossing the Boston and Maine Railroad right of way and the Boston Post Road a distance of 0.3 miles to a point, thence generally northerly crossing Old Sudbury Road, the Wayland-Sudbury town line, Water Row Road and Lincoln Road, a distance of 2.8 miles to a point; thence northwesterly crossing Concord Road, the New York, New Haven & Hartford Railroad right of way, North Road and the Sudbury-Concord town line, a distance of 1.6 miles to a point; thence west-northwesterly crossing Dakin Road, the Concord-Sudbury town line and Marlboro Road, a distance of 1.7 miles terminating at a proposed substation site on the Sudbury-Maynard town line all substantially as shown on a plan on file with the Department entitled, "Boston Edison Company — Key Map of Transmission Line Sudbury to Maynard — Scale 1" = 2000' June 11, 1960" and further identified as exhibit 1, in the proceedings before the said Department of Public Utilities; and that the Board of Selectmen be authorized to consult with and negotiate with Boston Edison Company for the aforesaid changes and modifications, and to assent to any petition to the Department of Public Utilities for the approval of such modifications and changes. Pass any vote or take any action relative thereto.

Submitted by the Selectmen.

Report of Board of Selectmen:

"The Board of Selectmen believe that at the outset of this town meeting the voters ought to know why it was called.

On August 1, 1960 a group of citizens of the Town met at the Town Hall ostensibly for the purpose of discussing the matter of the petition brought by Boston Edison Company, then pending before the Massachusetts Department of Public Utilities for the determination by that department that proposed transmission lines extending from the petitioner's substation in East Sudbury through Sudbury, Wayland, Concord, Acton and Maynard to a sub-station near the corner of the towns of Acton, Sudbury, Maynard and Concord, a distance of about seven miles, are necessary, will serve the public convenience and are consistent with the public interest.

Earlier, on June 21st, a hearing was held in the town hall by the Department of Public Utilities, at which many citizens of the town were present.

Shortly after the meeting of August 1st, the Board of Selectmen were handed a copy of a vote adopted thereat, which reads as follows:

"2. REQUEST THE BOARD OF SELECTMEN CALL A SPECIAL TOWN MEETING AS SOON AS POSSIBLE TO CONSIDER THE FOLLOWING MATTERS:

- a) To direct and authorize the Board of Selectmen to use every power within their command to
 - 1) block construction of the proposed high tension line in Sudbury; or
 - 2) see that any authorized line is placed underground, or
 - 3) see that the line, if approved as necessary, and if incapable of being placed underground, passes over such route alternate to that presently requested as meets with maximum agreement in the Town
- it is understood and agreed that 1), 2) and 3) are listed in order of preference.
- b) To authorize a sufficient expenditure to enable town counsel effectively to give legal effect to the steps authorized in the preceding paragraph.
- c) To authorize the Selectmen to hire such engineering assistance as is necessary to carry out the purposes of paragraph a) above, and to appropriate funds for such purpose.
- d) To consider such by-law changes, zoning or otherwise as necessary to carry out the purposes of paragraph a) above, including but not limited to regulations for the crossing of public ways.
- e) To create historic district zoning for the area of the Haynes Garrison site.
- f) to rezone from industrial to residential the land of the Boston Edison Company on the Southerly side of the Boston Post Road adjacent to Linde Air Products Company.

such meeting agenda to be limited to questions concerning the proposed high tension lines requested by the Boston Edison Company."

The Citizens Committee did not submit any of the several articles appearing in the warrant for this meeting, nor did they suggest, except as to that which appears in that vote, the form or content of the articles to be inserted in the warrant. It can easily be seen that excluding the subject matter of paragraphs b), c), e) and f) of such vote, because of the meagre information furnished, no proper article could be prepared.

The Selectmen would not ignore the request made through the vote of the citizens committee to call a special town meeting; and, after serious consideration of the entire subject matter, prepared the articles in the warrant which relate to the petition of Boston Edison Company. Your Board of Selectmen could not in any event consider the subject matter of paragraph d) because the matter of crossing public ways by Gas and Electric Companies is regulated by statute. It seemed to us quite impractical at this time to create a so-called historic zoning district for the limited area of the Hayes Garrison site at or near the historical marker thereon. A mere casual inspection of the site clearly indicates that little or no attention has been given to it for a long time. At present it is easily to be seen that the grass and brush which had grown on the site have only recently been cut, and a brand new rail fence has been erected to enclose the area around the historical marker.

The suggestion made in paragraph f) of the vote that the town "rezone from industrial to residential the land of Boston Edison Company on the Southerly side of the Boston Post Road adjacent to Linde Air Products Company", could not have been the result of serious thinking by the greater number of those present at that meeting because the thought behind it is sheer puerilism — childishness.

Now, a brief statement regarding the proposed transmission lines and the knowledge of the Selectmen from the time it was originally projected. Some time during the winter of 1959-1960 the Board of Selectmen had several conferences with representatives of Boston Edison Company at which the construction of new transmission lines from the sub-station in East Sudbury was discussed. It was pointed out to the board that such transmission lines were necessary if the company were to maintain efficient service and furnish electricity in the North Sudbury area and in the nearby communities which it is authorized to serve. The selectmen, at the very beginning of their discussions, stated that they were opposed to the construction of overhead lines whenever and wherever located and asserted that they should be placed underground, and, in this instance, urged the Boston Edison Company to construct underground lines. It was pointed out to them by representatives of the company that the cost of the construction of underground lines was prohibitive; and, in no event would the company consider doing so. The apparent urgency and need of the transmission lines were stressed by officials of the company; and at the first of such conferences, the company proposed that the route thereof extend northerly over Goodman Hill and across the town to the site of the proposed sub-station at the corner formed by the town lines of Sudbury, Maynard, Concord and Acton. The board made a

strenuous protest against that route, and suggested that if it were not expedient to construct underground lines, that the overhead lines be located in that part of the town where the injury caused to the town and the property owners would be much less than over the proposed route, and offered as the only feasible alternate route the area over the low lands at or near the Sudbury River, to the proposed site for the new sub-station. We were assured that a route located in the part of the town which we mentioned would receive the earnest consideration of the company, and that we would be informed if the company decided to petition the Department of Public Utilities for authority to establish the route of its lines in that area. The selectmen heard nothing further from Boston Edison Company.

In the late part of April the Board of Selectmen were informed by two prominent citizens of the town that there had been and there was currently considerable activity on the part of Boston Edison Company in the town in connection with the construction of transmission lines; and at or about the same time, or shortly afterward, the planning board appointed a committee of citizens to consult with representatives of that company. Thereafter, a conference or conferences was or were had at which the committee of citizens and representatives of the company took part; and there resulted from such conferences another location for the overhead lines which were later approved by the Department of Public Utilities. Notwithstanding the appointment of the citizens committee by the planning board, we were concerned with a satisfactory location of the proposed lines, and, it seemed that the matter had been considered fully by the Committee, and a location finally agreed upon, which, in the circumstances, was the best that could be had. It appears that the members of the citizens committee urged the construction of underground lines and also advocated the rights of way of the Boston & Maine and New York, New Haven & Hartford Railroads as suitable locations for the transmission lines, and they were told, as the board of selectmen had been told, that the cost of underground lines was prohibitive and would not be considered, and that the rights of way of the two railroads were not practical, even if arrangements could be made with the railroads for the use of such locations as the cost of acquiring necessary additional land or interests in land would be too costly. We should like to quote from the report of that committee to Mr. Jackson, Chairman of the Planning Board, which was read and made a part of the proceedings at the hearing before the Department of Public Utilities on June 21st the following:

"The committee feels that the present route as outlined on the attached map will be less offensive to the town than the original route. The new route will destroy land

of less taxable value than the previous route and will be out of view by the majority of home owners in Sudbury. "The above information is being submitted as a report of the committee. We feel that regardless of where the line is placed it will offend some people. We feel that the new proposal will offend as few people as possible."
(Transcript — pp. 71, 72 and 73)

The Department of Public Utilities, on August 3, 1960, made the following decision:

“. . . the Department is of the opinion and hereby DETERMINES that the proposed line is necessary for the purposes alleged, will serve the public convenience and is consistent with the public interest.”

Within the time allowed by law the town counsel took an appeal in behalf of the Town of Sudbury to the Supreme Judicial Court for the County of Suffolk (Single Justice Session) and there has been compliance with all the requirements of law to perfect the appeal.

We are submitting to the town meeting for its consideration and action the entire matter of the erection of overhead transmission lines as we understand it.”

A motion was made in the words of the article.

The following substitute motion was presented by John C. Powers: Move that the Town vote to disapprove any proposed construction of overhead transmission lines in the town by the Boston Edison Company.

VOTED: *To amend the motion by striking out “transmission” and substituting “high-tension.”*

UNANIMOUSLY VOTED: *To vote on the substitute motion.*

VOTED: *That the original motion be replaced by the substitute motion.*

VOTED: *That the Town disapprove any proposed construction of overhead high-tension lines in the Town by the Boston Edison Company.*

Article 2. To see if the Town will vote to authorize the Board of Selectmen to proceed with the petition for appeal to the Supreme Judicial Court (single justice session) for Suffolk County, filed by town counsel in behalf of the Town from the decision of the Department of Public Utilities made on August 3, 1960 wherein the said Department, upon application of Boston Edison Company, and after a public hearing held

on June 21, 1960, determined that the construction of overhead transmission lines from the Sudbury-Wayland town line to the Sudbury, Concord, Acton and Maynard town lines “Is necessary for the purposes alleged, will serve the public convenience, and is consistent with the public interest.” Pass any vote or take any action relative thereto.

Submitted by the Selectmen.

VOTED: *In the words of the Article.*

Article 3. To see if the Town will vote, in view of the decision of the Department of Public Utilities made on August 3, 1960 on the application of Boston Edison Company for the construction of transmission lines from Sudbury-Wayland town lines to Sudbury, Concord, Acton and Maynard town lines that the installation of underground transmission lines “would place an undue burden on all the rate payers for the benefit of the few”, to authorize the Board of Selectmen to consult and negotiate with officials of Boston Edison Company for the installation of overhead lines on a route in the Town which will extend westerly and northerly along the railroad location of the Boston & Maine Railroad, crossing Landham Road, Boston Post Road and Union Avenue to the U. S. Military reservation, easterly over private land and crossing Great Road, North Road and Powder Mill Road to the Sudbury, Concord, Acton and Maynard town lines, and to assent to any petition to the Department of Public Utilities for modification of the route as set forth in the decision and order made by the Department of Public Utilities on August 3, 1960 by substituting the above described route. Pass any vote or take any action relative thereto.

Submitted by the Selectmen.

VOTED: *Indefinite postponement.*

Article 4. To see if the Town will vote, in view of the decision of the Department of Public Utilities made on August 3, 1960 on the application of Boston Edison Company for the construction of transmission lines from Sudbury-Wayland town lines to Sudbury, Concord, Acton and Maynard town lines that the installation of underground transmission lines “would place an undue burden on all the rate payers for the benefit of the few”, to authorize the Board of Selectmen to consult and negotiate with officials of Boston Edison Company for the installation of overhead lines on a route in the Town which will extend westerly along the Boston & Maine Railroad, crossing Landham and Boston Post Roads and Union Avenue; northerly along New York, New Haven & Hartford Railroad location, crossing Codjer Lane, Old Lancaster Road, Hudson Road at its intersection with Peakham Road, Morse

Road, Haynes Road and North Road to Concord-Sudbury town line, and westerly crossing Dakin and Powers Roads to the Sudbury, Maynard, Acton and Concord town lines; and to assent to any petition to the Department of Public Utilities for modification of the route as set forth in the decision and order made by the Department of Public Utilities on August 3, 1960 by substituting the above described route. Pass any vote or take any action relative thereto.

Submitted by the Selectmen.

VOTED: *Indefinite postponement.*

Article 5. To see if the Town will vote to authorize the Board of Selectmen to engage an engineering consultant or consultants to advise as to all technical matters which have arisen and which may hereafter arise in connection with the appeal from the Decision of the Department of Public Utilities in the matter of the petition of Boston Edison Company to construct transmission lines in the town, now pending before the Supreme Judicial Court. Pass any vote or take any action relative thereto.

Submitted by the Board of Selectmen.

A motion was made in the words of the article.

VOTED: *To amend the main motion by inserting after the word "Consultants" the words "who shall be approved by a committee of three to be appointed by the Moderator."*

VOTED: *To authorize the Board of Selectmen to engage an Engineering Consultant or Consultants, who shall be approved by a committee of three to be appointed by the Moderator, to advise as to all technical matters which have arisen and which may hereafter arise in connection with the appeal from the decision of the Department of Public Utilities in the matter of the petition of Boston Edison Company to construct transmission lines in the Town, now pending before the Supreme Judicial Court.*

Article 6. To see if the Town will vote to grant or appropriate the sum of Twenty-five Thousand Dollars (\$25,000.00), or any other sum, for fees to be paid to engineering consultant or consultants and counsel to be engaged in the prosecution of the appeal from the Decision of the Department of Public Utilities in the matter of the petition of Boston Edison Company to construct transmission lines in the town, now pending before the Supreme Judicial Court. Pass any vote or take any action relative thereto.

Submitted by the Selectmen.

Finance Committee Report: "The Finance Committee has been informed by the Selectmen that they have been quoted fees of \$30,000.00 to \$75,000.00 for consulting and legal services for the purposes of this article, and that the figure of \$25,000.00 is an estimated minimum requirement. We have also been informed that in the Town of Essex, a similar case has been prosecuted with private funds and no town funds have been employed. We also understand that no town funds have been appropriated by the Town of Wayland for the purposes of an appeal. We recommend that no Town of Sudbury funds be appropriated for this purpose."

A motion by the Finance Committee for indefinite postponement was defeated.

AMENDMENT VOTED: *To change the figure \$25,000.00 to \$5,000.00.*

VOTED: *That the Town appropriate the sum of five thousand dollars (\$5,000.00), for fees to be paid to engineering consultant or consultants and counsel to be engaged in the prosecution of the appeal from the decision of the Department of Public Utilities in the matter of the petition of Boston Edison Company to construct transmission lines in the Town, now pending before the Supreme Judicial Court, and that sum be transferred from Excess and Deficiency.*

Article 7. To see if the Town will vote to accept from Alfred W. Halper a grant of a parcel of land shown as "Area A" on a plan on file in the Land Court, No. 28124A, known as "Barton Pool," upon such conditions as to reversion, if any, as the donor may impose, which said parcel shall be held by the Town, under the jurisdiction of the Park and Recreation Commission, solely for swimming and recreation purposes. Pass any vote, or take any action relative thereto.

Submitted by Abel Cutting.

UNANIMOUSLY VOTED: *That the Town accept from Alfred W. Halper with sincere gratitude a grant of a parcel of land shown as "Area A" on a plan on file in the Land Court, No. 28124A, known as "Barton Pool" upon such conditions as to reversion, if any, as the donor may impose; provided, that such conditions shall be approved by the Park and Recreation Commission and their approval noted on the Deed of Grant, which said parcel shall be held by the Town, under the jurisdiction of the Park and Recreation Commission, solely for swimming and recreation purposes.*

Article 8. To see if the Town will authorize the Board of Selectmen to petition the General Court for authority to take over the properties, rights, powers and privileges of The Sud-

bury Water District, as established by Chapter 100 of the acts of nineteen hundred and thirty as amended. Pass any vote or take action relative thereto.

Submitted by the Selectmen.

Finance Committee Report: "The Selectmen have inserted this article in accordance with the resolution approved at the last annual town meeting. Action under this article is not definitive; it merely requests provision for authority to consider a course of action at a subsequent town meeting. Final action to incorporate the Sudbury Water District must be presented and approved at both a Sudbury Water District meeting and at a Town of Sudbury meeting.

The reports of the committee appointed to study the incorporation of the water district into one governmental function in the Town of Sudbury showed concurrence with such action. The minority report in general indicated a divergence of opinion only as to the timing of such incorporation.

The Finance Committee has appointed a sub-committee which will examine the facets of this proposal and will report thereon at the next annual town meeting. At this time, therefore, we recommend positive action under this article."

A motion under this article was defeated.

Article 9. To see if the Town will transfer the sum of \$3,500.00, or any other sum from the Excess and Deficiency account to town counsel account. Pass any vote or take any action relative thereto.

Submitted by the Selectmen.

Finance Committee Report: "The amount of \$5,000.00 was appropriated for Town Counsel at the annual town meeting and at August 31, 1960 there was a balance of \$4,600.00 in this appropriation. As of September 15, 1960 the town was billed \$4,046.00 for services rendered to the various departments of the town; therefore the uncommitted balance of this appropriation is \$554.00. We understand that the following specific actions are unfinished:

Star Market
Dingley appeal
Rice — equity petition
Precourt — equity petition
Beckett
Halper — re building permits
Caputo — School Construction Contract
Shay — Trust Fund
Plumbing By-Laws

It is not certain which of these actions will be considered or finished during the balance of this year. Under the circumstances, we recommend that \$2,000.00 be appropriated."

VOTED: *That the sum of \$2,000.00 be transferred from Excess and Deficiency to the Town Counsel Account.*

The meeting adjourned at 12:25 A. M.

A True Record, Attest:

LAWRENCE B. TIGHE,
Town Clerk.

PROCEEDINGS OF THE
PRESIDENTIAL ELECTION
NOVEMBER 8, 1960

Pursuant to law and the foregoing warrant, the Town Clerk attended at the Center School Auditorium on Tuesday, November 8, 1960, and before the time appointed for the opening of the polls, delivered to the Presiding Election Officer, the two State ballot boxes, specimen ballots, cards, tally sheets and total vote sheets all prepared for the Presidential Election. The Presiding Election Officer examined the warrant and the return thereon and declared them in proper order. He then opened the election with the reading of the warrant. The Warden and Tellers attending, the two ballot boxes were opened, found to be empty, and immediately closed with each register set at 0000.

Assisting in the election were ninety citizens named and recommended by the Chairmen of the Democratic and Republican Town Committees, all duly sworn by the Town Clerk.

The polls opened at 6:30 A. M. and pursuant to law were closed at 8:00 P. M. The total votes cast as shown on the two registers of the ballot boxes was 3344. This total, 3344, agreed with the number of names checked as voters by the Ballot Clerks. The absentee ballots were then opened and cast. The ballot box registers then totaled 3497. There were 153 absentee ballots cast.

The results of the voting as canvassed and counted by the Election Officers were completed at 3:00 A. M., November 9, 1960 and the results publicly announced at that time were as follows: