

IN BOARD OF SELECTMEN
THURSDAY, MAY 20, 1976

Present: Chairman William F. Toomey, John C. Powers, and Ira M. Potell

The statutory requirements as to notice having been complied with, the special meeting was called to order at 7:00 p.m. by Chairman William F. Toomey.

Contemplated Termination of Robert L. Wenham, Patrolman, Sudbury Police Department

Present: Patrolman Robert L. Wenham; Police Chief Nicholas Lombardi; George Distler, Chairman, Personnel Board; Francis Keane, attorney representing Patrolman Wenham; Attorney David Downes representing the International Brotherhood of Police Officers (IBPO)

Chairman Toomey reported that the Board, at its May 17, 1976 meeting, had voted to continue the hearing relative to the contemplated termination of Patrolman Wenham until tonight's special meeting to allow preparation by Town Counsel of alternative motions for the Board's consideration. Chairman Toomey reported that this action was taken in response to Attorney Keane's request at that time that the Board grant Patrolman Wenham a three-month leave of absence, to be begun at the end of the fiscal year.

Attorney Keane stated that the dilemma had not changed for his client or for the Board, but that Patrolman Wenham had made a decision not to oppose termination at this time and that they were withdrawing their request for a medical leave of absence. Mr. Keane stated that he, Mr. Wenham, and Mr. Downes realize that the Board's hands were tied concerning the termination of Patrolman Wenham.

Mr. Keane reported that he had spoken with the Middlesex County Advisory Board and had been informed that a hearing concerning Mr. Wenham's application for disability retirement would be held on May 28 and that, shortly thereafter, a medical panel would be set up and an examination of Mr. Wenham would take place.

Mr. Keane requested that arrangements be made so that Mr. Wenham would be notified in advance of the Town's termination of his Blue Cross/Blue Shield coverage, in order that Mr. Wenham might assume the payments.

Chairman Toomey expressed the hope that the IBPO would undertake the payments on behalf of Mr. Wenham and stated that the Town would accept whatever procedures are set by Civil Service in this case.

Chairman Toomey stated that the Selectmen's offices would remain available to assist Mr. and Mrs. Wenham in any possible way with regard to medical coverage or retirement plans. Chairman Toomey further stated that Mr. Wenham had served the Town well in his capacity as Patrolman, and he expressed the Board's regret that his services must be terminated and their hope that Mr. Wenham would again be a member of the Police Department upon his recovery.

Selectmen Powers and Potell expressed their concurrence with Chairman Toomey's statements.

It was on motion unanimously

VOTED: To terminate the employment of Robert L. Wenham of 138 Fairbank Road, Sudbury, Massachusetts, as a Patrolman in the Sudbury Police Department on May 20, 1976, for the following reasons:

1. Officer Wenham has suffered injuries not during or associated with his employment that make it physically impossible for him to perform the duties of Patrolman;
2. Officer Wenham suffers from injuries that incapacitate him from performing his duties as a Patrolman;
3. Officer Wenham has been absent from the service since April 23, 1976 because of bodily disability; that bodily disability will continue; that bodily disability has prevented him, and will continue to prevent him, from performing the duties of Patrolman;
4. Officer Wenham has been examined by a physician of his selection and by a physician selected by the Town of Sudbury, and both physicians confirm the seriousness of the bodily disabilities and injuries aforesaid and the continuing nature of those disabilities and injuries;

and it is further

VOTED: That the Employee is entitled to two weeks paid vacation and the appropriate payment voucher will be submitted to provide for such time;

and it is further

VOTED: To continue at Town expense the Blue Cross/Blue Shield coverage presently provided Officer Wenham until September 1976.

A copy of this vote shall be forwarded, by the Executive Secretary, to the Civil Service Personnel Administrator.

Appointment - Provisional Patrolman

Following consideration of a communication dated April 26, 1976 from the Police Chief, it was on motion unanimously

VOTED: To approve the recommendation of the Police Chief and the Executive Secretary and to appoint Gary Ryan on a provisional basis to fill the position left vacant by the termination of Robert Wenham;

and it was further

VOTED: To authorize the Executive Secretary to file the necessary Civil Service forms and requisitions.

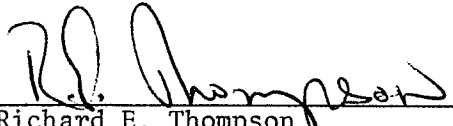
Transfer Requests - Information

The Executive Secretary, in response to an earlier request from Chairman Toomey, reported to the Board on fiscal 1976's past and pending Reserve Fund transfers to the Fire and Police Department accounts.

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

VOTED: To adjourn the meeting at 7:45 p.m.

Attest:


Richard E. Thompson
Executive Secretary-Clerk