

IN BOARD OF SELECTMEN
WEDNESDAY, FEBRUARY 23, 1977

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

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:30 p.m. by Chairman William F. Toomey.

Cemetery Rules and Regulations - Article 22, 1977 Annual Town Meeting

Executive Secretary Richard E. Thompson reported that the Board had received a communication dated February 14, 1977 from the Town Clerk relative to the present wording of Section X, paragraph 1 of the Cemetery Rules and Regulations (Article 22, 1977 ATM), reversing the requirements of Section 29, Chapter 114 of the General Laws.

Mr. Thompson reported that a response dated February 17, 1977 from Assistant to Town Counsel Thomas M. French had been made to the Town Clerk, in which he agreed that a problem in the present wording existed in this regard and offered suggestions so that the provisions of the above-referenced statute might be brought to the attention of the cemetery lot owners.

Selectman Powers suggested that the rules and regulations be referred back to Town Counsel for appropriate correction.

Referring to another section of the proposed regulations, Town Counsel Paul L. Kenny suggested that a second wording change be made by deleting the reference to the Superintendent of Cemeteries under Section VII. (It was later learned that the deletion had already been made in the revised article.)

After discussion, it was on motion by Selectman Powers unanimously

VOTED: To refer the matter of appropriate wording of the proposed Cemetery Rules and Regulations to Town Counsel for correction and his report on February 28.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular and executive sessions on February 14, 1977, the former as corrected.

Tax Anticipation Notes

Present: Town Treasurer William E. Downing

The Board received a request dated February 17, 1977 from the Town Treasurer, which requested the Board's approval to borrow \$1,000,000 within the next two weeks, and a related communication dated February 18, 1977 from the Town Accountant, which supported the need for the borrowing.

As the Board had approved a similar request on January 17, 1977, Selectman Potell asked whether it might have been less costly to have asked for \$2,000,000 at that time.

Mr. Downing responded that there would have been no advantage in combining the two requests and that he would prefer to do it separately to preserve the Town's high credit rating.

After further discussion, it was on motion unanimously

VOTED: To authorize the borrowing of \$1,000,000 on Tax Anticipation Notes due on May 20, in accordance with the Town Treasurer's February 17, 1977 request.

Application - License for the Sale of Wines and Malt Beverages - Paul L. Brackett - February 25, 1977

In response to his request dated February 8, 1977, after discussion, it was on motion by Selectman Powers unanimously

VOTED: To grant a Special License for the Sale of Wines and Malt Beverages, under G.L.c 138, §14, to Paul L. Brackett, Framingham Youth Hockey Boosters Club, to be exercised on February 25, 1977 at St. Anselm's Church, Landham Road, Sudbury, to accommodate their record hop/buffet on that day from 8:00 p.m. to 12:00 p.m.

Selectman Potell commented on the letter's ambiguity relating to the selling of the beer and wine, and he requested that future similar applications be clarified in this regard.

Selectman Powers asked that future applications also be made by a member of that group who resides in Sudbury, if possible.

Peakham Road/Old Lancaster Road Intersection

Executive Secretary Richard E. Thompson reported that, as requested by the Board at its December 6, 1976 meeting, Town Engineer James V. Merloni had prepared for the Selectmen's review a preliminary plan and cost estimate showing one method of improving the hazardous conditions existing at the intersection of Peakham and Old Lancaster Roads. Mr. Thompson reported that, in his accompanying report dated February 10, 1977, Mr. Merloni estimated construction cost to be \$4,500 for the proposal as shown on the plan, with further savings if the work were to be done by the Town.

After a brief discussion, on the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To defer action of the Town Engineer's above-referenced proposal until the conclusion of the Annual Town Meeting, as it would be necessary for hearings to be held in this regard.

Cushing Hospital, Framingham - Possible Closure by the State

The Board received a communication dated February 16, 1977 from T. E. Marcantonio of Wayland relative to the State's possible closing of Cushing Hospital in Framingham, which requested Sudbury's support in fighting the possible closing.

Executive Secretary Richard E. Thompson recommended that he be directed to contact Representative Barbara Gray of Framingham in this regard, forwarding a copy of the above-referenced letter to her, and requesting further information on the subject.

The Board was in agreement.

Resignations - Talent Search Committee

The Board received separate communications dated February 8, 1977 from Freda E. and James W. Doyle, who tendered their resignations from the Talent Search Committee, effective that date.

It was on motion unanimously

VOTED: To accept the resignations of Freda E. Doyle and James W. Doyle, with deep regret, and to direct the Executive Secretary to acknowledge Mr. and Mrs. Doyle's communications, expressing the Board's appreciation for their service on that Committee.

Appointments

It was on motion unanimously

VOTED: To make the following appointments:

Francis E. White, 14 Old Framingham Road, as Dog Officer, for a term to expire on April 30, 1977; and

Betsy DeWallace, 56 Dakin Road, as Assistant Dog Officer, for a term to expire on April 30, 1977.

It was further

VOTED: To make the following appointments:

Josiah F. Frost, 61 Maynard Road, as Fire Chief for a term to expire on April 30, 1977; and

Josiah F. Frost, 61 Maynard Road, as Forest Warden, for a term to expire on April 30, 1977.

(Selectmen Powers and Potell in favor; Chairman Toomey opposed.)

Second Annual Joint Legislative Conference

The Executive Secretary reminded the Board of their planned attendance at the Second Annual Joint Legislative Conference which will be held on Saturday, February 26, at 8:30 a.m.

Fourth Annual Cherry Sheet Conference

The Executive Secretary reported that reservations have been made for the Chairman of the Finance Committee, the Town Accountant, and himself to attend the Fourth Annual Cherry Sheet Conference to be held on Wednesday, March 16, from 8:30 a.m. to 4:30 p.m.

Selectman Potell also agreed to attend the Conference.

Governor's Conference

The Executive Secretary informed the Board that the Governor's Conference was being held on Monday, March 14, at Massachusetts Bay College, at which the subject will be the public sector labor relations.

Relocation of Landham Road

The Executive Secretary Richard E. Thompson reported that the Board had received a letter from the Middlesex County Engineering Department relative to reimbursement for land damages in the amount of \$41,750.05 in connection with the relocation of a portion of Landham Road.

Mr. Thompson suggested that the Board might wish to include this matter in the warrant for the April 4 Special Town Meeting, and he stated that he would consult with the Highway Surveyor in this regard before the Board's February 28, 1977 meeting.

Selectman Potell asked the Executive Secretary to inquire whether this reimbursement could be paid for by using old Chapter 90 funds.

Personnel Board - Collective Bargaining

Executive Secretary Richard E. Thompson reported that the Board had received a communication dated February 16, 1977, from the Personnel Board on the subject of collective bargaining negotiations, which requested a meeting with the Selectmen to discuss the future role of the Personnel Board in this regard.

Mr. Thompson reported that, after discussion with Selectman Powers, it was his recommendation that he, Town Counsel and/or the Labor Relations Counsel be directed to meet with the Personnel Board to discuss this matter for the purpose of reaching a consensus.

Mr. Thompson also reported that Town Counsel had, by letter dated February 14, 1977, recommended that the Personnel Board's proposed amendment that it be "... involved in contract negotiations with the Town's union employees," be stricken from the Personnel Administration Plan article, as, in his opinion, official involvement in contract negotiations would impose upon the Personnel Board a duty to support the contract when presented to the Town Meeting as they will, effective be members of the bargaining team for the Town, and would minimize that Board's effectiveness.

Mr. Thompson further reported that he had received a communication dated February 10, 1977 from Labor Relations Counsel Richard W. Murphy, who expressed his opinion that the amendment would be improper, as it would be in conflict with a present statute as well as inappropriate from a strategic and practical standpoint.

Mr. Thompson stated that, beginning in April 1976, he had kept the Personnel Board advised of the status of negotiations by sending that Board copies of all the correspondence relating to the Town's and the unions' bargaining positions.

After further discussion, it was agreed that the Executive Secretary and Town Counsel would meet with the Personnel Board, and it was on motion unanimously

VOTED: To table further consideration of the Personnel Board's February 16, 1977 letter until after the Executive Secretary and Town Counsel meet with the Personnel Board.

Continued Hearing - Application of Joseph and Charles Calareso, Northern Farmstand and Country Store, 15 Union Avenue, for a Package Goods Store License for the Sale of Wines and Malt Beverages

Present: Joseph and Charles Calareso, applicants

The Executive Secretary reported that the Board, at its meeting on February 7, 1977, had voted to continue the hearing on the application of Joseph R. Calareso and Charles C. Calareso for a retail package goods store license to sell wines and malt beverages at 15 Union Avenue until 8:00 p.m., Wednesday, February 23, 1977, to allow receipt of the required probationary report which had not yet been received, although he had requested the Police Chief to assist in expediting the request. Mr. Thompson reported that Mr. Calareso had asked that the Police Chief give the Board a letter concerning the applicant's record in Town.

Mr. Thompson reported that a letter, dated February 23, 1977, had been received from the Police Chief, which stated that he had no objection to the issuing of a package goods store license to the applicants as he had known both parties for approximately twelve years and that, during that time, neither applicant had ever displayed any behavior to indicate he was not of good character.

Mr. Thompson recommended that, due to the prolonged delay in receiving the necessary probationary information, such future requests be made when the application is first made.

The Board was in agreement that Mr. Thompson's recommended procedure would be made a matter of policy.

Chairman Toomey advised the applicants that, if the license were to be granted, all employees would have to be at least eighteen years of age.

Mr. Joseph Calareso asked whether this age requirement would also apply to the employee performing manual labor in connection with the outdoor sales area display of flowers.

Town Counsel responded that it would not.

On the subject of the probationary record, Mr. Joseph Calareso stated that he had called the appropriate State Office in advance of his going into Boston to pick up the record, that he was told that these checks were not being processed at the present time, and that he could not be guaranteed that he could obtain the record if he did come to the office. Mr. Calareso stated that, as a result of this phone call, he had not gone to the office, but had sent a registered letter on the subject to the office.

Mr. Thompson requested that Mr. Calareso make a copy of the above letter available to the Selectmen, and Mr. Calareso was in agreement.

Chairman Toomey stated that these types of reports are continually being processed for use in license transfers throughout the State and that it was necessary that the Board receive the probationary report before the license were granted, although its receipt could not guarantee the issuing of the license.

Mr. Calareso stated that he would go to the State office in this regard and that, if it became necessary, he would like to call a Town Meeting to have the Townspeople approve his license.

After further discussion, it was on motion by Selectman Powers unanimously

VOTED: To continue the hearing on the application of Joseph R. Calareso and Charles C. Calareso for a retail package goods store license to sell wines and malt beverages at 15 Union Avenue until 9:30 p.m., Monday, March 7, 1977.

Dakin Road Animal Shelter

The Board, at its meeting on February 14, 1977, requested that a report be received from the Dog Officer and the Assistant Dog Officer concerning the Town's possible use of the old Buddy Dog animal shelter facilities on Dakin Road.

Executive Secretary Richard E. Thompson reported that the Dog Officer's report had been received and that a bookmark article on the subject would be filed by 5:00 p.m. on February 28 for inclusion in the warrant of the April 4 Special Town Meeting.

Board of Appeals Alternates

Executive Secretary Richard E. Thompson reported that the Selectmen had earlier requested that he contact Eunice Secatore, Chairman of the Board of Appeals, to discuss her request that additional Alternates to the Board of Appeals be appointed. Mr. Thompson reported that he had met with Mrs. Secatore and that she had informed him that many of the members now have other commitments for Tuesday nights which interfere with attendance at their hearings.

Chairman Toomey suggested that perhaps their regular hearing night might be changed and, after further discussion, on the recommendation of the Executive Secretary, it was agreed that the Board of Appeals and the Board of Appeals Alternates would be requested to meet with the Selectmen for further discussion of the matter.

Jurors

Present: Betsey M. Powers, Town Clerk

The Board drew the names of Jennette D. Papolio, 15 Pinewood Avenue, to serve as juror in Lowell Court, and Alan B. Reichard, 29 Jarman Road, and Thomas G. Davies, 3 Intervale Road, to serve as jurors in Cambridge Court, all to commence on April 4, 1977.

Review of Individually Rated Personnel

Executive Secretary Richard E. Thompson reported that, for the Board's information, whatever its action tonight on the matter of its review of individually-rated personnel, it was his recommendation that he so notify the Personnel Board in time for its February 24 meeting and the Finance Committee in time for a February 25 meeting.

Mr. Thompson reported that the Classification and Salary Plan article had been prepared to reflect the Board's earlier vote relative to non-individually rated positions, but that the figures for the individually-rated personnel had been left blank. Mr. Thompson stated that he would also like to indicate that the Board's earlier consensus was that the non-individually-rated personnel would receive a 6% increase for FY 1977 and that he would ask the Board's approval to proceed along those lines for the individually-rated personnel.

Mr. Thompson stated that he had prepared a list of the individually-rated personnel and that he had earlier requested that each individually-rated person submit his written recommendation for his salary increase. Mr. Thompson further stated that, in accordance with the Board's past policy, he had prepared a composite for each individually-rated department head under the jurisdiction of the Selectmen, for which he would like the Board's direction.

In accordance with the Selectmen's Policies and Procedures, the Board reviewed the individually-rated personnel and reached agreements, as follows:

Executive Secretary Richard E. Thompson - It was on motion unanimously

VOTED: To accept the composite evaluation for the Executive Secretary, and it was further

VOTED: That the salary of Richard E. Thompson, Executive Secretary, be and hereby is established at the rate of \$27,350, effective July 1, 1976 through June 30, 1977, subject to the concurrence of the Personnel Board and Town Meeting appropriation.

Police Chief Nicholas Lombardi - It was on motion unanimously

VOTED: To accept the composite evaluation for the Police Chief Nicholas Lombardi, and it was further

VOTED: That the salary of Nicholas Lombardi, Police Chief, be and hereby is established at the rate of \$23,014, effective July 1, 1976 through June 30, 1977, subject to the concurrence of the Personnel Board and Town Meeting appropriation.

Fire Chief Josiah F. Frost - Selectman Powers expressed his opinion that there was a problem in setting the Fire Chief's salary as long as negotiations with the Fire union have not been completed. Selectman Powers stated that, in his opinion, a percentage increase higher than 6% for the Fire Chief would have to have an effect on those negotiations.

Selectman Potell stated that he would not wish any particular effort with regard to the first portion of Item 2 on the Fire Chief's evaluation sheet, and it was on his motion unanimously

VOTED: To strike the first section of Item 2 so that it now reads:

"2. Reinstitution of the Fire Prevention Program even if on modified basis."

In discussing the requested increase in excess of 6%, Chairman Toomey stated that he could not justify an increase above the 6% figure in view of the Selectmen's position against the salaries presently paid to the staffs of the Lincoln-Sudbury Regional School District, the Sudbury School system, and the Minuteman Regional Vocational Technical School District.

Selectman Potell stated that he was opposed to the 6% increase in this instance until more fiscal responsibility is demonstrated by Chief Frost.

After further discussion, it was on motion unanimously

VOTED: To accept the composite evaluation for Fire Chief Josiah F. Frost, as prepared by the Executive Secretary and amended above, and it was further

VOTED: That the salary of Josiah F. Frost, Fire Chief, be and hereby is established at the rate of \$22,260, effective July 1, 1976 through June 30, 1977, subject to the concurrence of the Personnel Board and Town Meeting appropriation.

Town Engineer James V. Merloni - Selectman Powers stated that, in view of Mr. Merloni's excellent job during the past year in managing the Engineering Department, his recent certification as a Registered Land Surveyor in addition to his earlier certification as a Registered Professional Engineer, he was in favor of an increase for the Town Engineer in excess of the 6% figure. Selectman Powers expressed his opinion that some incentive should be given to compensate personnel who have done outstanding jobs.

After discussion, during which Chairman Toomey again expressed his opinion that it was necessary for the Board to limit all increases to 6% in order to be consistent with its stand against the School Committees, it was on motion

VOTED: To accept the composite evaluation for Town Engineer James V. Merloni, and it was further

VOTED: That the salary of James V. Merloni, Town Engineer, be and hereby is established at the rate of \$21,412, effective July 1, 1976 through June 30, 1977, subject to the concurrence of the Personnel Board and Town Meeting appropriation.

(Chairman Toomey and Selectmen Potell in favor; Selectman Powers opposed, as he felt the increase should be in excess of 6%).

Building Inspector Francis E. White - Selectman Powers stated that the Building Inspector's handling of the Village Green Shopping Center on several occasions during the past year bothered him, and he questioned what this particular job was worth to the Town.

Selectman Potell was in agreement, and he commented that, in his opinion, the Selectmen should begin to consider this question for all individually-rated positions, commenting that positions have limits, but individuals do not. Selectman Potell stated that he would like a study done on all individually-rated positions under the control of the Selectmen to find the absolute value of each job.

The Board was in agreement.

After further discussion, it was on motion by Selectman Potell unanimously

VOTED: To accept the composite evaluation for the Building Inspector Francis E. White, and it was further

VOTED: That the salary of Francis E. White, Building Inspector, be and hereby is established at the rate of \$17,808, effective July 1, 1976 through June 30, 1977, subject to the concurrence of the Personnel Board and Town Meeting appropriation.

Town Accountant John H. Wilson - Selectman Powers stated his intention to vote "no" on a 6% increase for the Town Accountant because his present salary amounts to less than that of most Firefighters. Selectman Powers stated that the Town Accountant makes a material difference of thousands of dollars in the Town and, in his opinion, he should not be limited to 6%. Selectman Powers stated that this figure would be less money than is currently being paid to the Business Manager of the Sudbury School system and that, as a professional, the Town Accountant is being paid at a very low level.

Selectman Potell stated that he would go along with the 6% increase, and he expressed his opinion that some of the Town Accountant's present duties could be reduced.

Selectman Powers objected, stating that it is through the Town Accountant's duties that the Board is able to better understand what is happening in the other departments and that the Town Accountant is a kingpin to the whole operation of Town government.

Chairman Toomey stated that the Town Accountant's position has allowed him on-the-job training for a position as an executive secretary or town manager elsewhere, that he had been allowed to attend meetings of this type in order to enhance his career, and that these factors should be taken into consideration.

The Executive Secretary stated that, before the Board's review, the Board had indicated that it wanted Mr. Wilson to be more than a Town Accountant.

Mr. Thompson further stated that Mr. Wilson is no longer in a training program and already has a higher stature than many town managers have.

Selectman Powers expressed his opinion that the salary range set for the position of Town Accountant is too low, that the Town requests an ever-expanding series of duties for this position, and that, if the Board could not build in its department heads the type of control and performance that it wished, the Town would wind up with mediocrity.

Finance Committee member Alan Grathwohl stated that Mr. Wilson had attended 35 of the 37 Finance Committee meetings and would, this year, total over 100 hours of attendance at these meetings. Mr. Grathwohl suggested that the Board might compensate Mr. Wilson for such attendance.

After further discussion, Selectman Potell moved to set the salary of the Town Accountant for FY 1977 at \$17,808, an increase slightly above 6%, which would raise his salary level to that of the Building Inspector's position.

Mr. Thompson commented that the low percentage increase bothered him, and he stated that a town accountant, once appointed, has tremendous statutory power and that in this Town the Town Accountant is the sole person for processing \$12,000,000 per year.

Selectman Potell stated that he would still stand on his motion, but he did not want the position of Town Accountant to be the lowest paid position.

Chairman Toomey seconded Selectman Potell's motion and, after further discussion, it was unanimously

VOTED: To accept the composite evaluation for Town Accountant John H. Wilson, as prepared by the Executive Secretary, and to set his salary for FY 1977 at \$17,808.

(Selectman Powers voted in favor of the motion, although he had earlier indicated his intent to oppose a minimal increase, in the interest of unanimity although he felt the increase insufficient.)

Town Counsel Paul L. Kenny and Assistant to Town Counsel Thomas M. French -
The Executive Secretary asked the Board for a general recommendation on increased figures for the positions of Town Counsel and Assistant to Town Counsel, with a possible adjustment being made at a later time in addition to the proposed 6% increase for the Assistant to Town Counsel for 1977.

Selectman Potell expressed his opinion that the Assistant to Town Counsel had, at his present salary level, violently underpriced himself, and he further expressed his opinion that, at this salary level (\$8,500 for a four-day week), it would be almost impossible for anyone to produce at Mr. French's level.

Town Counsel Paul Kenny was in agreement, stating that the going price for the work performed by Mr. French is a lot higher.

Selectman Potell stated that one of the reasons the Assistant Town Counsel was hired was to clean up the backlog of work two years ago, and he suggested that perhaps a reduction in the work days per week might be in order at this time.

Mr. Thompson stated that, in his opinion, the routine matters of the office at this time required that an Assistant to Town Counsel was still needed.

Mr. Kenny commented that, in his experience as a town counsel during the past four or five years, the work load on a daily basis had just about doubled each year.

Selectman Powers suggested that perhaps a lump sum of money for the legal department should now be discussed and its disbursement discussed at a later time.

Chairman Toomey asked whether the combined Town Counsel retainer fee plus 6% and the present Assistant to Town Counsel's present salary plus 6% (\$20,670) would be sufficient for Town Counsel to handle this work.

Mr. Kenny stated that it would be difficult for him to do the work for this figure, as he would be underpaid. Mr. Kenny further commented that after his being employed by the Town for a month and a half, people are just beginning to call him.

Selectman Powers stated that the Town is now spending approximately \$28,000 per year for the legal department, and he again asked that the Board consider putting sufficient money in the legal overall budget without specifically assigning it, so that when the Board makes evaluations at a later time, it can then assign the money.

Selectman Potell stated that it was not necessary to provide anything for Town Counsel at the Special Town Meeting as his retainer had been arranged when he was hired on December 27, 1976 and he suggested that the Assistant to Town Counsel be provided with a 6% increase, as had the other individually-rated personnel, and that the balance of the request could be placed in the legal budget at the Annual Town Meeting.

After further discussion, it was on motion by Selectman Potell unanimously

VOTED: To accept the composite evaluation for Assistant to Town Counsel Thomas M. French, as prepared by the Executive Secretary, and to set his FY 1977 salary at \$9,010.

It was further

VOTED: To increase the Law Retainer line item in the 1977-78 FY budget by \$5,000 for the purpose of making a salary adjustment at a later time.

Selectman Potell asked that the Finance Committee be notified of the Board's latter action as soon as possible.

Mr. Thompson stated that he would notify that Committee on February 24, in writing.

Personnel Board Administration Plan and Salary Schedule - Maximum Figures for Individually-Rated Salaries

After discussion, it was on motion unanimously

VOTED: To present for inclusion in the Personnel Board Administration Plan and Salary article, the following recommended maximum figures for individually-

rated salaries:

Executive Secretary	\$28,000
Police Chief	24,000
Fire Chief	23,000
Town Engineer	23,000
Building Inspector	18,000
Town Accountant	20,000

Survey Salaries - South Middlesex News

Chairman Toomey announced that, whereas the Board had worked with the Department Heads to hold departmental budgets and cost-of-living increases to a minimum, the Board had felt obliged to gather the salary figures for the staffs of the Minuteman Regional Vocational Technical School District, the Lincoln-Sudbury Regional School District, and the Sudbury Schools so that the Town Meeting would be informed of the same.

Selectman Powers reported that the Board had been informed by Town Counsel that such information is public record and that its publication is permissible. Selectman Powers stated that the Board has obtained salary figures and would hope to have printed the names, positions, and the gross amount paid to each person in 1976 who was employed by the three school systems with which the Town is involved, as well as all employees of the Town of Sudbury.

Town Counsel Paul Kenny stated that he would like to make the Board aware that the publication of the above information might result in litigation based on invasion of privacy.

After further discussion, it was on motion by Selectman Potell unanimously

VOTED: To make available to the press on March 14, 1977 a list of all positions and the salaries paid therefor for all employees of the Minuteman Regional Vocational Technical School District, the Lincoln-Sudbury Regional High School District, the Sudbury Schools, and the Town of Sudbury.

It was further

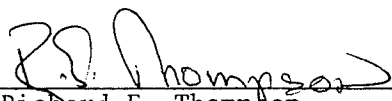
VOTED: To have available on March 14, 1977 a list of all employees' names in the categories listed above and whether or not each is from the Town of Sudbury, in the event that such a list is requested by anyone; and it was further

VOTED: To prepare a handout of the above information for distribution to the Townspeople and to be made available at the Annual Town Meeting.

It was estimated that there are 400 employees of the Regional High School, 400 employees of the Sudbury Schools and 125 employees of the Town of Sudbury.

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

VOTED: To adjourn the meeting at 10:00 p.m.

Attest: 
Richard E. Thompson
Executive Secretary-Clerk