

IN BOARD OF SELECTMEN
WEDNESDAY, MARCH 28, 1990

Present: Chairman John C. Drobinski, Judith A. Cope and David A. Wallace.

The statutory requirements as to time and place having been fulfilled, the meeting was called to order by Chairman Drobinski at 7:30 p.m. in the lower Town Hall.

Town Meeting Articles - Positions

The Board reviewed the list of Warrant Articles for the 1990 Annual Town Meeting and, in addition to those articles on which positions had previously been stated, it was on motion unanimously

VOTED: To support indefinite postponement of Article 42, Progressive Removal of Overhead Utilities, to be proposed by the Planning Board; and to support increasing dog control fines under petition Article 50.

Mr. Thompson was requested to ascertain whether or not the Board had previously expressed its opinion on Article 41, Prohibition of Overhead Utilities, submitted by the Planning Board.

State Ballot Question - Committee to Save Our Cities and Towns

In response to a communication, dated March 8, 1990, from Peter Torigian, Chairman of the Committee to Save Our Cities and Towns, requesting funding from the community for the Ballot Question campaign to secure 40% of state revenues from growth taxes for towns and cities, the Board directed Mr. Thompson to investigate a source of funding for Sudbury's proportioned assessment of \$283.

Fairbank Community Center Space Allocation

The Board reviewed request of John H. Wilson, dated March 22, 1990, on behalf of the Sudbury School Committee, for approval for allocation of six classrooms in the Fairbank building for Central Office space beginning in June 1990, and indicating support of the relocation of the Town Accountant's office to an adjacent classroom. It was noted that these rooms are currently in use by L-S West which will be relocating to the Regional High School building at the close of the school year.

The Board also noted receipt of a copy of a March 21, 1990 communication from Park and Recreation Commission Chairman Gerald Berenson to John Wilson relative to the space allocation arrangement worked out between the Commission, L.S. West and the Seniors in connection with the renovations to the Fairbank facility to accommodate the Senior Center, which allocated the classroom adjacent to the women's restroom to the Park and Recreation Commission. Chairman Berenson contends that that room will be needed for the ongoing Toddler Program, now located at Nixon, as well as used for Teen Center space, and requests that that agreement be honored.

Mr. Thompson stated that the Board had previously requested him to work on the allocation of space, accommodating present user requests while giving priority to the School administration. He opined that, while he supports the

Teen Center, its space is expensive use for ten to fifteen nights per year. Under the space allocation plan proposed, the Teen Center would be sharing space in two rooms with the Seniors; additionally one other room would be set aside for Park and Recreation use. Mr. Thompson pointed out that there also would be room for the Director, and suggested that he obtain further information on the Toddler Program to ascertain whether there may be space elsewhere than in that wing.

The Selectmen requested copies of the plan of the proposed School and Town Accountant relocation for a more thorough review and comparison with the allocations proposed for L-S West, Park and Recreation and the Seniors. The Board members expressed their desire to meet with Park and Recreation relative to its space requirements before responding to the Schools, and directed Mr. Thompson so arrange such a meeting.

Selectmen Wallace and Cope expressed their support of Park and Recreation's request for additional space; however, Selectman Wallace cautioned that Town Meeting has not yet acted upon the Park and Recreation budget which may affect the program offered.

Cablevision Rate Increase

The Board acknowledged a March 12, 1990 communication from Henry J. Ferris, General Manager, Cablevision, informing the Board of rate increases to become effective May 1, 1990, and of services it provides.

Fire District 14 Equipment

On the recommendation of Fire Chief Michael Dunne, it was on motion of Selectman Cope unanimously

VOTED: To express the Town of Sudbury's appreciation to the Town of Natick for its agreement to house the District 14 Hazardous Materials Response Unit for the member towns exemplifying regional cooperation in solving public safety needs.

Eagle Scout Awards

It was on motion of Selectman Cope unanimously

VOTED: To extend congratulations in the form of a letter to the following Boy Scouts who have achieved rank of Eagle Scout: Michael V. McLellan, Troop 76; Michael A. Bellizzi, David N. Helgeson, Jr., and James W. Zanzot, Troop 60.

Minutes

It was on motion of Selectman Wallace unanimously

VOTED: To approve the regular and executive session minutes of March 19, 1990.

Hosmer House Agreement

Noting that the Board had previously approved the exemption of the interest of Firefighter Peter Avery to permit him to contract with the Sudbury

Historical Commission to perform renovations and caretaker services at the Hosmer House and had signed the Agreement for Renovations on January 4, 1990, on the recommendation of the Executive Secretary it was on motion of Selectman Cope unanimously

VOTED: To approve the Caretaker Agreement between the Sudbury Historical Commission and Peter Avery dated March 28, 1990.

The Board expressed its intention to sign the agreement when presented.

Loring Boiler

Noting that on January 3, 1990, the Board had accepted bid of R. J. Sanders, Inc. of Rumford, Rhode Island, to rebuild the second boiler at the Loring School in the amount of \$16,355, and to contract therefor subject to verification of funding, on the recommendation of the Executive Secretary it was on motion unanimously

VOTED: To authorize the Chairman to execute the contract with R. J. Sanders, dated March 20, 1990.

Annual Town Meeting Warrant Review

Present: Town Moderator Thomas G. Dignan.

At 8:00 p.m., Chairman Drobinski convened the Annual Town Meeting Warrant Review and turned the meeting over to Town Moderator Thomas Dignan.

Mr. Dignan stated that the purpose of the meeting was to go through the Warrant articles in order to ascertain who will be moving each article and who intends to speak concerning same.

It was noted that after the In Memorium Resolution and the passage of Article 1, the Sudbury Housing Authority would make oral report summarizing its official written report with regard to long-range affordable housing plans.

Mr. Dignan informed that it was his intention to have the budget be presented as the first order of business on Tuesday, April 3, so that it might be considered as a whole, and set forth a proposed schedule of sessions for Town Meeting consideration.

The Warrant Review was completed by 8:45 p.m.

Public Hearing - Police Personnel Matters

Present: Town Counsel Paul L. Kenny; I.B.P.O. Counsel, Matthew J. Buckley, Esq.; Sgt. Bruce C. Noah; Patrolman Charles R. Quinn; Police Chief Peter B. Lembo; Lt. Ronald Nix; and others.

At 9:00 p.m. Chairman Drobinski called to order a public hearing concerning disciplinary action relative to Police Officers Noah and Quinn to be held in open session at the request of the Officers. The consolidated hearing under the provisions of M.G.L. Chapter 31, §41, was conducted with Town Counsel Paul L. Kenny presenting the Town's case to the Selectmen to determine whether

just cause exists for suspending Patrolman Charles R. Quinn from the Sudbury Police Department for five days and for the imposition of an additional thirty-day suspension, and as to whether just cause exists for the five-day suspension and demotion of Sgt. Bruch C. Noah to the rank of Patrolman. These disciplinary recommendations were made by Police Chief Peter B. Lembo as a result of an internal investigation conducted by Police Lieutenant Ronald Nix in response to citizen complaints relating to break-ins at 1043 and 1055 Boston Post Road on November 11 and 14, 1989, respectively. Patrolman Quinn was the investigating officer with regard to the break in at 1043 Boston Post Road on November 11, and was also on duty at the time of the break in at 1055 Boston Post Road on November 14, 1989. Sgt. Noah was on duty and the officer in charge at the time of the break in at 1055 Boston Post Road on November 14, 1989. The specific charges against Officer Quinn are detailed in a Police Department report dated February 5, 1990 which allege neglect of duty and failure to be truthful. The specific charges against Sgt. Noah are detailed in a Police Department report dated February 5, 1990 which allege incompetence on two counts, neglect of duty, conduct unbecoming an Officer, and failure to be truthful.

Stenographer Rosanne E. Del Guidice administered the oath to all those persons intending to give testimony and to those who might be called upon to testify.

Documents placed in the record are noted as follows: Exhibit A - Packet of documents produced by Town of Sudbury regarding Officer Quinn; Exhibit B - Packet of documents produced by Town of Sudbury regarding Sergeant Noah; Exhibit C - Letter of March 19, 1990 providing notice of hearing to Officer Quinn from Executive Secretary Richard E. Thompson; Exhibit D - Letter of March 19, 1990 providing notice of hearing to Sergeant Noah from Executive Secretary Richard E. Thompson; Exhibits E, F and G - Photographs of the Caldwell residence at 1031 Boston Post Road, the basement window on the east side of the Verni residence at 1043 Boston Post Road; and the Verni and Ohri residences at 1043 and 1055 Boston Post Road, respectively; Exhibit H - Police dictaphone tape; Exhibit I - Sudbury Police Department Manual of Rules and Regulations.

Direct testimony was elicited from Lt. Ronald Nix by Town Counsel Kenny after which Attorney Buckley conducted a cross-examination.

For complete record, reference is made to verbatim Volume I Transcript prepared by Rosanna E. Del Guidice, R.P.R., on file in the Office of the Board of Selectmen, which document shall be incorporated herein by reference.

The hearing was adjourned at 11:36 p.m. to a mutually acceptable time to be determined for continuation of the hearing, at a later date by Mr. Buckley and Mr. Thompson.

There being no further business to come before the Board, the hearing was adjourned at 11:40 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk