

IN BOARD OF SELECTMAN  
MONDAY, OCTOBER 22, 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.

Massachusetts Bay Transportation Authority (MBTA) Request for Nomination to Consumer Advisory Panel

After reviewing a communication dated October 10, 1979, from Paul E. Means, Director of the Massachusetts Bay Transportation Authority (MBTA), asking that a nominee be named to serve on a Consumer Advisory Panel for suburban transit riders, the Board concurred to forward the same to Mr. Clifford J. Hughes, MBTA Designee, asking for his recommendations on the idea of the Panel, and if in favor, a recommendation for a nominee.

Donation to Council on Aging

Following a brief discussion it was on motion unanimously

VOTED: To accept with gratitude, on behalf of the Town of Sudbury, \$100 from the Sudbury Newcomers Club, donated to the Council on Aging for the purpose of providing medical alert bracelets; and to express appreciation, on behalf of the Town, to the Sudbury Newcomers Club.

Appointment - Special Constable for Traffic Duty Only at Raytheon Company

It was on motion unanimously

VOTED: To confirm action of the Board taken on October 16, 1979, appointing Stephen F. Averett, 50 Felton Street, Hudson, as a Special Constable for Traffic Duty Only at Raytheon Company, for a term to expire April 30, 1980.

Area-wide Energy Meeting in Framingham

Executive Secretary Pro Tem, John H. Wilson, informed the Board of the Fire Chief's willingness to attend the Framingham Board of Selectmen's area-wide energy meeting to be held on October 23, 1979, at the Memorial Building in Framingham at 7:30 P.M.

Auctioneer License to Deborah Grace, Lincoln-Sudbury Regional High School

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

VOTED: To grant an auctioneer license to Donald T. Gould, 21 Rice Spring Road, Wayland, for the purpose of conducting the Senior Class auction at the Lincoln-Sudbury Regional High School on October 27, 1979, in accordance with the request

of Deborah Grace, Senior Class Advisor, of October 12, 1979.

1979 Annual Town Meeting Warrant Schedule

Selectmen's Budget Schedule - Fiscal Year 1980-81

Following discussion it was on motion unanimously

VOTED: To approve the 1980 Annual Town Meeting Warrant Schedule and the Selectmen's Budget Schedule for Fiscal Year 1980-81, both as submitted by the Executive Secretary under date of October 23, 1979.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular Session of October 15, 1979, as amended.

Dog Pound Facility

Chairman Hotch referenced a communication from the Executive Secretary, dated October 19, 1979, updating the Board of Selectmen as to the feasibility of proceeding to build the Town dog pound facility under a forced-account work method, and stated that the Board had received an opinion from Town Counsel, dated October 22, 1979.

Town Counsel Paul L. Kenny stated that there is no provision under the bidding laws directly addressing the question of whether or not a Town can act as general contractor and award sub-bids in accordance with Massachusetts G.L., Chapter 149, s.44A.

Town Counsel continued to say that bidding laws allow general contractors doing business with municipalities to preform sub-contract work estimated to be under \$1,000 without the necessity of sub-bids (by using their own forces or sub-contracting others), but a Town may not do this; the Town may utilize the services of its own personnel provided they are paid at the prevailing wage rates in accordance with Massachusetts G.L. Chapter 149, s.26&27, and otherwise must go out to bid for all other work regardless of estimated cost. Materials in excess of \$2,000 must be bid.

Mr. Kenny expressed his opinion that the requirement of a performance or payment bond by sub-contractors would be an optional contract condition of the Town.

Mr. John C. Powers raised the point that the site for the proposed dog pound facility is located in a Limited Industrial Zone, where a dog pound facility would not be a permitted use.

Town Counsel pointed out that it is his recollection that a municipality is not subject to zoning limitations under the Zoning Bylaws.

Selectman Cossart pointed out, and the Board concurred, that the Board was proceeded in accordance with recommendations of those departments and boards who had previously appropriately addressed that issue.

On the recommendation of the Executive Secretary and Town Counsel, the Board concurred that: 1. the Town will act as general contractor for the construction of the Town dog pound at the Sanitary Landfill site; 2. all work which can not be done by Town personnel will go out for public bid in accordance with General Laws, Chapter 149, s.44A; 3. Town Counsel will meet with the various Town departments to determine what construction work can be done in-house; 4. contract specifications will be changed to accommodate sub-trade work; 5. bid requests will be publicized accordingly.

Proclamation - Emergency Medical Services Week

It was on motion by Chairman Hotch unanimously

VOTED: To sign a proclamation declaring the week of November 12-18, 1979, as Emergency Medical Services Week in the Town of Sudbury.

Current Items of Interest

Landham Road

It was on motion by Selectman Murray unanimously

VOTED: To request the Highway Surveyor to close a portion of Landham Road, in both directions, between Pelham Island Road to Route 20, (open to residents only) until further notice, due to unsafe driving conditions.

Earth Removal Board Permit - Paul Cavicchio, Union Avenue

The Board reviewed correspondence concerning settlement and conclusion of the above subject matter which involves the question of releasing a certificate of deposit to Mr. Cavicchio. The Board directed that the Earth Removal Board be notified of its concern that the Earth Removal Board elect a chairman and proceed with all due speed to resolve the matter.

Joint Meeting with Historical Commission

Present: John C. Powers, Historical Commission Chairman and Executor of the Estate of Florence Hosmer; Historical Commission members Emmalou Eaton, Royce Kahler and Richard Hill; Thomas M. French, Assistant Town Counsel.

Following a detailed explanation by John C. Powers, Executor of the Estate of Florence Hosmer, of the petition he had prepared to the Middlesex County Probate Court, Docket #520595, Town Counsel stated that the Board's signatures on the Complaint (petition for instruction) and the Agreed Form of Judgement would, in essence, authorize a request for a determination/clarification from the Court that all the personal property of Florence Hosmer should be considered of Sudbury, therefore, eliminating this personal property from having to be listed in the probate inventory.

Following a brief discussion, on the recommendation of Town Counsel, it was on motion unanimously

VOTED: To approve and jointly sign a petition with John C. Powers, Executor of the Estate of Florence Hosmer, to the Probate Court, for the above-mentioned purpose.

Mr. Powers referenced a list of firms specializing in preservation, furnished by the Massachusetts Historical Commission, which the Sudbury Historical Commission had contacted relative to performing an historic structure survey for the Hosmer House, and stated that the Historical Commission will interview those who are interested in performing this work and make a recommendation to the Board of Selectmen. He further noted that, due to the fact that the survey results would not be completed until February, they would not be prepared to budget construction money in FY 1980-81.

There being no further discussion, Chairman Hotch thanked the Historical Commission for attending this evening and recessed the meeting at 7:40 P.M. for a coffee break; the meeting was called back to order at 8:00 P.M.

#### Town Fathers Forum - 130th Session

At 8:00 P.M. Chairman Hotch convened the 130th session of the Town Fathers Forum, a copy of which is attached and will become a part of these minutes.

#### Town Historian

Present: Lincoln-Sudbury Regional School District Superintendent David L. Levington and student Michael Davis.

Chairman Hotch welcomed Lincoln-Sudbury Regional School District Superintendent David L. Levington and student Michael Davis, candidate for appointment as Town Historian.

Michael Davis introduced himself and expressed his interest in the position of Town Historian.

Mr. Levington expressed his continued interest in having a student hold the position of Town Historian and reaffirmed his nomination of Michael Davis (as expressed in his letter to the Executive Secretary under date of October 3, 1979). Mr. Levington further stated that Ms. Deborah Grace of the History Department has agreed to act as advisor to Michael and as sponsor through the years for continuity if this student position is continued.

Selectman Cossart stated that a student appointed to the position of Town Historian would have a wonderful opportunity to work with those in the Town very knowledgeable of its history.

Chairman Hotch stated that he would like to see the Student Senate at the Regional High School become involved in some capacity with the Town, perhaps through various Town boards and/or committees.

Mr. Grathwohl explained that there is a small portion of the Regional School's budget dealing with student activities which is compiled by the Student Senate and presented to the Finance Committee by them. Mr. Levington stated that perhaps those segments of Town Government that most affect the students would be a desirable area in which students could participate.

Following further discussion it was a consensus of opinion that the matter of appointing a student to the position of Town Historian should be taken under advisement in order that the Board may coordinate this year's appointments of Town Historians.

Chairman Hotch thanked Mr. Levington and Michael Davis for attending tonight's meeting.

Executive Secretary Pro Tem

It was on motion unanimously

VOTED: To appoint John H. Wilson, Executive Secretary Pro Tem, in the absence of Executive Secretary Richard E. Thompson, for purposes of tonight's meeting.

Grievance - Local 315, International Brotherhood of Police Officers

Present: John A. Longo, President of Local 315, International Brotherhood of Police Officers, and Officer Patrick Manzo.

Chairman Hotch opened a hearing on the grievance dated October 11, 1979, from John A. Longo, President, and Peter S. Langmaid, Vice-President, Local 315, International Brotherhood of Police Officers, concerning reimbursement of educational costs to Patrick Manzo, in accordance with contract grievance procedure, Article, VIII, Step 4.

Executive Secretary Pro Tem John A. Wilson stated that last May (1979) he had questioned the validity of the payment based on the status of Patrick Manzo being out on disability leave and being paid by the Town, at that time, and to date. Payment had not been made at the close of the Fiscal Year (June 30, 1979) and, therefore, the bill must now be submitted as an unpaid bill at the 1980 Annual Town Meeting.

Mr. Longo submitted a copy of the Personnel Board's minutes of May 2, 1979, which stated their approval of the reimbursement for school tuition to Patrick Manzo. He further stated that since this reimbursement request was filed in March of 1979 and approved by the Personnel Board in May, that Officer Patrick Manzo should not have to wait until the 1980 Annual Town Meeting for reimbursement.

Mr. Longo expressed some concern regarding the number of grievances it has been necessary for the Local to file on behalf of Officer Manzo. He further stated that Officer Manzo fulfilled every requirement for the reimbursement of educational costs under their present contract. Mr. Longo said that he did not feel it should be handled as an unpaid bill since it was approved within Fiscal Year 1978-79 - that money is put aside each Fiscal Year for that purpose.

Mr. Wilson stated that unless bills are submitted within a certain Fiscal Year, in this case 1978-79, and are paid prior to June 30 of that year, the bill must be submitted as an unpaid bill at the next Annual Town Meeting. Mr. Wilson also stated that he still has not received the voucher on this bill from the Police Chief.

Mr. Manzo responded that he had been willing to obtain the voucher personally prior to June 30, 1979, but was informed by the Town Accountant that there were some further questions regarding the payment. Officer Manzo questioned the fact that the Town Accountant's questions no longer seem to be concerns and now the Town Accountant is only willing to handle the payment as an unpaid bill. He also questioned why this reimbursement should be handled differently than other requests he submitted and received reimbursement for.

After receiving assurance from Mr. Longo that ordinarily the procedure for educational reimbursement works satisfactorily, Selectman Cossart commented that the particular circumstances involved in this case, which are outside of the routine reimbursement request, warrant this special consideration.

Following further discussion it was on motion unanimously

VOTED: To table by mutual agreement until next week's meeting further discussion on a grievance dated October 11, 1979, from John A. Longo, President, and Peter S. Langmaid, Vice-President, Local 315, International Brotherhood of Police Officers, concerning reimbursement of educational costs to Patrick Manzo, in accordance with contract grievance procedure, Article VIII, Step 4, to further evaluate said grievance.

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

Attest: \_\_\_\_\_  
John H. Wilson  
Executive Secretary Pro Tem