

IN BOARD OF SELECTMEN
MONDAY, DECEMBER 1, 1975

Present: Chairman John E. Taft, William F. Toomey, and John C. Powers

The statutory requirements as to notice having been complied with, the meeting was called to order at 7:30 p.m. by Chairman John E. Taft.

Jurors

Present: Betsey M. Power, Town Clerk

The Board drew the names of Paul White, 117 Warren Road, and Alf E.F.A. Nelson, 12 Old Meadow Road, to serve as jurors for Cambridge Court and Emily A. Perko, 6 Hollow Oak Drive, and James Wendell Doyle, 220 Morse Road, to serve as jurors at Lowell Court, all commencing January 5, 1976.

Hulbert Land - Renewal of Note

Present: Betsey M. Powers, Town Clerk

The Board received a letter dated November 26, 1975, from the Town Treasurer relative to his award of that date of a bid for the Town of Sudbury on \$82,500 for the Conservation Commission purchase of the Hulbert Land, a renewal of an existing note now due on December 5, 1976 to Guaranty First Trust Company at the interest rate of 3.45%.

The Executive Secretary reported that he had sent to the Board a memorandum dated August 19, 1975, which explained the State Self-Help reimbursements for the Hulbert, Davis, and Boston Edison Lands, and he reported discussion at the Board's August 25 meeting to that effect that the \$142,500 reimbursement for the Hulbert Land left a balance of \$82,500 which must be borrowed.

The Executive Secretary also reported on the financial status of the Davis and the Boston Edison Lands, following which Chairman Taft requested him to compile a table to indicate the status of all outstanding land purchases for the information of the Board.

It was on motion unanimously

VOTED: To approve the awarding of the \$82,500 note, as proposed by the Town Treasurer, to Guaranty First Trust Company at the interest rate of 3.45%.

Utility Petitions: #75-36, Middle Road, and #75-37, Pendleton Road

Present: Francis E. White, Wiring Inspector; Frederick Roth, Regional District Manager, and Robert Blake of Boston Edison Company; representatives of Lager Realty, Inc., and John J. Stigle, abutters

In conformity with the requirements of Sections 21 and 22 of Chapter 166 of the General Laws, a hearing was held on the below-named utility petitions:

UP75-36 - Petition dated November 10, 1975 of Boston Edison Company for permission to construct, and a location for, poles along and across the following public way:

MIDDLE ROAD, northeasterly side, from a point approximately
920 feet southeast of Firecut Lane, --
Two (2) poles

Mr. Roth explained that the above petition had again been submitted to the Board as the house for which service is being requested is now completed and occupied and is operating on temporary service.

The Executive Secretary reported that the appropriate Town departments and abutters had been notified of tonight's hearing and that the following reports had been received: from the Wiring Inspector, telephone confirmation of his January 24, 1975 report, which recommended approval, and from Robert E. Stone, Chairman of the Power and Light Committee, dated November 28, 1975, which set forth his recommendation for disapproval.

Mr. Stigle expressed his opposition to the overhead proposal for aesthetic reasons and to the proposed location of the poles, as well. In response to Chairman Taft's question, Mr. Stigle stated that the proposed pole for location at the end of his driveway, though still objectionable, would be less so if relocated behind an area of trees on the other side of his driveway.

The Executive Secretary reported that as this petition is a reconsideration, he had asked the Board to view the site and that it was his recommendation, as Chairman Taft had also suggested, to relocate the last pole.

The representatives from Lager Realty, Inc., spoke in favor of placing the lines overhead, as a considerable cost increase would be incurred in undergrounding the service.

Mr. Roth stated that the undergrounding cost would be approximately \$3300 to service this single home as opposed to a cost of \$500 - \$800 for overhead service.

In response to Selectman Powers' question, Mr. White stated that there was no additional land in the area which could be developed.

Chairman Taft recommended that the pole be relocated behind the grove of trees, and after further discussion, it was on motion unanimously

VOTED: To request that Messrs. Roth and Stigle and the Executive Secretary jointly meet at the site to decide on a new location for the pole(s) and to report back to the Board before further action on the petition is taken.

UP75-37 - It was on motion unanimously

VOTED: To confirm the existence, upon property accepted by the Town as a public way, of Boston Edison utility poles at the following location:

PENDLETON ROAD, westerly side, approximately 30 feet south of
Marlboro Road
One (1) pole

Police Grievance - Sergeant Ronald Nix

Present: Police Chief Nicholas Lombardi; Sergeant Ronald Nix, complainant;
Patrolman Bruce Noah and Sergeant Peter Lembo of the Sudbury Police
Association

The Board met with members of the Police Department as Step 4 of the grievance procedure, following a grievance filed by Sergeant Ronald Nix relative to holiday pay.

Chairman Taft read the October 19, 1975 letter from Sergeant Nix to Sergeant Lembo, President, Local 315, I.B.P.O., which submitted his grievance under Article XI, 7, (1) of the Personnel Bylaw, incorporated by reference in Article XXVI, Section 3 of the current collective bargaining agreement. Chairman Taft also read Sergeant Nix's November 20, 1975 letter to the Board, which forwarded a copy of the grievance submitted to Chief Lombardi and requested action on the matter by the Board of Selectmen.

At the request of Chairman Taft, the Executive Secretary read Article VIII, the grievance procedure, of the current agreement. With regard to Step 2 of the grievance procedure, there was a question as to whether a letter of transmittal had accompanied Sergeant Nix's October 19 letter to the Police Chief.

Sergeant Lembo stated that, in following Step 3 of the procedure, he had attempted to have the grievance delivered to the home of the Chairman of the Personnel Board and, when delivery was refused, the grievance had been left in the Personnel Board's box at Town Hall, as Mr. Distler had suggested. Sergeant Lembo reported that no response had been received from the Personnel Board of the matter of the grievance.

Sergeant Lembo reported that he had received a letter, dated December 1, 1975, from Mr. Distler on the matter of delivery of Personnel Board mail to his home and his suggestion that such correspondence be left at the Town Hall.

The Executive Secretary stated that the grievance had been received by the Selectmen's office on November 21, 1975, following which he had written to the Police Chief and the Chairman of the Personnel Board asking for their previous action and comments on the matter. Mr. Thompson reported that he had received a response dated December 1, 1975 from Mr. Fredella of the Personnel Board, which stated that that Board had received no complaint or request for a grievance, and a response dated December 1, 1975 from the Police Chief, which stated that Sergeant Nix had not made a request for time off (Columbus Day) until after the grievance was filed and referred to Section 7 of the Personnel Bylaw which provides that time off will be granted only by approval of the Department Head. Chief Lombardi's letter also stated his opinion that Sergeant Nix's October 19 letter, in which he stated he was entitled to time off in lieu of holiday pay, was without merit.

Sergeant Nix stated that he had not requested time off because, in his opinion, it would be denied, and he referred to correspondence dated June 18, 1975 to him as Steward of the I.B.P.O. from the Police Chief, which stated that as of July 1, 1975 he would not sign any requests for time off for earned holidays, as to do so would be a violation of the contract agreement, and from that date on all members of the Department would be paid for holidays after they were earned. Sergeant Nix stated that he was not in agreement with the Chief's interpretation of the contract in this regard.

Police Chief Lombardi stated that before his June 18 letter, there had been problems in the Police Department with the great amount of sick leave which had been taken this year--far in excess of previous years--and that this had created a manpower shortage, which, in turn, had caused his decision to forego time off for paid holidays, a matter which, in his opinion, was his option.

Selectman Toomey asked the Labor Relations Counsel to respond to both Chief Lombardi and Sergeant Nix.

Mr. Murphy stated that Sergeant Nix's letter is concerned with a specific instance, not a class action, and that, in his opinion, the Personnel Board's interpretation of their bylaw was needed.

In answer to Selectman Powers' question, Sergeant Nix stated that he had not requested holiday time off for Columbus Day, that he had been scheduled to work that day and had not requested it because he had already been paid for it.

Selectman Powers responded that, as he had not requested the time off, in his opinion, Sergeant Nix did not have a grievance.

Mr. Murphy stated that, in his opinion, the complaint was not a proper grievance and, therefore could not be acted upon.

Following discussion, it was the general consensus that further discussion and clarification relative to the intent of Section 7 of the Personnel Bylaw should take place, and it was on motion unanimously

VOTED: To reject without prejudice the matter of the grievance of Sergeant Ronald Nix as set forth in his October 19, 1975 letter to Sergeant Peter Lembo, President, Local 315 I.B.P.O. and received by the Board on November 21, 1975, because the necessary procedural steps have not been followed and the fact that the subject matter does not constitute a grievance;

and it was further

VOTED: To request Town Counsel, the Police Chief, the Labor Relations Counsel, and a representative of the Police Association to meet with the Personnel Board on the subject of Section 7 of the Personnel Bylaw, following which Town Counsel will submit his report on the matter to the Board.

Selectman Powers questioned the Stability of Agreement section of the contract as it relates to the incorporation of the Personnel Bylaws, and he asked Mr. Murphy to determine if this particular grievance on holiday pay would revert to the Personnel Bylaw for interpretation where the subject matter was covered in the existing contract.

Collective Bargaining Agreement - International Brotherhood of Police Officers, Local 315 - July 1, 1975 - June 30, 1976

Present: Police Chief Nicholas Lombardi; Sergeant Ronald Nix and Patrolman Bruce C. Noah; representatives of the Sudbury Police Association; Labor Relations Counsel Richard Murphy

The Board received a letter dated November 26, 1975 from Bruce C. Noah and Ronald Nix of the Sudbury Police Association, which requested that the corrections contained therein be made to the contract before its formal signing.

The Executive Secretary stated that it had previously been agreed in bargaining that base salary and longevity pay, only, would be retroactive to July 1, 1975, and that as of September 18, 1975, the date of the signing of the Memorandum of Agreement, all provisions would be in effect, including the new base salary, longevity, overtime, etc.

As the Board had only tonight received copies of the above-referenced letter, it was agreed that the questions relating to the proposed changes would be resolved during the week by the Labor Relations Counsel and the representatives of the Police Association and that the signing of the agreement would be rescheduled on the agenda for December 8.

Site Plan Application #75-156, Jeffrey J. Marshall, Reverence Ltd., 37 Union Avenue

The Board, at its November 27, 1975 meeting, requested from Town Counsel further clarification of the matter of setback requirements before signing the site plan of Jeffrey J. Marshall, Reverence Ltd., for location at 37 Union Avenue, which had been approved at their November 18 meeting.

The Board had since received an opinion dated November 26, 1975 from Town Counsel, which referred to Section I, C, 4 of the Zoning Bylaw and stated that the presently proposed use is proper and the question of abandonment of a use is not relevant.

On the recommendation of Town Counsel, it was on motion unanimously

VOTED: To sign the site plan dated October 10, 1975 of Jeffrey J. Marshall, Reverence, Ltd., for location at 37 Union Avenue.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular meeting and executive session of November 24, 1975, the former as amended.

Application for Incorporation

Following review of the below-named application for incorporation, it was on motion

VOTED: To send a favorable report to the Secretary of the Commonwealth on the application of Victor P. Mangini and Barbara Mangini for incorporation under the name of South Middlesex Recreation & Sports Foundation, Inc., for location in the Town of Sudbury.

(Selectman Powers abstained, as he had provided notarial services in the above matter.)

License Renewals - Used Car, Automatic Amusement Devices

Following receipt and review of inspection reports from the Building Inspector, dated November 14 and 20, 1975, and the Fire Chief, dated November 20, 1975, it was on motion unanimously

VOTED: To approve and issue the following renewal Class II licenses, subject to payment of fees as required:

Colonial Auto of Sudbury, Inc.
Station Road Auto Body, Inc.

It was further

VOTED: To approve and issue the following renewal Class III license, subject to payment of fee as required:

Robert E. Lohnes

The Board had also received an application to renew the Class I license of C. R. Wood Corporation, which was deferred at the request of Selectman Toomey, until it could be determined by the Zoning Enforcement Agent that said license is necessary in connection with this operation at its present location.

It was further

VOTED: To approve and issue the following renewal weekday automatic amusement devices licenses, subject to completion of all work identified by the Building Inspector, the Fire Chief, and the Sudbury Board of Health in their reports dated November 13, 1975, November 20, 1975, and November 20, 1975, respectively, as confirmed by those department heads and incorporated into a report from the Executive Secretary, with actual issuance after a final Board review:

Sudbury Bowladrome, Inc.
Rowe International, Inc., (Sudbury Skating and Tennis Club)
J. T. Steak House

1976 Annual Town Meeting - Non-Monied Articles

Chairman Taft announced the Board's vote in executive session on November 24, 1975 to submit articles on the following non-monied subjects for the 1976 Annual Town Meeting:

1. A bylaw amendment relative to garage sale signs.
2. A bylaw amendment restricting distribution of unsolicited material.
3. Vote to accept Chapter 147, Section 10 of the General Laws relative to Parking Control Officers.
4. Article to turn over to the Sudbury Water District area shown as "New Well Site" on plan of Raymond Land dated October 3, 1975.

5. Amend Section 12 of the Personnel Administration Plan (Article XI) to read, "This bylaw may be amended by a majority vote". (Requested by Town Counsel)

Town Counsel reviewed with the Board the articles he had drafted on the above subjects.

The Board requested the Executive Secretary to forward a copy of the Personnel Administration Plan article to the Personnel Board with the request that they co-sponsor the same. The Board also requested that the Executive Secretary obtain, for their information, copies of the Annual Town Meeting non-monied articles which were submitted by other Town boards.

Military Reservation Land - Town of Stow

Chairman Taft reported that the Board had received a letter dated November 21, 1975 from the Stow Board of Selectmen, in which that Board announced that they had withdrawn their request for the use of their portion of land in the Military Reservation for a landfill operation and educational experiment area and were now supporting the Department of Natural Resources' application that the land be used for conservation and recreation purposes, as had the Towns of Sudbury, Maynard, and Hudson.

Minuteman Regional Vocational Technical School District

Chairman Taft reported that the Board had received a copy of a tentative operating and maintenance budget for the Minuteman Regional School District for fiscal 1976-77 and that a public hearing on the same would be held on Tuesday, December 16, 1975 at 8:00 p.m. at the School.

Chairman Taft expressed the hope that the Finance Committee would work with the Selectmen and with the Selectmen and Finance Committees of the other member Towns in attending the hearing and in bringing about a reduction in the budget.

Selectmen's Special Meetings - December 3, 4, and 6

After discussion, it was on motion unanimously

VOTED: To schedule Special Meetings on Wednesday, December 3, and Thursday, December 4, at 7:30 p.m. in the Loring Parsonage to discuss matters pertaining to merit reviews and initial review of the Selectmen, Town Counsel, and Unclassified budgets postponed from Monday, December 1;

and it was further

VOTED: To hold a Special Meeting on Saturday, December 6, at 9:30 a.m. in the Loring Parsonage for the purpose of initial review of Police, Fire, and Building budgets for fiscal 1976.

Executive Session

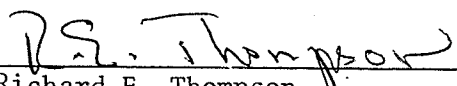
At 10:30 p.m., it was on motion unanimously

VOTED: To enter into executive session for the purpose of discussing merit reviews.

There being no further business to come before the Board, it was on motion unanimously

VOTED: To adjourn the meeting at 11:15 p.m.

Attest:


Richard E. Thompson
Executive Secretary-Clerk

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