

IN BOARD OF SELECTMEN  
MONDAY, FEBRUARY 11, 1980

Present: Chairman 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 William J. Cossart.

Special Town Meeting

On the question of accepting articles received for the April 9, 1980 Special Town Meeting and ordering the Special Town Meeting Warrant, the Board discussed and ordered the Warrant for three articles which were submitted, as follows:

1. Budget Adjustment for Collective Bargaining (Fire) - At the request of Chairman Cossart, this article, dealing with an adjustment for collective bargaining, was held for discussion later in the evening when Labor Relations Counsel would be present for an Executive Session relative to the Town's collective bargaining matters; at that time, on the recommendation of Labor Relations Counsel, this article was accepted and ordered for the Special Town Meeting Warrant.

Executive Secretary Richard E. Thompson recommended that the warrant report indicate that this article has been submitted due to the fact that collective bargaining is going on, and specify that the Board will make a further report at Town Meeting. The Board later directed the Executive Secretary to draft the warrant report and bring it back to the Board next week.

2. Budget Adjustment (LSRHS) submitted by Lincoln-Sudbury Regional School District Committee (LSRSDC) - The Board accepted and ordered for the Special Town Meeting Warrant this Budget Adjustment Article for the LSRHS in the amount of \$215,189.03 to provide for a deficiency in the regular assessment to the Town to meet district school costs. The Board expressed its unanimous opinion that the money should be appropriated in this way, rather than included in the Regional School's new budget for FY 1980-81, and thereby creating an additional assessment on our tax rate.

Mr. Thompson stated that Richard H. Davison, Chairman of the LSRSDC, had requested that the Board's position be included in the warrant.

The Selectmen stated their position dealing with this article should state the Board's support from the standpoint that this is a required/duly incurred expense to which the Town is responsible, and that the Board supports the fact that it should be addressed this year rather than carried forward. The Board noted the Regional Committee's warrant report and directed the Executive Secretary to prepare a position report for approval at next week's meeting.

3. Amend Bylaws Article IX,II,C - Enlarge LBD #6 - Following discussion the Board accepted and ordered for the Special Town Meeting Warrant the article to "Amend Bylaws, Article IX,II,C - Enlarge LBD #6".

Mr. Thompson pointed out a change in the last paragraph of the Selectmen's warrant report, and the Selectmen requested that he draft it and bring it back next week for their final approval.

Budget Offsets for FY 1980-81

Chairman Cossart called the Board's attention to the recommendations of the Town Accountant for budget offsets for FY 1980-81, dated February 8, 1980, which he read.

Following discussion it was on motion by Selectman Murray unanimously

VOTED: To approve, acting as Trustees of the Town of Sudbury, the following: \$3,000 from the Mt. Pleasant Cemetery, \$3,000 from the Mt. Wadsworth Cemetery, \$1,500 from the North Sudbury Cemetery and \$5,000 from the New Town Cemetery, for a total of \$12,500 to be applied as an offset in the FY1980-81 Highway Budget Acct. #400;

and it was further

VOTED: To approve, on behalf of the Town of Sudbury, the amount of \$80,000 from Federal Revenue Sharing to be applied as an offset in FY 1980-81 Fire Salaries Budget Acct. 310-11;

and it was further

VOTED: To approve, on behalf of the Town of Sudbury, the amount of \$80,000 from Federal Revenue Sharing to be applied as an offset in the FY 1980-81 Police Salaries Budget Acct. #320-11, all in accordance with the recommendations of the Town Accountant dated February 8, 1980.

Executive Secretary Richard E. Thompson pointed out that Town Accountant John H. Wilson will recommend other offsets to the Finance Committee incorporating his recommendations as shown in his communication dated February 8, 1980, as follows:

Offsets:	State Aid	\$ 5,607.00	to Library
	Dog License Refund	\$ 2,938.05	to Library
	Septage Disposal Reimbursement	\$ 20,000.00	to Septage Disposal
	Overlay Surplus	\$ 75,000.00	to Reserve Fund

State Reimbursement to Counties for Court Purposes

The Board reviewed a communication dated January 30, 1980, from John L. Danehy, Chairman of the Middlesex County Commissioners, relative to State reimbursement for court costs, including a memorandum dated January 28, 1980, concerning the Governor's decrease of the same.

Selectman Murray stated his objections to the manner in which the Governor reduced his budget at the cost of cities and Towns. Selectman Cossart concurred.

Following discussion it was on motion by Selectman Murray unanimously

VOTED: To direct the Executive Secretary, on behalf of the Board of Selectmen, to send a letter to Representative Gannett, Senator Atkins, Governor King and Chairman Danehy, objecting to the Governor's decrease in State reimbursements to counties for State use of county facilities for court purposes, as requested in a communication dated January 30, 1980 from John L. Danehy, Chairman of the Middlesex County Commissioners.

Appointment - Special Constable for Traffic Duty Only, Raytheon Co.

It was on motion by Selectman Murray unanimously

VOTED: To appoint Steven K. Butler, 75 Windham Road, Hyde Park, Massachusetts, as Special Constable, Traffic Duty Only at Raytheon Company, for a term to expire April 30, 1980, to replace Eric Montgomery, 645 Worcester Road, Wellesley Hills, Massachusetts, who recently resigned, in accordance with a communication dated February 1980, from Brian J. Wolfendale, Security Officer at Raytheon Company, and a supportive recommendation, dated February 4, 1980, from Police Chief Nicholas Lombardi.

Public Hearing - Boston Edison Company, UP80-1 - Wayside Inn Road

Present: Carol Clinton, Boston Edison Company.

In conformity with G. L. Chapter 166, the Board considered UP80-1 of Boston Edison Company for permission to construct, and a location for, such a line of conduit and manholes with the necessary wires and cables therein, under the following public way of the Town:

The Wayside Inn Road, northerly approximately 460 feet west of Prides Crossing Road, a distance of about 8 feet - Conduit.

Executive Secretary Richard E. Thompson reported that all appropriate Town officials and abutters had been notified, and that approval of said petition is recommended by James V. Merloni, Acting Building Inspector.

Following a brief explanation of said utility petition by Carol Clinton of the Boston Edison Company - that the purpose of this utility petition is to replace an overhead existing service with an underground service using the existing pole, it was on motion by Selectman Murray unanimously

VOTED: To approve UP80-1, Wayside Inn Road, as described above, and as shown on a plan entitled "Plan of The Wayside Inn Road, Sudbury, showing proposed conduit location", dated December 7, 1979.

Transfer Request - Account 950-89, School Tuition

On the question of approving Transfer Request No. 0856 for funds in the amount of \$2,104 from the Reserve Fund to Account 950-89, School Tuition, Executive Secretary Richard E. Thompson called the Board's attention to an opinion dated September 28, 1977, from Thomas M. French, Assistant Town Counsel, presented to the Board in accordance with its request for back-up material on this matter. Attached to said communication was a copy of the statute that makes a provision for and indicates the obligation of the Town to pay the tuition of these students - it is the school's obligation to pay the transportation.

Following a brief discussion it was on motion by Selectman Murray unanimously VOTED: To approve Transfer Request No. 0856 for funds in the amount of \$2,104 from the Reserve Fund to Account 950-89, School Tuition, to meet unanticipated enrollment costs for Sudbury students attending Norfolk County Agricultural School, Essex Agricultural and Technical Institute, and Assabet Valley Regional Technical Vocational High School.

Sale of Alcoholic Beverages during Polling Hours

It was on motion by Selectman Murray unanimously

VOTED: To allow the sale of alcoholic beverages by common victuallers and retail package stores during the polling hours of a) the Presidential Primary Election on March 4, 1980, and b) the Town Election on March 31, 1980, in accordance with G. L. Chapter 138, section 33.

Tax Anticipation Notes

It was on motion unanimously

VOTED: To sign Tax Anticipation Notes in the amount of \$1,500,000 dated February 15, 1980, and due May 15, 1980, as follows:

Guaranty First Trust Co.	5.25%	250M
Bay Bank Middlesex	5.48%	1,250M

Chairman Cossart pointed out the bid range of 5.25% to 6.40%, and that the Town Treasurer recommended the two lowest bidders out of nine banks.

Minutes

Executive Secretary Richard E. Thompson stated that a note expressing approval of the minutes of the regular session of January 28, 1980, and the Forums of November 26, 1979, and January 28, 1980, had been received from former Selectman Robert J. Hotch in accordance with the Board's request of February 4, 1980.

It was on motion unanimously

VOTED: To approve the minutes of the regular session of February 4, 1980, as amended.

Article 25, Police Facility

The Board acknowledged receipt of a communication dated February 7, 1980, from George J. Anelons, Jr., President, Sudbury Police Association, and John A. Longo, President, Local 315, International Brotherhood of Police Officers, indicating the support of their organizations for Article 25, Police Facility, and approving the printing of said communication in the Warrant for the 1980 Annual Town Meeting, if the Board so desires.

It was on motion by Selectman Murray unanimously

VOTED; To authorize the printing of the above-mentioned communication in the Warrant, under Article 25 - Police Facility - for the 1980 Annual Town Meeting.

Current Items of Interest

Roof Repair/Energy Saving Modifications and Repairs - Article 38

Selectman Murray referenced a communication, dated February 7, 1980, from the Lincoln-Sudbury Regional District Committee indicating that the LSRSDC voted on February 5, 1980, to withdraw article 38 - Roof Repair/Energy Saving Modifications and Repairs - in the amount of \$600,000. The Selectmen agreed not to reorder the warrant but to mark the article "withdrawn".

Eagle Scout Award

The Board signed a letter dated February 11, 1980, to Ronald Scott Williams from the Board of Selectmen in recognition of his achievement to the rank of Eagle Scout. The Selectmen also signed a resolution which they plan to present to Mr. Williams at his Court of Honor, to be held in March.

Meeting with Sudbury Police Association and IBPO Local 315 - Article 11: Special Act - Civil Service, Police

Present: Police Chief Nicholas Lombardi, John A. Longo President, Local 315 IBPO; George Anelons President, Sudbury Police Association; Richard Cannon, Allan C. Houghton, Bruce C. Noah, Peter Sullivan, Vincent J. Patruno, George Burney, Daniel T. Fitzgerald, Raymond Spinelli, Peter S. Langmaid, John Young, and Patrick J. Manzo, all of the Sudbury Police Department; Paul Kenney, Esq. of Murphy, Lamere and Murphy; Anne W. Donald; and Lawrence Faye, Chairman of the Personnel Board.

Chairman Cossart opened a general meeting with members of the Sudbury Police Department/Police Association and IBPO, Local 315, for a discussion of Article 11 of the 1980 Annual Town Meeting, by giving some background for the Board's submission of and position in support of the article dealing with the exemption of all future police officers from Civil Service.

Chairman Cossart stated that there are three areas that have to be satisfied in considering the Town's exemption from Civil Service - it must be decided that this is good for the Town; the administration of the Police Department must feel that it is a good idea; and individual members of the Police Department must have a good feeling that this is the right direction to go in. Selectman Cossart stated that the subject has been under discussion for some time; the Selectmen strongly feel that it would be good for the Town to have the Police Department removed from Civil Service as far as hiring future police officers; and the Police Chief also supports the article.

Chairman Cossart read a chronology of events, as listed in the Selectmen's warrant report under Article 11, showing that the Police Department has been without a full complement of personnel since 1973, largely due to the poor service of the Civil Service personnel system/Division of Personnel Administration. Selectman Cossart indicated that the Executive Secretary had forwarded copies of this information to both the President of the Sudbury Police Association and the President of the IBPO.

Selectman Cossart stated that, in considering the withdrawal from Civil Service, the intention is not to remove present police officers, but to have a combination of both Civil Service and non-Civil Service personnel in the Police Department. Selectman Cossart again stated that the Board feels comfortable with the administration of this combination and briefly reviewed a suggested outline (prepared by the Executive Secretary, dated February 7, 1980) dealing with present incumbents' rights, future procedures, selection of officers and contractual agreements if the Police Department becomes non-Civil Service.

Responding to President Longo, Chairman Cossart stated that non-Civil Service employees would be dependent on a negotiated contract between the union and the Town for job protection.

Officer Longo introduced Joseph Delorey, attorney with the IBPO Union.

Chairman Cossart introduced Labor Relations Counsel Paul Kenney of Murphy, Lamere and Murphy.

Atty. Delorey stated that he is a member of the special Civil Service reform commission which is currently addressing certain problem areas within the Civil Service system. Atty. Delorey submitted copies of a Testimony of the National Association of Government Employees submitted to the Special Commission on Civil Service. He spoke, on behalf of the reform commission and Local 315, regarding the functions and reasons for retention of Civil Service, as follows:

- recognized the problem of appointing authority to fill vacancies due to the Division of Personnel Administration not having enough funds to staff adequately to provide the necessary services (providing certified list, etc.), but that this has now been recognized by the legislature as a "crisis stage" problem and is being handled accordingly;

- testing for entrance and promotion are a provided service under Civil Service which can be defended in a court of law as being valid, equitable and non-discriminatory;

- access to neutral resolution of disciplinary procedures - an employee who chooses arbitration for grievance purposes under the collective bargaining contract cannot also avail himself of the Civil Service grievance process.

- the Division of Personnel Administration provides financial subsidies and absorbs the legal costs of defending testing and/or grievances, when required, which in some cases could be as much as \$1,000 per case.

- by eliminating Civil Service, mandatory unionism is endorsed, giving IBPO tenure as a certified bargaining agent for the Police Department - locks the Department into one union. An employee who becomes dissatisfied with IBPO could withdraw from the union and rely on his Civil Service protection, essential when the brouhaha of negotiating and the possibility exists that the union contract could expire leaving no protection - affects job security.

(Atty. Delorey spoke about the "politics of public employment" in the absence of Civil Service and the effect on job security and the merit system.)

Selectman Murray commented that last fall, there was a Civil Service exam with no results to date; that the Selectmen are charged with the protection of the Town; and that with no Civil Service list, the vacancies cannot be filled.

Chairman Cossart thanked Atty. Delorey for his presentation and disputed his comments as follows:

- cannot accept the fact that the problem of under-funding, and the consequent poor service in supplying a certified list to jurisdictions, will change, based on past performance of the State Division of Personnel Administration;

- concurs with the need for testing on an equitable basis, which can be attained through professional administration of the same;

- on the subject of neutrality in disciplinary matters, Selectman Cossart stated that the IBPO is extraordinarily well represented in the area of collective bargaining and could not see any need beyond what the union is now providing;

- the additional financial subsidies Civil Service provides to the Town appear to be minor; Selectman Cossart stated he could not remember the Town ever being the benefactor of that arrangement;

- mandatory unionism and the danger of the brouhaha could arise in a change in the union, but feels there is adequate protection in terms of that ever happening; he agreed the threat to tenure should be further addressed.

The following are other concerns raised:

- by Officer Longo: 1) filling a promotional position, Civil Service vs. non-Civil Service personnel. Selectman Cossart stated that both would be eligible and the position, depending on the employee, would result in either a Civil Service or non-Civil Service appointment; 2) method of recourse. Mr. Thompson explained that filing a grievance under a collective bargaining agreement is available to all employees, Civil Service and non-Civil Service; Civil Service employees have the added advantage of job protection under the Civil Service system.

- by Officer Fitzgerald: 1) advancement and the use of a non-Civil Service exam; 2) questioned job security/tenure protection; and 3) suggested criteria for job description, to be approved by the Police Department.

- Officers Langmaid and Patruno expressed non-support/opposition to the exemption of Civil Service.

- Officer Patruno suggested advertising to fill current vacancies. The Executive Secretary and the Police Chief agreed that this was not a very ethical way to handle the problem, and that varying attempts have been made in the past to secure officers from other towns, successfully on occasion.

- by Officer Sullivan (later in the evening): 1) suggested a specific job description and criteria for selection. Selectman Cossart stated that the Personnel Board will work with us in this area. 2) questioned the elimination of Civil Service exams. Selectman Cossart stated that the reason for using non-Civil Service exams was due again to delays within the system, in this case, in the area of grading and issuance of marks. 3) suggested the formation of a

committee to include the Selectmen and those present tonight who have expressed valid concerns. Selectman Cossart stated that it was not the Selectmen's intention tonight to make a presentation and apologized if the Department understood differently. Mr. Cossart stated that tonight's meeting was to receive as much input from individuals from the Police Department for consideration and further discussion. Mr. Thompson suggested forming a study group made up of the Selectmen, the Chief, one sergeant and two police patrolmen.

Chairman Faye of the Personnel Board suggested drafting a contract prior to Town Meeting for further review by the Police Department including the concerns raised tonight.

Anne Donald questioned the testing procedure and the validity of the use of a non-Civil Service test for a Civil Service employee. Town Counsel responded that legislation could be drafted so that the non-Civil Service test would be applicable to both non-Civil Service personnel. Selectman Cossart stated that more and more cities and towns are withdrawing from Civil Service, and that the Town of Sudbury has drafted legislation following their example. Mr. Thompson stated that the use of a non-Civil Service test for Civil Service employees has been done in many communities with much success.

Officer Patruno expressed his opinion that something as important as this should not be hastily endorsed and objected to the apparent lack of communication about the subject.

Chief Lombardi stated that he was under the impression that the men would not object to the exemption of future officers from Civil Service because they were tired of being short-handed. He commented further that he would not endorse the plan unless there was a suitable alternative for those non-Civil Service employees. Selectman Cossart concurred, on behalf of the Board.

Chairman Cossart added that there would be no discrimination between Civil Service and non-Civil Service employees.

Responding to Officer Alan Houghton, Chairman Cossart stated that a non-Civil Service appointment would be the same as a Civil Service appointment - neither would be an annual appointment.

Selectman Murray stated that the Board would like to successfully address the concerns raised tonight - the intention was not to take anything away from the men.

Chairman Cossart summed up those concerns requiring further attention, since the consensus of the Police Officers attending was that they would not favor getting out of Civil Service until such time as they have a better understanding of what the Town would offer them in the area of the following safeguards: 1) job security; 2) criteria for promotion; and 3) criteria for selection at all levels. It was a consensus that a representative group consisting of the Selectmen, the Police Chief and officers of his choice, would meet to further discuss these areas and come back with a written agreement dealing with future non-Civil Service employees.

#### Executive Session

At 9:45 p.m. it was on motion by roll call



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

(Chairman Cossart, in favor; Selectman Murray, in favor.)

Chairman Cossart announced that public session would not reconvene following Executive Session.

There being no further discussion to come before the Board, the meeting was adjourned at 10:30 p.m.

Attest: \_\_\_\_\_  
Richard E. Thompson  
Executive Secretary-Clerk