

IN BOARD OF SELECTMEN
MONDAY, FEBRUARY 5, 1979

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

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

Non-binding Public Opinion Advisory Question for Annual Town Election Ballot -
Landham Road

Present: J. Eric Johnson, Petitioner; Mr. and Mrs. Harold R. Cutler and Mr. and Mrs. George W. Gibson, abutters.

Executive Secretary Richard E. Thompson stated that the Board received a letter dated January 24, 1979, from J. Eric Johnson requesting that the Board of Selectmen take a definitive vote on the citizens' petition to have a Non-binding Public Opinion Advisory Question put on the next Annual Town Election ballot dealing with Landham Road.

Petitioner J. Eric Johnson urged the Selectmen to allow the non-binding petition question to be placed on the 1979 Annual Town Election Ballot for the purpose of obtaining a broader feeling from the Townspeople on the issue of reconsidering the reconstruction of Landham Road at a width of thirty feet. Referring to 1979 Annual Town Meeting Warrant Article to rescind the previous Town Meeting vote to construct Landham Road at 24 feet, Mr. Johnson said that it is the citizens' right by State statute to so petition.

Mrs. Harold R. Cutler said that the State law allows petitioners the right to petition with ten signatures only upon concurrence by the Board of Selectmen to approve said petition.

Selectman William J. Cossart said that the issue has provoked a lot of enthusiasm, and that he received twenty telephone calls, eighteen of which were in favor of the petition being placed on the ballot. Selectman Cossart stated that after many lengthy telephone conversations, he concluded that the proponents of accepting the petition feel that the petition should be placed on the ballot automatically. However, it was his opinion that in making a conscientious decision the Selectmen must take into consideration the direction of the previous Town Meeting; that the Selectmen's acceptance of the petition shows a form of reconsideration, which he strongly disagreed with. Therefore, Selectman Cossart stated his opinion that the petition should not be accepted by the Selectmen, and that if the vote to reconstruct Landham Road at 24' is rescinded, it should be by the Town's decree at Annual Town Meeting (by 1979 Annual Town Warrant Article), and not the result of a parliamentary procedure of a three-man Board.

Selectman Robert J. Hotch stated that his viewpoint remains the same - that unless new circumstances are presented indicating reason for reconsideration of the reconstructed width of Landham Road, he would not support the petition, although

he is sensitive to the petitioners' right to petition. Selectman Hotch added that the statute was written to allow some discretion and latitude by the Board in accepting a petition with only ten signatures.

Chairman John E. Murray stressed his belief in the right to petition, and considered this petition to be only a non-binding public opinion question. Selectman Murray further stated that the Selectmen are presently continuing in the direction of the previous Town Meeting vote to reconstruct Landham Road at a width of twenty-four feet.

Following further discussion it was on motion by Selectman Robert J. Hotch, VOTED: To disapprove the citizens' petition to have a non-binding Public Opinion Advisory Question put on the next Annual Town Election Ballot dealing with Landham Road, in accordance with General Laws, Chapter 53, Section 18A.

(Selectmen Hotch and Cossart in favor; Selectman Murray opposed.)

Boston Edison Company's Concerns regarding "Scenic Roads"

Present: Lynne H. Remington, Chairman, and Joan C. Irish, Conservation Commission.

The Board discussed a letter dated January 30, 1979, from District Manager of Boston Edison Company Frederick A. Roth expressing his concerns dealing with required public hearings in order for Boston Edison to trim trees on roads designated by the Town as Scenic Roads under G.L. Chapter 40, section 15C and Scenic Roads Bylaw, Art. VIII (B).

Mr. Thompson referenced Town Counsel's recent correspondence dated February 2, 1979, responding to Mr. Roth's concern, indicating that in emergency situations (where there was danger to people traveling on the roads) the trimming of trees would be allowed without a public hearing, which supplemented a previous opinion dated January 22, 1979, addressed to the Conservation Commission.

Mr. Thompson recommended forwarding a copy of Town Counsel's response dated February 2, 1979, to Mr. Roth; he said that a copy has already been sent to the Conservation Commission.

Mrs. Irish suggested sending Mr. Roth a copy of the "Scenic Road" bylaw as well.

The Board directed the Executive Secretary to send a copy of the "Scenic Road" bylaw and a copy of Town Counsel's letter of February 2, 1979, to Frederick A. Roth, District Manager of Boston Edison Company, advising him that he should contact Town Counsel if he has any further questions.

Energy Conservation Information from County Commissioners

The Executive Secretary brought to the Board's attention a communication dated January 23, 1979, from the Chairman of the Board of County Commissioners, urging that the Board put into effect and disseminate information on energy conservation in light of Iranian oil cutbacks.

Mr. Thompson informed the Board that a couple of years ago when the energy crisis came upon us, through conservation the Town was able to save 1,300 - 1,700 gallons of fuel, and indicated that Building Inspector/Zoning Enforcement Agent Francis E. White has requested that the need for energy conservation be publicized once again. Mr. Thompson recommended sending a letter to this effect to all Town departments, including the schools. The Board was in agreement.

Hunting in the Town of Sudbury

Present: Lynne H. Remington, Chairman, and Joan C. Irish, Conservation Commission.

The Board acknowledged receipt of the following communications: 1) from the Conservation Commission, dated January 29, 1979, announcing a meeting dealing with policies and procedures of issuing hunting permits; and 2) from the Police Chief, dated January 31, 1979, concerning allowing no hunting in the Town of Sudbury.

Executive Secretary Richard E. Thompson stated that the Conservation Commission indicated in their letter that they will be holding a meeting on March 28 to re-evaluate their policies to permit hunting on two parcels of conservation land; and that the Police Chief is in favor of banning hunting totally in the Town. Mr. Thompson recommended forwarding a copy of the Police Chief's communication to the Conservation Commission. The Board concurred.

Selectman William J. Cossart stated his concurrence with the Police Chief's position and his comment that it will not be a hardship for hunters to go elsewhere to hunt.

Lincoln-Sudbury Regional High School Executive Internship Program

Selectman Robert J. Hotch explained that the Lincoln-Sudbury Regional High School Executive Internship Program is an alternate credit program to attending classes at the High School given to individuals who request and meet the requirements of the program. Selectman Hotch said that it is open to juniors and seniors, and that there have been many openings throughout Boston and in this area for students.

On the recommendation of Selectman Hotch, the Board agreed to participate in the Lincoln-Sudbury Regional High School Executive Internship Program.

The Board directed the Executive Secretary to coordinate with the Lincoln-Sudbury Regional High School work proposals in connection with the Selectmen's office for the Board's consideration, in order that students will be able to participate in the program through this office.

Liaison Assignments for the Board

It was on motion by Selectman Robert J. Hotch unanimously

VOTED: To approve the 1979 liaison assignments for the Board, as printed; and to direct the Executive Secretary to forward a separate cover letter with assignments to each board, signed by each individual Selectman, as liaison to that Board, requesting that the Selectman/liaison receive copies of their minutes.

Clerical Classification and Salary Plan

Present: John H. Wilson, Town Accountant; Daniel P. McLean, Chairman, Lawrence Faye and Alan P. Carpenter, Personnel Board; Betsey M. Powers, Town Clerk; Robert A. Noyes, Highway Surveyor; William W. Cooper, Chairman, Board of Health; Lynne H. Remington, Chairman, and Joan C. Irish, Conservation Commission; Isabelle K. Stone, Collector of Taxes; Loretta Bigelow, Assistant Town Treasurer.

Chairman John E. Murray stated that the purpose of tonight's joint meeting is to work out a consensus on the new structuring of the Classification and Salary Plan for clerical personnel, dealing specifically with Mr. Wilson's proposed grid and the Personnel Board's option #3. Chairman Murray further stated that following discussion with the Personnel Board, the Board of Selectmen and the Personnel Board would entertain questions from department heads and other officials invited to attend.

Executive Secretary Richard E. Thompson brought to the Board's attention and distributed copies of the minutes of the Personnel Board's meeting of January 31st, received in the office of the Board of Selectmen today. Mr. Thompson informed the Board that he and Mr. John H. Wilson met with the Personnel Board on January 31st to present the proposed salary grid, prepared by Mr. Wilson, which had been approved by the Selectmen, and transmitted to the Personnel Board. Mr. Thompson pointed out, from the January 31st meeting, the fact that the Personnel Board agreed that "their position on their proposed Salary and Classification Plan remains the same pending the meeting with the Board of Selectmen".

Mr. Lawrence Faye of the Personnel Board stated that one of the original concerns dealing with a new classification plan was to develop comparable salaries between Town Employees and the school clerical personnel. Mr. Faye said that the local Schools have expressed willingness to conform to whatever plan is adopted by the Town.

Chairman Murray expressed his concern that when "plugging" people into the Personnel Board's schedule, it is obvious that certain employees will not receive increases; in some cases, it appears that certain employees are downgraded, causing much consternation to some department heads and elected officials. Chairman Murray suggested that these situations should be isolated and addressed individually.

Chairman Daniel P. McLean of the Personnel Board presented in graphic form from the easel, the Personnel Board's recommended clerical salary schedule and accompanying percentage increases between steps and job classifications, giving rationale for recommending the same.

Selectman William J. Cossart expressed his main concern that it appeared that clerical personnel could move from one classification to another after obtaining the maximum in a certain grade. It was his opinion that clerical personnel should not have such easy access to another classification.

Mr. Alan P. Carpenter of the Personnel Board and Mr. Faye both elaborated on the rationale of the Personnel Board's recommendations and pointed out that the Federal Civil Service Commission conducted this study, and that the Personnel Board

recommended acceptance of the study with some modifications. They went on to say that the Personnel Board had met with certain department heads and elected officials who did not agree with their findings.

Dr. William W. Cooper, Chairman of the Board of Health, stated that their last communication from the Personnel Board was six months ago. Dr. Cooper stated his opinion that there was some lack of communication, since at that time there was a different salary and classification schedule than the one being reviewed at the present time. Dr. Cooper requested that the Board of Health be furnished with copies of all job descriptions that are considered comparable to the Clerk of the Board of Health.

Dr. Cooper also questioned the authority of the Personnel Board to place the salary level on their clerical personnel as Chapter 111, section 27 indicates this should be a self-function of the Board of Health.

Town Counsel concurred with Dr. Cooper's comment, but stated that no salary could exceed the appropriation approved by Town Meeting; it could be less than that appropriated if the Board of Health so voted.

Town Clerk Betsey M. Powers expressed her strong opposition to the Personnel Board's classification salary schedule as it relates to placement of her clerical personnel within certain grades. Mrs. Powers presented a chart which showed the subdivision of supervisory levels of all clerical personnel, and she expressed strong opposition to the placement of the assistant town clerk in the group 5 level, since she has supervisory responsibilities plus other job requirements and duties that should put her above a group 5 level.

Mr. Carpenter said that they classified according to job responsibilities without looking at the person holding the job, and that the department head had a right to petition the Personnel Board regarding any objection to placement of their clerical personnel.

Mrs. Powers indicated that she felt uncomfortable about asking Town Meeting to support a salary schedule which gives increases from 11-30% in some cases. Some of the full-time clerks had expressed concern about paying part-time and full-time clerks at the same hourly rate as there is a bigger commitment made by the full-time clerks and this should be recognized. There is a rationale on both sides of the question, but paying part-time and full-time clerks at the same rate automatically builds in a 20% increase for part-time junior clerks.

Chairman Murray responded that the intention here was to pay salaries according to work performed - equal pay for equal work.

Lynne H. Remington, Chairman of the Conservation Commission, agreed with Dr. Cooper regarding lack of communication with the Personnel Board, and expressed her agreement with Chairman Murray that part-time personnel people should be paid at the same rate as full-time personnel.

Highway Surveyor Robert A. Noyes expressed concern with the Personnel Board's recommendations, especially since one of his clerical personnel has resigned because of the proposed clerical level for Highway clerical personnel.

Isabelle K. Stone, Collector of Taxes, expressed strong opposition to the Personnel Board's grouping of her clerical people all in one category of group 2. Mrs. Stone said she had one clerical position that performed supervisory functions, while other clerical personnel only worked on a part-time basis, compared to a full-time position of an encumbent employee for the Town for many years.

Chairman Murray again suggested that we isolate the problem areas expressed tonight, and that the Personnel Board should address them separately at a future special meeting of the Personnel Board with department heads and elected officials in attendance.

Mrs. Powers said that she appreciated all that the Selectmen were trying to do in proposing the new categories and that it does solve some of the problems; but expressed frustration due to having had only one meeting with the Personnel Board, and their response to her four months later.

Dr. Cooper agreed that there have been some communication problems and suggested, when this is presented to Town Meeting, using less verbage and very concise graphs to explain and justify the same.

Chairman Murray stressed the importance of the Personnel Board's preparation for a concise presentation to Town Meeting in a clear, definitive and comprehensive manner as it relates to rationale for the recommended classification and salary plan, dealing with the justification of percentages between salary grades and placement of employees within those grades.

Mr. Cossart suggested that the Personnel Board prepare a listing for each concerned department head or elected official, prior to the upcoming joint meeting, showing the new Classification Plan and where each clerical employee, by name, fits into the same.

It was a consensus of all those present that agreements on the plan should be reached, whenever possible, prior to Town Meeting. The Selectmen expressed hope that the Personnel Board would convene such a meeting for this purpose in the immediate future, not suggesting that the Personnel Board should change its recommendations in toto, but at least to give department heads and elected officials another opportunity to express their viewpoints.

Personnel Administration Plan

Town Clerk Betsey M. Powers made the following comments and suggestions regarding the Personnel Administration Plan:

- 1) She questioned, under Section 4 (salary plan), the Personnel Board's involvement in approving step increases; and
- 2) She questioned part-time personnel being paid step rate increases on the same schedule as full-time personnel regardless of the number of hours worked per week.

Mr. McLean responded that the intention concerning step increases was to allow the Personnel Board to act as policing agent to be sure that department heads and elected officials were conducting a merit review of their clerical

employees prior to granting step increases. Mr. Thompson added that it is currently the procedure for part-time people to be approved by the Personnel Board before a step rate increase; it is not an automatic increase as it is for full-time employees.

3) Mrs. Powers questioned whether the Performance Review Plan would be developed prior to Town Meeting.

Mr. McLean responded that it would be completed in outline form only prior to Town Meeting.

4) Mrs. Powers questioned the elimination of sick leave benefits for part-time personnel in the new Personnel Administration Plan.

The Board directed the Executive Secretary to look into this matter and report back to them.

There being no further discussion, Chairman Murray thanked everyone for attending tonight's meeting; the meeting was recessed at 9:15 P.M. and called back to order at 9:30 P.M.

Transfer Request

Present: Fire Chief Josiah F. Frost.

Executive Secretary Richard E. Thompson stated that under date of January 29, 1979, the Board received a letter of explanation from Fire Chief Josiah F. Frost relative to request No. 0807 for a transfer from the Reserve Fund in the amount of \$3,000 to Account 310-51, Fire Equipment Purchase, for the replacement of the boiler and hot water heater for Station 2.

The Counsel confirmed a statement in the Chief's letter that the Selectmen have the authority to waive the bidding process if an emergency situation arises.

Selectman Robert J. Hotch suggested that 100% of the total bid price be the amount of the performance bond filed by the successful bidder rather than 10% as the bid specifications now state.

Following a brief discussion it was on motion by Selectman Robert J. Hotch unanimously

VOTED: To approve a request No. 0807 for a transfer from the Reserve Fund in the amount of \$3,000 to Account 310-51, Fire Equipment Purchase, for the replacement of the boiler and hot water heater for Station 2, with a proviso that the bid specifications be changed by adding an addendum requiring a 100% instead of a 10% Performance Bond.

Automatic Amusement Device License - JT's Restaurant

Executive Secretary Richard E. Thompson stated that the license application for operation of an Automatic Amusement Device to be located at JT's Restaurant, 120 Boston Post Road, was tabled at the Board's January 31st meeting in order to allow time for the Police Chief to respond and comment on the type of device, an electronic blackjack game, to be installed.

Mr. Thompson further stated that the Police Chief has stated to the Board that he did not feel that this was a "gambling" device, but rather, more like a pinball machine; therefore, it was on motion by Selectman John E. Murray unanimously

VOTED: To grant a license for operation of an Automatic Amusement Device to be located at JT's Restaurant, 120 Boston Post Road, Sudbury, to expire December 31, 1979, at a fee of Twenty Dollars (\$20), only to be operated between Mondays and Saturdays from 11:30 a.m. to 12:00 midnight.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular Session of January 31, 1979, as amended; and the minutes of the Executive Session of January 31, 1979, as drafted.

Current Items of Interest

Proclamation

It was on motion by Selectman John E. Murray unanimously

VOTED: To approve a Proclamation, as read by the Executive Secretary, naming February 11, 1979, William F. Toomey Day in the Town of Sudbury, in honor of former Selectman Toomey on the occasion of his retirement from public office.

Annual Town Meeting Articles

Article 11 - Police Telephone Log Recorder

It was on motion by Selectman John E. Murray unanimously

VOTED: To withdraw Article 11 "Police Telephone Log Recorder" from the 1979 Annual Town Meeting Warrant.

Article 28 - Community Use of Schools

It was on motion by Selectman John E. Murray unanimously

VOTED: To acknowledge the withdrawal of Article 28 "Community Use of Schools" from the 1979 Annual Town Meeting Warrant by the Sudbury School Committee, subject to receipt of a signed vote by them;

and on the recommendation of Selectman Robert J. Hotch it was further

VOTED: To direct the Executive Secretary to reorder the 1979 Annual Town Meeting Warrant leaving out the two above-mentioned articles and renumbering the remaining Warrant articles.

Article 1 - Hear Reports

The Board agreed to have Mr. William F. Toomey read Article 1 "Hear Reports" at the 1979 Annual Town Meeting, (in honor of his service to the Town), subject to his acceptance; said article to be removed from the Consent Calendar.

The following 1979 Annual Town Meeting Warrant articles, having been renumbered due to the elimination of the two above-mentioned warrant articles, will be addressed by Selectman Robert J. Hotch:

- #2 Temporary Borrowing
- 7 Update Property Values
- 13 Police/Fire Headquarters
- 21 Amend Bylaws, Art. V (A) - Removal of Earth
(Town Counsel will also speak, if necessary)
- 23 Lincoln-Sudbury Roof Repairs
- 24 Fairbank School-New Roof
- 27 Amend Bylaws, Art. IX, I, B-Basic Requirements
- 28 Congregate Housing Zoning Exemption
- 32 Swim Facility
- 33 Swim Facility Operations Budget
- 34 Special Act-Five-Member Board of Selectmen
- 35 Special Act-Appoint Town Treasurer
- 36 Special Act-Appoint Tax Collector
- 40 Abolish Committee on Town Administration

Selectman John E. Murray:

- #3 Personnel Bylaw: Salary Plan & Classification Plan,
Art. XI
- 4 Personnel Administration Plan, Art. XI
- 6 Unpaid Bills
- 8 Town Audit
- 9 Street Acceptances
- 10 Street Acceptance-Newbridge Road
- 11 Transfer Tax Possession Parcel 164 to Conservation
- 12 Special Act-Special Police
- 17 Scenic Roads Recommendations
- 22 Lincoln-Sudbury Contingency Fund
- 25 Horse Pond School-Heating System
(Town Counsel will also speak, if necessary)
- 26 Summer School
(Town Accountant will also speak, if necessary)
- 38 Electrical Services-Landfill & Salt Storage Shed
- 41 Landham Road Reconstruction

Selectman William J. Cossart:

- #14 Amend Bylaws, Art. IX, Sec. IV-Cluster Development
Provision
- 15 Walkway Construction-Haynes/Puffer
- 16 Walkway Construction-Mossman
- 29 Amend G.L. Ch. 111, Sec. 31D-Septage Facility,
Billing and User Fees
- 30 Amend Wayland/Sudbury Septage Disposal Agreement
- 31 Trinity Mental Health Services
- 37 Surface Drains
- 39 Purchase Microfilm Printer/Reader

Following discussion on the subject of taking position on Warrant articles, it was agreed the following 1979 Annual Town Meeting Warrant articles will be supported by the Board of Selectmen:

- # 1 Hear Reports
- 2 Temporary Borrowing
- 6 Unpaid Bills
- 8 Town Audit
- 9 Street Acceptances
- 10 Street Acceptance-Newbridge Road
- 11 Transfer Tax Possession Parcel 164 to Conservation
- 12 Special Act-Special Police
- 14 Amend Bylaws, Art. IX, Sec IV-Cluster Development Provision
- 17 Scenic Roads Recommendations
- 21 Amend Bylaws, Art. V(A)-Removal of Earth
- 26 Summer School
- 29 Amend G.L. Ch. 111, Sec. 31D-Septage Facility, Billing and User Fees
- 30 Amend Wayland/Sudbury Septage Disposal Agreement
- 37 Surface Drains
- 38 Electrical Services-Landfill & Salt Storage Shed

Article 40, Abolish Committee on Town Administration, and Article 41, Landham Road Reconstruction, will not be supported by the Board of Selectmen.

The following 1979 Annual Town Meeting Warrant articles were held for further discussion by the Board of Selectmen:

- # 3 Personnel Bylaw: Salary Plan & Classification Plan, Art. XI
- 4 Personnel Administration Plan, Art. XI
- 5 Budget
- 7 Update Property Values
- 13 Police/Fire Headquarters
- 15 Walkway Construction-Haynes/Puffer
- 16 Walkway Construction-Mossman
- 20 Amend Bylaws, Art. XII. 1-Town Property
- 22 Lincoln-Sudbury Contingency Fund
- 23 Lincoln-Sudbury Roof Repairs
- 24 Fairbank School-New Roof
- 25 Horse Pond School-Heating System
- 27 Amend Bylaws, Art. IX, I, B-Basic Requirements
- 28 Congregate Housing Zoning Exemption
- 31 Trinity Mental Health Services
- 32 Swim Facility
- 33 Swim Facility Operations Budget
- 34 Special Act-Five-member Board of Selectmen
- 35 Special Act-Appoint Town Treasurer
- 36 Special Act-Appoint Tax Collector
- 39 Purchase Microfilm Printer/Reader

Executive Session

At 11:00 P. M. it was on motion following a unanimous roll call

VOTED: To enter into Executive Session for the purpose of discussing the strategy for litigation where open discussion of the same may have a detrimental effect.

(Roll call vote: Chairman Murray in favor; Selectman Hotch in favor; and Selectman Cossart in favor.)

Chairman John E. Murray 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 11:55 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk