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IN BOARD OF SELECTMEN
MONDAY, OCTOBER 15, 1990

Present: Chairman Judith A. Cope, David A. Wallace and John C. Drobinski (who arrived at 8:15 p.m.).

The statutory requirements as to notice having been met, the meeting was called to order by Chairman Cope at 8:00 p.m., at lower Town Hall.

Rubbish Pick-up Services - Bids

The Board considered the question of accepting a bid to provide rubbish pick-up services for Town and school buildings.

Town Counsel Paul Kenny advised that the Town must accept the low bidder. Executive Secretary Thompson recommended that the contract run from January 1, 1991, through December 31, 1991, for ease of transition.

Executive Secretary Thompson informed that he has been meeting with Recreation Director Thomas Haggerty, School Director of Administration Services John Wilson and Superintendent, Parks and Grounds Management Jack Braim, with a view to exploring the possibility of having a person from Park and Recreation utilize Town vehicles to do this rubbish pick-up. It is assumed that this may be a savings to the Town in the future, and Mr. Thompson will keep the Board apprised of developments as they occur.

It was on motion unanimously

VOTED: To accept the bid dated October 12, 1990, of Browning-Ferris Industries, 115 Washington Street, Holliston, for rubbish pick-up services including provision of waste containers for Town and school buildings, at the prices indicated as based on the Town's specifications for volume and frequency of pickup, for a one-year period effective January 1, 1991, through December 31, 1991.

Special Police Officer - Appointment

The Board considered the question of appointment a Special Police Officer, as recommended by the Police Chief in his memorandum dated October 5, 1990. Upon inquiry by Chairman Cope, Executive Secretary Thompson assured that this appointment will involve no cost to the Town.

It was on motion unanimously

VOTED: To appoint Wesley M. Woodward of 213 White Pond Road, Hudson, as Special Police Officer for a term to expire April 30, 1991.

November State Election

Upon review of memorandum dated October 9, 1990, from Town Clerk Jean M. MacKenzie, relative to setting the time and place of the polls for the November State Election, it was on motion unanimously

VOTED: To set the time and place of the polls for the November State Election at 7:00 a.m. to 8:00 p.m. on November 6, 1990, in the Peter Noyes School (gymnasium and cafeteria) for all four precincts.

Holiday Schedule

The Board reviewed proposed holiday schedule prepared by the Office of the Executive Secretary for Town Hall Offices and Selectmen's meetings. It was noted that a departure from past practice is the recommendation to close Town Hall for the full day on December 24, 1990, since Christmas Eve falls on a Monday.

It was on motion unanimously

VOTED: To approve the holiday schedule for Town Hall Offices and Selectmen's meetings as drafted by the Executive Secretary, and to request the Executive Secretary to schedule additional Selectmen's meetings during this holiday period, as necessary.

1991 Annual Town Meeting - Proposed Articles

The Board reviewed a list of possible articles for the Board's tentative approval to proceed in researching for the 1991 Annual Town Meeting.

Executive Secretary Thompson explained that since the 1991 Annual Town Meeting is expected to be extremely complicated budget-wise, it was his hope getting an early start on the articles would ease the process.

Executive Secretary Thompson recommended the Board support an article to purchase of voting equipment, which is expected to be submitted by the Town Clerk. It was the consensus of the Board that they would support this article, or co-sponsor same.

With regard to Acceptance of G.L. c. 32, §22D - Pension Funding System, it was noted that Town Counsel Paul Kenny has been asked to research this.

With regard to including the new combined position of Wiring Inspector/Supervisor of Town Buildings position in Classification Plan, Executive Secretary Thompson stated that Town Counsel suggested this article, and that it will be submitted by the Personnel Board.

Selectman David A. Wallace suggested that the Board consider some sort of resubmission regarding the Unisys property. Executive Secretary Thompson opined that he does not believe the Selectmen should directly submit such an article. In connection with this, Mr. Thompson stated that he will be meeting with Unisys representatives tomorrow afternoon, and he informed that there has been "casual talk" about using the present facility with some expansion for business use, and leaving the rest for residential use. Mr. Thompson assured that he will report on his meeting with Unisys to the Board.

With regard to the article to provide funding of back pay for Officer Chaffee, upon inquiry by Chairman Cope, Mr. Thompson explained that he is in the process of putting together a financial statement for the Selectmen's review.

Chairman Cope stated her interest in having an article concerning the establishment of an inclusionary zoning bylaw; and recommended that this would possibly be something that could be submitted by the Inclusionary Zoning Study Committee. The Board agreed.

The Board also concurred with a hope expressed by the Executive Secretary that the Planning Board consider submission of an article concerning accessory apartments.

The Board agreed with the entire list of articles and asked that the Selectmen's Office proceed with preparing the same. Inclusionary zoning and accessory apartment articles will be added to the list of possible articles for follow up and submission by other boards. Also, the possibility of including a Unisys article should be further considered.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the joint session of the Selectmen and Planning Board of September 6, 1990, as presented; subject to comment by the Planning Board; and to approve the regular and executive sessions of October 9, 1990, as corrected.

And it was on motion further unanimously

VOTED: To request the Executive Secretary to send a letter to the Senior Citizens Club concerning their Fair held this past weekend on the Fairbank grounds and noting proper procedures that must be followed for future events the Club wishes to hold in the Town.

Leaf Disposal and Composting

Selectman David A. Wallace expressed his desire to have better advertising about the leaf disposal and composting locale and hours of operation.

Transfer Request No. 91-9 - Building Department

Upon review, it was on motion unanimously

VOTED: To approve Line Item Transfer Request No. 91-9 by the Building Department in the amount of \$8,700.00, from Line Item 340-150, Custodial, to Line Item 340-255, for All-brite Cleaning Service.

It was noted that the hiring of All-brite Cleaning Service instead of a replacement for the retired custodian, has resulted in an \$8,000-\$10,000 savings to the Town.

Fire Department - Gift Acceptance

It was on motion unanimously

VOTED: To accept on behalf of the Fire Department the following equipment donations to be used in that Department's elementary school fire prevention

program, as requested by Fire Chief Michael Dunne in his memorandum dated October 15, 1990:

1. Pair of children's fire boots: William Elk Associates, 136 Old Lancaster Road, Sudbury, and Ranger Footwear Company;
2. One fire helmet: Lyons Fire Equipment and Morning Pride Fire Equipment;
3. One mini Air-pak: Scott Aviation Company; and
4. A complete set of fire gear in a child's size (the cost to the Town being for materials only): Ed Lyons, Lyons Fire Equipment Company and Morning Pride.

Easement - Curtis School Land

It was on motion unanimously

VOTED: To sign Grant of Easement to New England Telephone and Telegraph Company for purposes of placing a service terminal and pad at the intersection of Pratt's Mill Road and Peakham Road, as voted at April 10, 1989 Annual Town Meeting under Article 46.

Benefits Policy for Employees Reactivated to Military Service

The Board acknowledged receipt of Memorandum dated September 28, 1990, from David A. Haley, Personnel Administrator, Department of Personnel Administration for the Commonwealth of Massachusetts, concerning Civil Service rights of persons called to active military service.

Executive Secretary Thompson pointed out that because of the situation created by the invasion of Kuwait by Iraq, it would be wise to establish the Town's policy, based on Federal and State laws and guidelines, should a Town employee be called to active duty in the military service.

The Board took particular note of the fact that although employees called to active service are not entitled to certain pay or free benefits during their absence, if others are entitled to pay into a pension or insurance program during unpaid leaves of absence, then those on military leave must also be allowed to do so.

The Selectmen considered the question of what position the Town should take with regard to payment of health insurance premiums. Mr. Thompson pointed out that those individuals called to active service would have their health needs covered by the military. Although the dependents of those individuals would also be covered through the military during that time, Mr. Thompson expressed his opinion that requiring those family members remaining at home to go through military facilities' procedures could create an unnecessary hardship during a difficult time.

It was on motion unanimously

VOTED: To institute the following policy with regard to health insurance coverage of a Town employee called to military service:

If the Town employee has family group health insurance coverage, then the Town will pay fifty (50%) percent of the total cost of the family plan until the employee is deactivated;

If the Town employee has individual health insurance coverage, then the Town will pay nothing toward the individual plan until the employee is deactivated.

Ft. Devens - Meeting in Stow

Executive Secretary Thompson reported that he received a call from a representative of the Stow Board of Selectmen, who informed that a meeting has been scheduled for Thursday, October 18, 1990, at 8:00 p.m., at their Town Building regarding the Ft. Devens property. A representative from the Air National Guard is expected to speak on what it intends to do.

At the request of the Selectmen, Mr. Thompson will try to have a representative of Sudbury attend.

Superfund Cleanup

The Board acknowledged receipt of FOCUS Newsletter for October 1990 reporting that the Fort Devens Sudbury Annex was placed on the Superfund National Priority List in 1988.

Fairbank Community Center Advisory Committee

The Board acknowledged receipt of letter dated October 6, 1990, from Park and Recreation Chairman Dr. Gerald Berenson, requesting that Mrs. Jean Lind be appointed to the Fairbank Community Center Advisory Committee.

It was on motion unanimously

VOTED: To appoint Constance Jean Lind of 31 Ward Road to the Fairbank Community Center Advisory Committee.

AIDS Informational Material From the State

The Board acknowledged receipt of an informational packet received from the State concerning a study done of the disease AIDS.

At the request of the Selectmen, Executive Secretary Thompson will contact Fire Chief Michael Dunne with a view to arranging a symposium on the subject. Mr. Thompson will also invite all Town departments to provide input.

Town Counsel - Report

Present: Town Counsel Paul Kenny.

The Board met with Town Counsel Paul Kenny to discuss pending activities and budgetary matters.

Chairman Cope opened the discussion by reading a prepared statement addressing the issue of Sudbury's legal costs. Ms. Cope's main concern was that when costs for legal services for Sudbury are compared with other towns, it appears that Sudbury is paying more; thus, it is important to understand the breakdown of the costs and consider ways to lessen costs.

Chairman Cope informed that the Board has been challenged by many boards and townspeople to evaluate and make certain that the Town is obtaining the best legal services for the budget approved. Ms. Cope concluded by suggesting that the Board consider implementation of a bidding process for legal services as needed.

Chairman Cope stressed that the evaluation of legal services is not meant to be a "head hunt", and she expressed her hope that all individuals involved will understand her sense of duty to pursue this matter.

Selectman Drobinski stated that he believes the Board shares Chairman Cope's concern for costs to the Town. However, Mr. Drobinski is not certain he agrees with a bidding process for legal services, and believes such public bidding would be subject to a lot of State rules and regulations. Mr. Drobinski added that he believes Sudbury has shown itself to be a litigious-type of Town, and that fact should be kept in mind when comparing costs of legal services.

Selectman Wallace stated that as an attorney he is very much aware of the hourly rates charged by attorneys for litigation, and he believes that the going rate for an attorney with Paul Kenny's experience would be double that charged by Attorney Kenny. Mr. Wallace concurred with the concerns expressed by Selectman Drobinski regarding the bidding process, and he concluded by stating that he has been happy with the legal representation the Town has been receiving from Town Counsel's Office.

The meeting concluded with a concurrence that this matter be discussed at a future date.

Executive Secretary Thompson gave his personal opinion that he believes a lot of "pot shots" have been taken at Town Counsel, and he wished to state that he feels Paul Kenny is the best Town Counsel around. Mr. Thompson explained that he bases this opinion not only upon personal observation, but from the comments and respect shown by members of the Bar and Judiciary.

Mr. Thompson assured Chairman Cope that he will continue to monitor town legal expenses and develop a current survey of cost comparisons for Town Meeting purposes.

Executive Session

At 9:50 p.m., it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss collective bargaining matters and a grievance matter.

(Chairman Cope, aye; Selectman Wallace, aye; Selectman Drobinski, aye).

Chairman Cope announced that public session would not reconvene following Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 11:00 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk