

IN BOARD OF SELECTMEN
MONDAY, DECEMBER 17, 1979

Present: Chairman Robert J. Hotch, William J. Cossart and John E. Murray.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:00 P.M. by Chairman Robert J. Hotch.

Revocation of Automatic Amusement Device License (Blackjack Game)

Following a brief discussion, it was on motion by Selectman Murray unanimously VOTED: To rescind the Board of Selectmen's previous votes of February 5, 1979, and February 20, 1979, to approve licenses for the operation of an Automatic Amusement Device at J.T.'s Steak House, 120 Boston Post Road, and at Ephraim's of Sudbury, 8 Village Green, respectively, weekdays - Monday through Saturday - from 11:00 a.m. to 12 midnight, to expire December 31, 1979;

and it was further

VOTED: To rescind the Board of Selectmen's previous vote of November 19, 1979, to renew annual licenses for the operation of an Automatic Amusement Device at J.T.'s Steak House and at Ephraim's of Sudbury, for the reason that this device has not been approved by the State.

Questionnaire on Final 208 Areawide Waste Treatment Management Plan/Environmental Impact Statement for Metropolitan Boston Area

Responses by the Board of Health and the Conservation Commission to the Metropolitan Area Planning Council furnishing Sudbury's comments on the Final 208 Areawide Waste Treatment Management Plan/Environmental Impact Statement for the Metropolitan Boston Area will be reviewed by the Board and addressed at the Board's next meeting on January 2, 1980.

Transfer Request - Deputy Inspector

Following a brief discussion it was on motion by Selectman Murray unanimously

VOTED: To approve a Request for Transfer, dated December 17, 1979, from the Reserve Fund to Account 340-14, Deputy Inspector, in the amount of \$4,175 for the following purposes:

- to pay the Deputy Building Inspector during the months of January and February, 1980, part-time, 20 hours per week, 9 weeks at \$175/week (based on yearly part-time salary of \$9,100); and
- to pay the Deputy Wiring Inspector for the remaining six months in Fiscal Year 1980 (January 1-June 30, 1980), \$10 per hour, 10 hours per week, 26 weeks.

The Board directed the Executive Secretary to schedule interviews for the position of Building Inspector beginning January 5, 1980.

Payroll Direct Deposit Survey

As a result of a request dated November 8, 1979, from eight Town employees requesting direct payroll deposit, a survey was conducted of all Town departments,

at the request of the Selectmen at their November 19, 1979 meeting. Mr. Thompson referenced a communication from the Town Accountant dated December 17, 1979, informing the Board of estimated costs (\$10,000) for hardware and software alternatives. Based on the cost involved in developing this new program, the Town Accountant recommended that the Selectmen deny the request for direct payroll deposit. The Board requested the Executive Secretary to update the survey, in view of the fact that the school had not responded yet, following which the Board would further consider the possibility of direct payroll deposit.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular Session of December 10, 1979, as amended and the Executive Session minutes of December 10, 1979, as drafted.

Temporary Signs - Sudbury Energy Conservation Campaign

Present: Maureen Tarrant and Marie Finamore.

The Board reviewed a request dated December 14, 1979, from Maureen Tarrant for permission to install temporary signs for a Sudbury Energy Conservation campaign during the month of January.

Executive Secretary Richard E. Thompson explained that a local group has planned to notify the public of the necessity to conserve energy and in doing so is asking the Board's permission to place temporary signs on certain Town property in the following three locations: the Town Centre, the intersection of Landham Road and Route 20, and the intersection of Pantry Road and Route 117. Mr. Thompson pointed out the latter two would require State approval, but suggested using town property at the North and South Fire Stations.

Mr. Thompson called the Board's attention to the Selectmen's Policies and Procedures relative to "Advertising and Directional Signs Policy", which prohibits the placement of signs of an advertising nature on all Town property and Town ways.

Mr. Thompson also called the Board's attention to a Boston Sunday Globe article dated January 31, 1971, reporting that a petition signed by 257 townspeople encouraged the Selectmen to ban all signs and advertising devices from the Common at that time.

Mrs. Tarrant responded to the Selectmen that the size of the signs would be 4'X8' for the Common area and 2'X4' for the other areas.

Mr. Thompson stated that the Town Centre is within the jurisdiction of the Historic Districts Commission and a sign placed there would also need HDC approval, as well as approval from the Sign Review Board for all three locations. He later stated that the signs will also need approval by the Safety Officer in relation to visibility of traffic in each location.

Mrs. Tarrant stated that the Sign Review Board has already given their permission for the three signs. She further stated that it was her understanding that the United Fund uses the Town Centre location.

Selectman Cossart stated that they have not been allowed to use this location the last few years. Selectman Hotch asked if anyone has had permission to use the Town Centre location recently. Selectman Murry responded that on the Fourth of July a temporary sign has been allowed in the morning for the bake sale.

Mrs. Tarrant responded to Selectman Hotch that they had planned to keep the signs up for the month of January only. She went on to say that the Department of Energy has supported them through a respectable appropriation and said that she hoped the Selectmen, too, would help them, and in so doing, would hope that other towns in the area would follow suit.

Mr. Thompson offered his assistance in the group's application to the Historic Districts Commission.

The Selectmen agreed that the matter is of significant importance, and, therefore, they were willing to make an exception for the placement of a sign in the Town Centre.

Following further discussion it was on motion unanimously

VOTED: To approve a request dated December 14, 1979, from Maureen Tarrant for permission to place a temporary sign for a Sudbury Energy Conservation Campaign, due to the seriousness of the subject matter, during the month of January in the following locations: on the Town Common, subject to the Historic Districts Commission approval; and on other Town properties with the concurrence of the responsible town officials having charge of said property and approval of Safety Officer as to location.

Bylaw Amendment Article - Cluster Development Provision

Executive Secretary Richard E. Thompson called the Board's attention to a bylaw amendment article entitled Cluster Development Provision submitted by the Planning Board on December 14, 1979, and pointed out that the deadline for receiving non-monied articles was December 3. Mr. Thompson stated that he had spoken to Mr. Cutting of the Planning Board who said that if the Board did not accept the article that he would pursue submitting it as a petition article. It was a consensus of the Board that the article should be submitted by petition since it was beyond the bylaw deadline; however, the warrant would indicate that it was a Planning Board article; i.e. "Submitted by Petition (Planning Board)".

Approving and Signing Articles for Submission in the 1980 Warrant

In the process of considering articles the Selectmen would sponsor for the 1980 Annual Town Meeting, the Board concurred that any article accepted now for inclusion in the Warrant could be deleted later. Four articles accepted as bookmark articles were: 1) Police Facility, 2) Police Station Land Acquisition, 3) Water Testing Program, and 4) Town Audit.

The article "Unemployment Compensation" was accepted subject to further information from the Executive Secretary.

The articles: "Police Facility" and "Police Station Land Acquisition" were accepted subject to concurrence by the Permanent Building Committee

Selectman Cossart brought the Board up-to-date on the following articles:

- Appropriation for Water Testing Program. Selectman Cossart stated that the Water District may handle the appropriation for water testing under its own warrant using water revenues, in which case the Selectmen would withdraw the article.

- Mosquito Control. Selectman Cossart stated that the Mosquito Control Study Committee and the Conservation Commission support the Board of Health's \$16,500 Mosquito Control Program. The Mosquito Control Study Commission will issue a detailed paper on their mosquito control program prior to Town Meeting.

Town Counsel was directed to draw up a new article for performing an audit of the Town's Fiscal Year 1980 financial records using the balance of money in the 1979 Annual Town Meeting Town Audit Account.

Following a review of the plans for the proposed layout of Dutton Road in two areas - the Women's Federation location and the Sudbury Laboratories location - the Selectmen suggested there were further ramifications on the layout in the Sudbury Laboratories location and directed the Executive Secretary to point out their concerns to the Town Engineer.

Following further discussion, It was on motion unanimously

VOTED: To accept the following articles, to be submitted by the Board of Selectmen under the December 31st deadline for the 1980 Annual Town Meeting Warrant:

- Hear Reports
- Temporary Borrowing
- Levy Limit
- Appropriations Limit
- Use of Free Cash
- Unemployment Compensation
- Flynn Building Grounds Improvements
- Police Station - Land Acquisition
- Police Facility
- Dutton Road Relocation - Women's Federation Area
- Town Audit - Fiscal Year 1980
- Special Act - Civil Service, Police
- Special Act - Civil Service, Plumbing, Gas, Sealer

Annual Land Management Reports - Conservation Commission and Park and Recreation Commission

Present: H. Rebecca Ritchie and Richard O. Bell, Conservation Commission; Robert J. Myers, Jr., Park and Recreation Commission.

The Board reviewed the annual reports on land management as follows:

- from the Conservation Commission, dated December 11, 1979, relative to Raymond Land;
- from the Conservation Commission, dated December 11, 1979, relative to the Parkinson Land;
- from the Park and Recreation Commission relative to Feely Park;
- from the Park and Recreation Commission relative to Heritage Park; and
- from the Park and Recreation Commission relative to Haskell Land.

During discussion the Board requested the Executive Secretary to send a

letter, on its behalf, to the Park and Recreation Commission relative to increasing their budget for the basketball program. Also, on the recommendation of Chairman Hotch, the Executive Secretary was requested to send a letter to John B. Braim, Maintenance Foreman of the Park and Recreation Commission, commending him for the maintenance of Feeley Park, Heritage Park and the Haskell Land.

Following further discussion it was on motion by Selectman Murray unanimously

VOTED: To accept the above-listed annual reports of land management, as printed.

Draft Report of U.S. Fish and Wildlife Service - Great Meadows National Wildlife Refuge

Present: Rebecca Ritchie and Richard O. Bell, Conservation Commission.

The Board reviewed a communication with Rebecca Ritchie of the Conservation Commission relative to responding to a draft report of the Department of the Interior, U.S. Fish and Wildlife Service, entitled, "Environmental Assessment, Proposed Additions to Great Meadows National Wildlife Refuge", dated October, 1979.

Executive Secretary Richard E. Thompson referenced a letter dated December 12, 1979, from the Chairman of the Concord Board fo Selectmen responding to the Department of Interior, Fish and Wildlife Service, on the same matter.

Ms. Ritchie stated that the U.S. Fish and Wildlife Service is more interested in additional protection of Federal properties rather than land acquisition, although there is a section in the draft report (page 3, alternatives) dealing directly with land acquisition. Ms. Ritchie suggested that we could look into a maintenance/management agreement between the Town and the U.S. Fish and Wildlife Service, and noted that the U.S. Fish and Wildlife Service Service has had increased interest in the security of Lincoln Meadows since acquiring abutting Elbanobscot land. Ms. Ritchie stated that brush fires and vandalism have been a constant source of worry for both the Conservation Commission, since Lincoln Meadows is under its jurisdiction, and the Sudbury Valley Trustees, owners of Round Hill.

Ms. Ritchie expressed some interest in a possible management agreement for Lincoln Meadows and/or Round Hill between the Conservation Commission/Town and the U.S. Fish and Wildlife Service, But Mr. Thompson pointed out that the Town has binding contracts on both State and Federal levels on use of properties purchased with BOR or Self Help funds. Selectman Cossart asked what the Selectmen could do to help.

Ms. Ritchie encouraged the Selectmen to comment on the draft report to the regional office of the U.S. Fish and Wildlife Service, as suggested by Sally Newbury of the Sudbury Valley Trustees, and a member of the Great Meadows National Wildlife Refuge, both of whom she had spoken to.

Both Selectmen Hotch and Murray suggested responding jointly with the Conservation Commission.

Ms. Ritchie said that she would try to bring this matter to the attention of the entire Commission as soon as possible, and report their comments/recommendations back to the Board, especially concerning a management program/agreement for better policing of the property, preservation and enhancement of wildlife habitat.

Current Items of Interest

Extending Serving Hours on New Year's Eve

It was on motion by Chairman Hotch unanimously

VOTED: To grant permission to extend the serving hours on December 31, 1979, New Year's Eve, to 2:00 a.m. on January 1, 1980, to all holders of alcoholic beverages pouring licenses in Sudbury.

Petition Article - American Legion and Dingley Parcels Rezoned

Executive Secretary Richard E. Thompson informed the Board that Alphonse Briand, Esq., attorney for the American Legion, has informed the office that a petition article will be submitted for the Annual Town Meeting relative to rezoning the American Legion and Dingley parcels to Business (now Residential).

Juror Listing for 1980 Town Report

It was on motion by Selectman Murray unamously

VOTED: To make available to the public the names, (address, sex and occupation) which make up the juror list for 1979, but not to print the same in the 1979 Town Report as in the past, under the new law.

Department of Public Utilities Case #18153

The Executive Secretary informed the Board that the Department of Public Utilities approved an extension of the appeals period, filed by Town Counsel following the Board's decision on December 10, 1979.

Mr. Thompson distributed to the press copies of the petition Town Counsel filed December 14, 1979, for extension of appeal time and reconsideration relative to the decision rendered in the Department of Public Utilities Case #18153.

Monday Holidays - December 24th and 31st

Following a brief discussion the Board concurred that the Town offices would remain open and operate a skeleton crew on both December 24th and 31st.

Sign Erected at Village Green - Ephraim's Restaurant

The Board questioned the authority of Ephraim's Restaurant to erect a sign at the Village Green and directed the Executive Secretary to find out if the Sign Review Board authorized the same and if the Building Department issued a building permit for the sign.

Appointment - Sealer of Weights and Measures

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

VOTED: To appoint Harold L. Lingley, 41 Warren Avenue, Weston, as Temporary Sealer of Weights and Measures.

Chairman Hotch recessed the meeting at 8:55 p.m., the meeting was called back to order at 9:05 p.m.

Grievance, International Brotherhood of Police Officers, Local 315 - Officer Daniel Fitzgerald

Present: John A. Longo, President of Local 315; and Officer Daniel Fitzgerald.

A grievance was submitted by John A. Longo, President of Local 315, International Brotherhood of Police Officers, on behalf of Officer Daniel Fitzgerald, dated December 7, 1979, relative to Article XXII, Injury in Line of Duty, as it pertains to Sick Leave, in accordance with Article VIII, Step 4, of the grievance procedure of the contract agreement.

Executive Secretary Richard E. Thompson referenced a communication dated December 17, 1979, from Police Chief Nicholas Lombardi suggesting that Officer Fitzgerald provide medical evidence to substantiate his claim. Mr. Thompson further referenced a communication dated November 28, 1979, from the Personnel Board denying the grievance of Officer Fitzgerald, dated November 16, 1979, for lack of sufficient medical evidence.

Mr. Longo showed the Board a letter dated December 14, 1979, from Dr. Hurwitz relative to Officer Fitzgerald's back problems. Mr. Thompson asked him to submit a copy of the letter to the Board following tonight's hearing. Mr. Longo stated that Officer Fitzgerald was injured in the line of duty November 5, 1969, and is still suffering repercussions and loss of work. Recently Officer Fitzgerald was charged twelve days sick leave for a recurrence of that injury and Local feels that this is in violation of the contract agreement. Mr. Longo referenced the similar case of Officer Vincent Patruno. Town Counsel and the Selectmen agreed, after some discussion, that although the two cases may be similar they are still two different cases.

Officer Fitzgerald explained that he had been injured in the line of duty while directing traffic he was struck by a car. He had been treated, at the time, by Dr. John D. Nicholson, The Town Physician, who referred Officer Fitzgerald to Dr. Hurwitz, an Orthopedic Surgeon.

The Board concurred that it would be necessary to link Officer Fitzgerald's past injury with his present back problems before the Board could make a determination on this grievance since no record is available tonight relative to treatment by Dr. John D. Nicholson proving continuity of treatment resulting from the injury in question. Following further discussion it was agreed to take this matter under advisement until January 7, 1980 on the basis that that the evidence of Officer Fitzgerald's past and present back problems was not conclusive, and the Executive Secretary was directed to contact Dr. Nicholson relative to a medical report from him on Officer Fitzgerald's injury.

Executive Session

At 9:05 P.M. it was on motion by roll call

VOTED: To enter into Executive Session to discuss strategy for collective bargaining where open discussion of the same may have a detrimental effect.

(Chairman Hotch in favor; Selectman Cossart in favor; and Selectman Murry in favor.)

Chairman Hotch announced that Public Session would not reconvene following the Executive Session.

There being no further business to come before the Board the meeting was adjourned at 10:00 P.M.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk