

IN BOARD OF SELECTMEN
MONDAY, JUNE 27, 1977

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

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

Utility Petition #77-79

Present: Robert Blake of Boston Edison Company

In conformity with General Laws Chapter 166 §21 and 22, the Board considered the following petition:

UP#77-79 - Petition of Boston Edison Company and New England Telephone & Telegraph Company for

Hudson Road, at and southeasterly from Lee Anne Circle, a distance of about 8 feet - Conduit.

Executive Secretary Richard E. Thompson reported that all appropriate abutters and Town officials had been notified and that a report dated June 20, 1977 recommending approval had been received from the Wiring Inspector.

After a review of the plan, during which Mr. Blake explained that the work is necessary to provide electric service to Michael C. Moore & Sons, Hudson Road, Sudbury, it was on motion by Selectman Potell unanimously

VOTED: To approve UP#77-79 as described above and shown on a plan drawn by C.B. Damrell, dated April 20, 1977.

Fire Chief Josiah F. Frost -- Discussion -- Appointment

Present: Fire Chief Josiah F. Frost

The Board was meeting with Chief Frost to discuss items which have been of concern, generally a failing on the Chief's part to go through the proper channels in expediting departmental work or to properly inform the Board.

The Board questioned the Chief in regard to his attendance at School Committee meetings relative to the Massachusetts Fire Fighting Academy which is negotiating for the lease of the Horse Pond Road School.

Chief Frost replied that he had attended three meetings in the capacity of his position as a professional consultant to the Massachusetts Fire Fighting Academy. The first meeting was for the purpose of introducing Mr. Winslow, Massachusetts Fire Fighting Academy Administrative Assistant, to the School Committee and the following meetings were attended with Mr. Winslow.

The Chief stated in response to Selectman Toomey's query that he works approximately 18 hours per month as a consultant at \$10/hr. and works out of his home office evenings and on weekends.

The Board reviewed past concerns as follows:

- 1) Purchase of used Fire Alarm Truck without authorization of the Selectmen and prior to approval of Town Meeting.

Chairman Powers cited meetings in November of 1976 at which the disposition of the truck had been discussed by the Board. At the November 29, 1976 meeting of the Board it was voted to accept the Chief's recommendations and to keep the vehicle in operation until an article for purchase can be placed in a warrant for a Town Meeting with the provision that maintenance expense be kept to a minimum.

Executive Secretary Richard E. Thompson apprised the Board that since that time the purchase had been approved by Town Meeting, and payment of \$900 to the Town of Acton can proceed after July 1, 1977.

It was noted that the purchase of the vehicle enabled the Town to avoid rental of similar equipment, at a cost of approximately \$100 per day, for cable installation for which funds had been approved and were being expended by the Town.

Selectman Potell stated that the purchase itself was not an on-going concern, but that the manner in which it was executed was the concern. Selectman Toomey concurred.

- 2) Exchange of Town-owned property.

This inquiry resulted from an anonymous letter from a non-existent person.

It was on motion by Selectman Potell unanimously

VOTED: To declassify the Executive Session minutes of May 16, 1977 dealing with this matter.

Chairman Powers read the Chief's letter of April 29, 1977 which explained that a hose reel no longer in use, which had been stripped of all usable parts and was worth approximately \$182, had been accepted by Continental Fire Truck Company of Hopkinton in payment for materials, welding, building and installation of a hose tray. This disposition had been made in lieu of disposing of the reel at the dump.

Selectman Toomey stated his concern for the disregard of the Town Bylaws, citing Article XII, Section 1., and for the fact that the matter had not been pursued through the proper channels.

Chairman Powers noted that the Chief and the Board had resolved that negotiations involving anything over \$100 must be expedited through the proper channels in accordance with Article XII, Section 1.

The Chief stated that he intends to follow through with this commitment.

3) Classification Plan.

In 1976, the Chief, through approval by the Personnel Board and without Selectmen authorization, added two positions, Fire Alarm Maintenance and Master Mechanic (Fire Prevention Officer had the approval of the Selectmen), to the Classification Plan in the warrant for ATM77. These positions had to be stricken as the salary negotiations had not been completed.

Executive Secretary Richard E. Thompson stated that these positions have now been contracted and are in the agreement to be signed this evening with the Firefighters.

In response to an inquiry from Selectman Toomey regarding the loan of money to some of the Firefighters, Chief Frost stated that he had made personal loans to his two sons and to two Firefighters. Chief Frost stated further that these loans were not made in lieu of overtime and had no direct relation to the overtime budget.

4) Overtime proposal to hire one cover man to reduce overtime costs, a reversal of the Chief's previous position that it was less expensive to use off-duty Firefighters at overtime rates to cover vacancies caused by vacations, sick leave, etc.

Selectman Toomey remarked on his concern with the coincidental timing of the report with the forthcoming reinstatement of Mr. Dunne and the termination of his replacement. It was, however, noted that the Chief's report was submitted prior to the medical report on the fitness of Mr. Dunne for duty.

Chairman Powers stated that the reduction of overtime has always been a concern of the Board and that more than three years ago the Board had asked the Chief to do something about overtime. The question now revolves around which approach is best.

Chief Frost's memo of May 20, 1977 on overtime coverage was reviewed. The Chief had stated that the results of his re-survey indicated that the Fire Department has passed the position of using off-duty permanent Firefighters to cover such vacancies in an economical way, and that he wished to institute a twelve month pilot program, hiring one man whose salary would be covered by transfer of \$12,000 from the Overtime Account to the Salary Account, to see if this method would be a feasible one.

Selectman Toomey queried the Chief as to why he had done the survey and why the survey had not been done prior to Annual Town Meeting and submitted to the Finance Committee.

Chief Frost responded that the Executive Secretary had requested reevaluation of overtime and that he had not been asked to submit this second report until after Annual Town Meeting.

Selectman Toomey commented that salary arrangements should be made through the budget procedure, not by transfer.

Chairman Powers reminded the Board that the Transfer under discussion was between existing line items, and further stated that the Board had reviewed the Town Accountant's report of June 2, 1977, which had estimated costs of the two approaches to overtime coverage to be about the same, and had indicated a desire to discuss the matter with Labor Relations Counsel. It had been voted on June 6, 1977 not to approve the transfer at this time.

The Board reaffirmed its desire to meet with the Labor Relations Counsel before proceeding with a vote on this matter.

Selectman Toomey then queried the Chief regarding his recent out-of-state travel without specific Selectmen approval and his subsequent request for transfer to pay the expenses not covered by the sum remaining in the Out-of-State Travel Account, stating his opinion that the Chief should not have gone if there was not money available.

Executive Secretary Richard E. Thompson stated that the Chief had included this particular trip with his anticipated travel plans for 1976-77 which the Board had reviewed, some of which were disapproved by the Selectmen or later eliminated by the Chief. He further stated that it has not been the policy to get approval for a specific trip, only to require a separate vote for reimbursement by the Selectmen from the Out-of-State Travel Account. The request for transfer is being held pending Selectmen action.

The Chief stated that he had gone to the New England & New York Fire Chiefs Association 4-day seminar fully aware that there were not enough funds in the account to cover the total cost, and was willing to assume part of the cost personally, as he has done on other occasions, because of the worth of the workshops, lectures, and exhibits to him professionally.

There being no further discussion, it was on motion by Chairman Powers

VOTED: To appoint Josiah F. Frost as Fire Chief of the Town of Sudbury for a term to expire April 30, 1978. (Chairman Powers and Selectman Potell in favor; Selectman Toomey opposed)

Selectman Potell expressed his desire for assurances that the kinds of things which had led to this discussion would not occur again, to which the Chief replied that this is a fair request.

Chairman Powers then suggested that the Chief resign his consultant position during his term of office as Fire Chief, and that he would like the Chief's response after he has time to consider.

Chairman Powers, after congratulating the Chief, stated that the complaints regarding management of the Fire Department have not been concerned with whether the Chief has acted in the best interest of the Town, but with how the actions have been carried out and that good government requires responsible questions and answers by all parties.

116th Town Fathers Forum

At 8:15 p.m., Chairman John C. Powers convened the 116th Session of Town Fathers Forum, a summary of which is attached hereto.

Agreement Between the Town of Sudbury and Fire Fighters Association, Local 2023

Agreement having been reached between the International Association of Fire-Fighters, Local 2023, and the Town of Sudbury, the contract for the period July 1, 1976 to June 30, 1978 was signed by two members of the Local 2023 Negotiation Committee, George R. Abrahamson and David J. Boyd, and the members of the Board of Selectmen.

Minutes

Executive Secretary Richard E. Thompson stated that the section of the minutes of June 14, 1977 regarding Northern Farms Farmstand & Country Store had been held at the Selectman's meeting of June 20, 1977 so that the wording could be checked. The wording is in accordance with the record of the meeting and is resubmitted for approval.

It was on motion by Selectman Potell

VOTED: To accept the section of the minutes of the regular session of June 14, 1977 relative to Northern Farms Farmstand & Country Store. (Selectman Potell and Toomey in favor; Chairman Powers voting "Present" as he had not been in attendance at the June 14, 1977 meeting.)

And it was further on motion by Selectman Potell unanimously

VOTED: To accept the minutes of the Regular Session on June 20, 1977 as corrected.

Town of Sudbury Ambulance - Standard Operating Policy

Present: Fire Chief Josiah F. Frost, Police Chief Nicholas Lombardi

The question of approving Fire Department Order 77-91 "Standard Operating Policy for the Use of the Sudbury Fire Department Ambulance K/A Car A-6" dated March 10, 1977, as revised June 10, 1977, had been rescheduled from the June 20, 1977 meeting and was now before the Board.

Chairman Powers stated that a memorandum dated June 24, 1977 from the Executive Secretary proposed a further revision which the Board proceeded to review.

Executive Secretary Richard E. Thompson stated that the Fire Chief had discussed these revisions with the Police Chief and that they had been reviewed by Town Counsel; all had concurred with the revisions.

Agreement was reached on Section 2, explanation of abbreviations used, and Section 4 in relation to ambulance backup.

Selectman Potell stated he would still like Section 7 to specifically provide for the use of a Police EMT.

Selectman Toomey stated that he was still not satisfied with the expense, the stock rolling, and still had questions concerning the movement of vehicles.

Chief Frost responded, in an attempt to clarify the procedures, that when the ambulance is in service, the truck moves, but not the engine, the captain responds only if available.

Selectman Toomey requested that a record be kept of the vehicles moving in actual practice and inquired as to how many vehicles moved during the nineteen medical emergencies which had occurred during the past month.

The Chief replied that a minimum of two vehicles had moved during each emergency.

Selectman Toomey stated that he would agree on Section 7 only on a trial basis.

Section 8, with which there had been disagreement previously, would now be deleted as the provision is covered under Section 4 of the proposed revision. The Selectmen concurred.

Section 13 was deleted with the understanding that a police cruiser will continue to respond to all medical emergency calls. Mr. Thompson stated that all emergency medical service calls will not require Class I ambulance transportation, citing the guidelines for making such decisions currently under development by a Statewide Physicians Committee under the auspices of the Massachusetts Department of Health, OEMS.

Chief Lombardi stated in regard to Section 10 of the Chief's Order that the provision for the senior EMT at the scene to be in charge was in conflict with the Police Department by statute and practice. All were in agreement.

Chief Frost suggested that the wording be changed to the senior EMT at the scene will be in charge "of the medical emergencies...", which was agreeable to all concerned.

There being no further discussion, it was on motion by Selectman Toomey unanimously

VOTED: To accept the temporary regulations known as Fire Department Order #77-91, "Standard Operating Policy for the Use of the Sudbury Fire Department Ambulance K/A Car A-6", dated June 10, 1977, as revised, to be reviewed after a three (3) month trial period.

Fees for Ambulance Services

Executive Secretary Richard E. Thompson reported that a survey of charges for ambulance service in surrounding towns had been completed, and the average charge was reported to be \$28.

Mr. Thompson stated that Town Meeting had expressed no objections to the Town charging for the service and recommended that the Town charge \$30 on a three-month trial basis. It was noted that the Town Accountant had based his analysis of costs at \$40.

There being no further discussion, it was on motion by Selectman Potell unanimously

VOTED: To set the fee for ambulance service in the Town of Sudbury at \$30; to be reviewed after a three (3) month trial period.

Tax Possession Auction

Executive Secretary Richard E. Thompson stated that the Board was in receipt of a memorandum dated June 20, 1977 from Assistant Town Counsel Thomas M. French recommending that seven tax possession parcels be sold at public auction, and requesting that the Board set the auction date for August 6, 1977, which would allow time for notification requirements. All deeds will be prepared beforehand.

It was on motion by Selectman Toomey unanimously

VOTED: To appoint Town Counsel Paul L. Kenny and Assistant Town Counsel Thomas M. French as auctioneers for the sale on August 6, 1977 at no charge.

And it was further, on the recommendation of the Executive Secretary, on motion by Selectman Potell unanimously

VOTED: That the date be set for public auction for Tax Possession Parcels 49, 70, 71, 127, 138, 141, and 146 in accordance with Assistant Town Counsel's memo of June 20, 1977, for Saturday, August 6, 1977, at 11 a.m. in the lower Town Hall.

CETA Work Program - Parks, Conservation and Public Ways Project

Chairman Powers reported that a memorandum had been received from the Executive Secretary, Richard E. Thompson, dated June 20, 1977 recommending that, upon completion of contract negotiations, a committee, consisting of the Executive Secretary as Chairman, Town Accountant, Chairman of the Land Management Committee of the Conservation Commission, Town Engineer, Highway Surveyor, and Maintenance Foreman, Park and Recreation, be formed to develop definitive written plans for carrying out the CETA Parks, Conservation and Public Ways project and to coordinate all activities under the \$156,000 grant.

Selectman Potell suggested that the Town Accountant not be included because of his CETA Board position. The Board concurred.

Mr. Thompson responded to a query from Selectman Toomey regarding management of personnel, that the application calls for a general supervisor, and a working foreman in each of the three five-man crews.

It was on motion by Selectman Toomey unanimously

VOTED: To appoint the following persons to the committee to be known as "CETA Planning & Development Group" for the aforementioned purpose: Richard E. Thompson, Executive Secretary; Lynne Remington, Chairman of the Land Management Committee of the Conservation Commission; James Merloni, Town Engineer; Robert Noyes, Highway Surveyor; Jack Braim, Maintenance Foreman, Park and Recreation.

Transfer of Funds - Goodnow Library Fund

It was on motion by Selectman Toomey unanimously

VOTED: That the Board, under the provisions of Chapter 180 of the Acts of 1911, sitting as co-trustees of Town donations, transfer from the Goodnow Library Fund interest account the sum of \$5,000 into the Goodnow Library Fund account to increase the principal sum of the Goodnow Library Trust Fund, subject to the concurrence of the Town Treasurer, as co-trustee.

Authorized Use of Sand Hill Site for Sanitary Landfill

Present: Robert A. Noyes, Highway Surveyor

Executive Secretary Richard E. Thompson stated that an authorization for use of the Sand Hill site for the operation of a sanitary landfill, source of gravel and sand for road construction and road sanding, brush and stump disposal, and the

Wayland/Sudbury septage disposal facility, must be made on a yearly basis. Highway Surveyor Robert Noyes has submitted a report for fiscal 1977 and projections for 1977-78 together with a plan for the 1976-77 use of the land.

Mr. Noyes explained that the plan shows the filling for next year and the present excavation toward the Waters site. Mr. Noyes also stated that they are proceeding to fill the pond with clean fill, in accordance with the Conservation Commission Order of Conditions, which will culminate in more usable area; that the scrap metal bin has been relocated and made more accessible; that an addition has been added to the relocated equipment shelter to house a front end loader; that a new cell had been excavated; that a personnel shelter has been installed; and that recyclables have returned approximately \$4,100 to the Town.

Responding to a query by Selectman Toomey regarding complaints concerning the appearance of the personnel shelter area, Mr. Noyes stated that he is working with P.R.I.D.E. in a tree planting effort toward concealment, and might also use green tape woven through the fence.

In answer to a question regarding the status of the Town of Wayland's search for a location into their new landfill, it was noted by Chairman Powers that, although the status was unknown, the Board of Selectmen would have to approve of any route using Town of Sudbury ways.

Since the area of the Sand Hill site designated as a portion of the Wayland/Sudbury Septage Disposal Facility site has not been delineated at this time, it was the concurrence of the Board to delete this use authorization from the vote.

There being no further discussion, it was on motion unanimously

VOTED: To authorize the Highway Surveyor to use the Sand Hill site situated on the northerly side of the Boston Post Road for operation of a sanitary landfill, as a source of gravel for road construction and sand for road sanding, and for brush and stump disposal, subject to Board of Health approval, in accordance with the plan entitled "Sanitary Landfill Plan Existing Site as of October 8, 1976" dated December 14, 1976, by the Town of Sudbury Engineering Department, with the notation thereon by the Highway Surveyor of landfill operations over the past year and location of cell dumping area for the current year. This authorization shall be subject to renewal on or before July 1, 1978.

All parties understand that the original authorization for use of the Sand Hill Sanitary Landfill site is subject to the assignment of the area for such use by the Board of Health under General Laws Ch. 111, s. 150A.

Confirmation of Appointment of Louis Abbondanzio, Jr. as Permanent Full-time Patrolman

Present: Police Chief Nicholas Lombardi

Executive Secretary Richard E. Thompson stated that he has been in communication with the Division of Personnel Administration (Civil Service) relative to recertification of Louis Abbondanzio, Jr. as a permanent full-time Patrolman back to July 20, 1975. Patrolman Abbondanzio's original authorization for employment was approved by the Division of Civil Service on June 26, 1975 as a Reserve Police Officer, from which position he was hired on July 20, 1975 as a Full-time Patrolman in accordance with procedures outlined by the Division of Civil Service.

With the concurrence of the Police Chief, the Board of Selectmen on motion by Selectman Toomey unanimously

VOTED: To confirm the appointment of Louis Abbondanzio, Jr. as a permanent full-time Patrolman in the Sudbury Police Department commencing July 20, 1975, subject to the approval of the Division of Personnel Administration and the Sudbury Personnel Board, and to authorize the Executive Secretary to sign all necessary documents related to the same.

Mr. Thompson reported that the legislation relative to Special Police had been reported out of the joint Public Service Committee favorably and was in the process of review by Senator Atkins' office.

Reinstatement of Firefighter Michael Dunne

Present: Michael Dunne, Fire Chief Josiah F. Frost

Executive Secretary Richard E. Thompson stated in review that the Board had postponed affirmative action on reinstatement of Michael Dunne as a permanent full-time Firefighter until a medical examination and report of same had been completed by a physician of the Board's choice. Mr. Dunne had requested reassignment on June 6, 1977 on the basis of his own physician's permission to return to full-time work without any restrictions.

Mr. Thompson further stated that the Board was in receipt of the report, dated June 23, 1977, and received June 27, 1977, of the physical examination of Mr. Dunne completed by William Wiener, M.D., Neurological Services, Inc., in which Dr. Wiener concludes, "From a functional point of view, I would feel comfortable in stating that he (Mr. Dunne) should be allowed to return to work as a firefighter with no restrictions on his job."

Chief Frost stated that his recommendation for reinstatement on July 1, 1977, if all conditions of health are met, stands.

On the recommendation of the Executive Secretary, it was on motion by Selectman Potell unanimously

VOTED: That Chief Frost reinstate Michael Dunne as of July 1, 1977, in accordance with the agreement signed by the Board dated May 10, 1976 and the subsequent extension of the agreement to July 1, 1977, at the rank of permanent full-time Firefighter with all eligible accrued benefits and subject to the approval of the Fire Chief and the Personnel Board, both being parties to the aforementioned agreement dated May 10, 1976.

Appointment - Board of Appeals Alternates

The Board rescheduled the consideration of the appointment of an Alternate to the Board of Appeals to July 11, 1977 so that it may have an opportunity to meet with the candidate, David G. Berry.

Appointments - Town Report Preparation Committee and Sign Review Board

It was on motion by Selectman Potell unanimously

VOTED: To appoint Robert J. Westcott Jr., 33 Victoria Road, and D. Nadine Wallack, 455 Peakham Road, to the Town Report Preparation Committee for a one year term to expire April 30, 1978.

And it was further, on the unanimous recommendation of the Sign Review Board's remaining members, on motion by Selectman Toomey unanimously

VOTED: To appoint Barbara F. Pryor, 62 New Bridge Road, to the Sign Review Board to fill the unexpired term of Dr. Stanley Barron who resigned, which term shall expire April 30, 1978.

Dog Control

Executive Secretary Richard E. Thompson stated that a communication had been received from Dog Officer Francis E. White, dated June 22, 1977, stating the dog control procedure as of July 1, 1977 and stating that Mrs. DeWallace has agreed to work on a part-time basis and will be paid at an hourly rate consistent to what she is presently receiving. The Board was in agreement.

Out-of-State Travel Account - Fire Chief

It was on motion by Selectman Potell unanimously

VOTED: To expend the sum of \$92.36 remaining in the 501-71 Out-of-State Travel Account to reimburse Josiah F. Frost for his expenses in connection with the New England & New York Fire Chiefs Association meeting in New York, June 19-22.

The Board was in agreement not to authorize submission to the Finance Committee of the Chief's request for transfer for the remaining expenses.

Executive Session

At 10:00 p.m. Chairman Powers moved that the Board enter Executive Session for the purpose of discussing transactions in real property where open discussion may have a detrimental effect on such transactions.

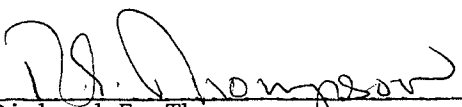
After a unanimous roll call, it was

VOTED: To enter into Executive Session for the above stated purpose.

Chairman Powers announced that the public meeting would not reconvene after the Executive Session.

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

VOTED: To adjourn the meeting at 10:30 p.m.

Attest: 
Richard E. Thompson
Executive Secretary-Clerk