

IN BOARD OF SELECTMEN
MONDAY, OCTOBER 18, 1982

Present: Chairman William J. Cossart, John E. Murray and Anne W. Donald.

The statutory requirements as to notice having been fulfilled, the meeting was called to order by Chairman Cossart at 7:00 p.m.

Emergency Transfer Requests

Present: James A. Pitts, Chairman, William D. Wood, Bernard J. Hennessey, David A. Wallace, Thomas G. Dignan and Marjorie R. Wallace (arrived late), Finance Committee; Highway Surveyor Robert A. Noyes; Richard L. Stevens and Michael W. Guernsey (arrived late), Board of Health; and Sandra Bell, 34 Powder Mill Road.

Chairman Cossart convened a joint meeting with the Finance Committee, and other interested parties, to discuss the question of approving emergency Reserve Fund Transfers relative to providing water lines and testing for three residences on Powder Mill Road, as follows:

- a. No. 1066 dated October 15, 1982, for Account 800-32, Health Lab Expense, in the amount of \$750, requested by the Board of Health; and
- b. No. 1067 dated October 15, 1982, for Account 501-32, Selectmen Emergency Water Lines, in the amount of \$15,000, requested by the Selectmen.

Chairman Cossart updated members of the Finance Committee of the Board's meeting with health officials on October 13th regarding test results confirming contamination of three private wells, and a consensus that an emergency exists and that it is the Town's responsibility to extend Town water to the area, because of the possibility of relationship to an old Town dump site on Powder Mill Road. (See minutes of Selectmen's meeting of October 13, 1982.)

Responding to the Chairman of the Finance Committee, James A. Pitts, Mrs. Sandra Bell stated that her well had been tested but never for heavy metals, since she was unaware of that test.

Also responding to Mr. Pitts, and later to Finance Committee member William D. Wood, Dr. Richard L. Stevens of the Board of Health stated that the Board of Health discourages use of private wells and will continue to discourage any further construction of private wells, indicating that there are currently approximately 200 private wells in Town.

Regarding testing of wells, Mr. Stevens pointed out that State requirements change from time to time, therefore, new priority pollutants could be added to the list making current testing invalid.

Regarding the cost of extending the service down Powder Mill Road, the Board stated that the \$20,000 figure was a good estimate and that the Water District had assured the Board that they would submit an article for the Annual District Meeting in order to contribute a share of the cost, which is 60% or \$12,000; \$5,000 of that money is available from them immediately.

Responding to Finance Committee member Thomas G. Dignan who questioned if this was really the Town's responsibility, whether Town Meeting should make that decision, and suggested that any transfer from the Reserve Fund should be subject to recovering those funds, Chairman Cossart stated that it is a question of timing, that it would be quite an involved process to substantiate that the contamination was in fact a result of the old dumping site, and pointed out that the individual homeowners would already have the expense of hooking up to the main pipeline - approximately \$1,200-1,400.

Mr. Wood expressed concern regarding the precedent this would be setting in terms of the Town having to financially accommodate other residents who decide they want Town water (at the Town's expense).

Regarding the expense to the homeowner to hook up to Town water, Mr. Bernard J. Hennessey of the Finance Committee, related a personal experience, stating that when this was done on his street, it was not an out-of-pocket expense necessarily - some people have a lien placed on their property instead, which did not have to be paid until the property was sold, or whenever possible.

Regarding the additional testing to the private wells, and responding to Mr. Pitts who questioned the Town's obligation to do so, Chairman Cossart stated his opinion that the Town owed it to the people who had been drinking this water for possibly a very long time to at least determine exactly what heavy metals and organic material is in the water.

Mr. Dignan questioned if there would be any substantial change in the chemistry of the water if the testing were done at a later time, perhaps so that, rather than a transfer, it could go before Town Meeting.

Dr. Stevens responded by explaining that there is money in their budget for this type of expense, but rather than deplete that budget (in this case, by \$750) and reduce the flexibility of having the money to do testing as other circumstances in Town arise, the Board of Health recommends a transfer at this time. Board of Health member Michael W. Guernsey later reiterated that point. Mr. Pitts expressed his opinion that, if the testing is done at the expense of the Town, it should come out of current funds, and if necessary, transfer funds later.

At the conclusion of discussion, the Board of Health expressed their majority support of Transfer Request #1066, from the Reserve Fund, dated October 15, 1982, in the amount of \$750 for organic testing and testing of heavy metals of three contaminated private wells on Powder Mill Road, as a health safety measure for the residents. The Selectmen supported that request.

It was on motion by Selectman Murray unanimously

VOTED: To approve Transfer Request #1067, dated October 15, 1982, from the Reserve Fund to Account 501-32, Selectmen Emergency Water Lines, in the amount of \$15,000 for the installation of Town water by the Sudbury Water District to three homes on Powder Mill Road, due to contamination of their private wells, and as set forth on the numbered transfer.

Note: The final total cost to the Town for the extension of Town water to Powder Mill Road is to be \$8,000; \$7,000 is to be reimbursed by the Water District at its next annual meeting in February of 1983.

The Finance Committee left the room to meet privately and when they rejoined the meeting, they informed those present that they had voted to support the Selectmen's transfer #1067 but not to support the Board of Health's transfer #1066 for the reasons expressed earlier.

Trailer Permit - Richard Furbish, 807 Boston Post Road

Present: Building Inspector Joseph E. Scammon.

On the recommendation of the Building Inspector, it was on motion by Selectman Donald unanimously

VOTED: To grant a special permit to Mr. and Mrs. Richard Furbish, as requested by them under date of October 12, 1982, to use a Franklin 17-foot trailer on property located at 807 Boston Post Road for dwelling purposes while their home is being built on that property, for three months, effective immediately, subject to Board of Health approval.

Fence Viewing - 29 Stone Road

Present: Douglas Lewis.

The Board reviewed with Mr. Douglas Lewis an October 4, 1982, communication from his mother, Hester M. Lewis, requesting the advice of the Town Fence Viewers (Selectmen) regarding her property line at 29 Stone Road; also, a response to that letter from Town Counsel dated October 5, 1982.

Town Counsel Paul L. Kenny explained to Mr. Lewis the purview of the Board as it related to fence viewing and, after some discussion and consideration, the Board informed Mr. Lewis that they could not intercede in this particular dispute.

Site Plan #82-247 - V. S. H. Realty Corp., Lot 65 Boston Post Road

Present: George Connors, Engineer, and Milton Horton, Construction Manager, V. S. H. Realty Corp.

Site Plan 82-247 of V. S. H. Realty Corp., for property located at Lot 65 Boston Post Road, was continued by mutual consent on October 4, 1982, for the purpose of obtaining approval from the Planning Board of the colonial-type design plans for the facade of proposed building.

Engineer George Connors stated that the Planning Board had by majority vote approved their design plans, which he showed and explained to the Board, following which it was on motion by Selectman Donald unanimously

VOTED: To approve Site Plan 82-247 of V. S. H. Realty Corp., for property located at Lot 65 Boston Post Road, Limited Industrial District #1 and Business District #5, for the construction of a building, as shown on a plan entitled, "Lot 65, Boston Post Road, Sudbury, Mass.", dated June 17, 1982, last revised September 27, 1982.

The site plan will be signed during the week by the Selectmen after the applicant places a notation on it referencing the design plan for the colonial-type facade of the building, approved by the Planning Board on October 18, 1982.

Chapter 61A Property - First Purchase Option

Selectman Donald left her seat at the Board and took a seat in the audience, and, thereafter, took no part in the Board's decision on the subject matter, which she was bringing before the Board as a petitioner.

Mrs. Donald showed the Board a plan of the .85 acre of Chapter 61A land off Maynard Road, which she intends to sell.

Executive Secretary Richard E. Thompson noted for the record communications received from local Town Boards indicating no interest in the property, as follows:

- from the Conservation Commission, dated October 18, 1982;
- from the Planning Board, dated October 4, 1982; and
- from the Board of Assessors, dated October 15, 1982.

Mrs. Donald stated that, as requested by the Board of Assessors, she will be required to pay the difference in taxes for the two years that this portion of her property was under Chapter 61A, as follows: FY81, \$91.72 and FY82, \$80.28.

At the conclusion of discussion, it was on motion by Selectman Murray

VOTED: That the Board of Selectmen, on behalf of the Town, has no interest in its "first option to purchase" approximately .85 acre of property, owned by Mrs. Anne W. Donald, presently under Chapter 61A tax abatement (non-productive land).

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

Mrs. Donald then returned to her seat at the Board.

FY83 Transportation Improvement Program

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

VOTED: To direct the Executive Secretary to respond within the October 22, 1982, deadline to the Central Transportation Planning Staff notifying that agency of the Board's endorsement of the draft FY83 Transportation Improvement Program, dated October 8, 1982, from the Massachusetts Executive Office of Transportation & Construction, received under cover letter dated October 12, 1982.

Proclamation - Emergency Medical Services Week

It was on motion by Selectman Donald unanimously

VOTED: To proclaim the week of November 14 through 20, 1982, Emergency Medical Services Week, in honor of those individuals and organizations (fire and police personnel, EMT's, nurses, physicians, ambulance services and hospitals) which make up Massachusetts' Emergency Medical Service System.

The Board directed the Executive Secretary to provide for the Selectmen's signatures said proclamation and to include a special note of thanks to be forwarded to Fire Chief Josiah F. Frost commending the work of the department's EMTs under his leadership.

Action Required by Special Town Meeting Votes

The Board acknowledged receipt of a memorandum from the Executive Secretary, dated October 13, 1982, outlining action required as a result of the October 7, 1982, Special Town Meeting.

Minutes

It was on motion by Selectman Donald unanimously

VOTED: To approve the minutes of the Special Meeting of October 7, 1982, as drafted.

Sign Warrant - November 2nd State Election

It was on motion by Selectman Murray unanimously

VOTED: To sign the Warrant for the November 2, 1982, State Election.

Fort Devens

Chairman Cossart reported that he had received a communication from Mr. Michael Weiss of 40 Intervale Road expressing displeasure of activities at the military reservation (Fort Devens) on Hudson Road and pointing out that Hudson Road is especially dangerous because there are no center markings. The Board directed the Executive Secretary to respond to this communication and also to refer the latter matter to Highway Surveyor Robert A. Noyes.

Selectman Donald questioned whether there was an apparent traffic increase on local streets as a result of the military base becoming active.

FY82 Audit

The Board acknowledged receipt of, and approved, a communication dated October 18, 1982, from Town Accountant James Vanar, requesting \$1,000 from the \$12,000 audit appropriation to retain professional assistance in closing the books for FY82. Additional hours are required because no trial balances were prepared during FY82.

Chairman Cossart questioned why no trial balances were prepared during FY82 and directed the Executive Secretary to determine the reason for the failure to have trial balances prepared and report back to the Board.

Meeting with Sudbury Police Sergeants

Present: Sergeants Ronald Nix and Wesley M. Woodward.

Chairman Cossart convened a meeting requested by Sudbury police sergeants relative to the upcoming police chief examination.

Sergeant Woodward asked why the Selectmen requested a state-wide promotional examination for the position of Police Chief rather than a departmental examination so that the promotion could be made from within the Department.

Chairman Cossart stressed that the Selectmen had given this matter a great deal of thought and made the decision to go with a state-wide examination because they were overwhelmed with the statistics which showed only seven people in the State passed the examination the last time it was given, and that statistically speaking, given smaller numbers, there is the possibility of not having an eligible person to appoint. This would mean requisitioning again at a much later time, creating a situation where it could be another year before a Chief were appointed. Chairman Cossart pointed out, however, that by requisitioning a state-wide examination, this does not preclude appointing from within the Department and stated that he would like to see someone from within the Department as the next Police Chief.

Sergeant Woodward stated that the Selectmen did not have anything official from the Chief stating his retirement intentions. Chairman Cossart replied that the Selectmen did in fact have a letter from the Chief setting forth the date of his retirement but agreed that it might be possible that the Chief had not yet filed papers through Civil Service or the State Retirement Board.

Sergeant Woodward stated that, if the promotion is not made from within the Department, this would eliminate promotions all the way down the line, and expressed his opinion that this fact is a real morale destroyer.

Selectman Murray expressed his opinion that there are capabilities within the Department but reiterated what Selectman Cossart had stated earlier that less than 5% of those taking the last Chief's exam passed it. He also pointed out that at least four sergeants have to take a "departmental promotional exam" or it is open to local patrolman; thus the Selectmen favored the state-wide open exam.

Sergeant Woodward indicated that he did not think the Sudbury police sergeants had been asked whether or not they intended to take the exam. Selectman Murray stated that he personally asked three of the sergeants who all indicated their desire to do so.

Sergeant Woodward expressed his opinion that the reason why so few sergeants passed the last examination was because it was a new format and that now, the second time around will make a real difference in the numbers that pass and render the statistics useless.

Sergeant Nix stated he felt it was the Selectmen's responsibility to examine all the options; that it was his understanding that the examination was extremely tough; that there was a void without a chief but not a dangerous one. He did not agree that it was as expeditious as the Board felt it was to hire a chief immediately as it was to be selective.

Sergeant Nix stated that because Sudbury police sergeants had not been officially notified about the exam it was his opinion that they had less time than men in other departments to prepare for it. He further stated that when he took the sergeants exam he studied about two hours every day for a year.

Selectman Donald commented on the short notice the Selectmen had received from the State Department of Personnel Administration in order to requisition within their deadlines.

Sergeant Nix pointed out that there are many sergeants who take this examination to be eligible for the position of police chief but not necessarily caring about the town in which they work, contrary to the Sudbury police sergeants who are interested in remaining in Sudbury and who really care about the Town of Sudbury.

At the conclusion of further discussion/comments, Chairman Cossart thanked Sergeants Nix and Woodward for meeting with the Selectmen and added that he hoped they would all take the state-wide examination.

Interview - Captain Michael C. Dunne

Present: Michael C. Dunne, Fire Captain.

Chairman Cossart welcomed Captain Michael C. Dunne for an interview for the position of Fire Chief and asked that he summarize what his accomplishments have been, what his qualifications are, and what problems, if any, he sees in the Department.

Captain Dunne stated that he has been in the Department for 15 years; that he is a life-long resident of Sudbury with the exception of the past couple of years. He was promoted to captain in 1975, left the Department for a short period of time due to a non-duty related injury, and was re-promoted to captain when he returned to duty. Captain Dunne stated he has worked closely with Fire Chief Frost for the past 3 years and has become familiar with the budgetary process; which has given him a clearer understanding of the ramifications of Proposition 2 1/2.

Regarding the direction of the Town under Proposition 2 1/2 restraints, Captain Dunne pointed out that 90% of the Department's budget is salary related. He went on to say that he would like to see the manning of the Department remain the same.

Regarding the Service Life Extension Program, Captain Dunne expressed his opinion that it is a good program and would expect it to continue for the next few years. He stated that in approximately 5 years, it will probably be necessary to purchase a new vehicle; at that time all of the present vehicles will be 25-30 years old.

Responding to Selectman Murray regarding area-wide dispatching, Captain Dunne said he felt it was a great idea and one of the ways for the Department to save money. He further expressed his opinion that it should not be limited to dispatching - that another area of combining functions could be equipment purchasing.

Captain Dunne stated that he has been involved with the Fire Prevention Program in the schools - a program started in 1975. He explained the merits of the Program in that by educating children in fire safety in grades kindergarten through junior high, which are the grades they have worked with to date, there has been a reduction in false alarms and brush fires.

Relative to continuing the use of the fire truck to transport "Santa" through Town at Christmastime, Captain Dunne stated that this is a service provided by the Sudbury Fire Association on a voluntary basis, and that if enough interest is shown this year, it might be resumed.

Responding to Chairman Cossart regarding fire facilities, Captain Dunne stated that the Department is elated with Special Town Meeting's vote granting space to them in the back of Town Hall. He commented that it would be good to have the Chief in the same housing as the rest of the men for a feeling of continuity and belonging; that the out stations are in good condition, however, the Town should be thinking about some maintenance work down the line in terms of boiler and roof work, paneling, and a new refrigerator at Station 3.

Also responding to Chairman Cossart regarding his opinion on civilian dispatchers, Captain Dunne replied that towns around Sudbury are now using them and many towns have combined dispatching for police and fire.

Chairman Cossart asked Captain Dunne if the fire EMTs understood that the Town is relying solely on the fire service for all medical emergencies. Captain Dunne responded in the affirmative and added that he did not think people in Town really knew all of the different services provided by the Fire Department in addition to fire service and medical emergencies - there is fire prevention, pumping, etc.

Captain Dunne stated that he currently handles fire inspections at the High School, and regarding the chained doors, he stated that they are usually chained sometime after 4:00 p.m. for security reasons except during athletic events, and that if a door is inadvertently chained at the wrong time it is usually unlocked by a custodian immediately upon request.

Captain Dunne explained how the Fire Department moves personnel during emergencies in order to maintain coverage at all stations.

Regarding any pressing problems, Captain Dunne stated he did not feel there were any; that the Chief had done a good job - things are in place. He stated if he were appointed Fire Chief, he would continue with the Service Life Extension Program, and would strive to get the central facility in place.

The Board confirmed that salary would be discussed with the final applicant selected, and the residency situation should not be a major problem.

Responding to Captain Dunne regarding expectations of a new Chief, Chairman Cossart stated he felt the candidate should have knowledge of all phases of fire service and departmental operations and have the ability to keep those functioning properly, in terms of the needs of the personnel and the Town.

Selectman Murray added that under Proposition 2 1/2 the new Chief will have to be innovative.

Responding to Selectman Donald, Captain Dunne stated that he lived 10 minutes from Sudbury, was married and had two children.

Chairman Cossart, responding to Captain Dunne, stated that the Selectmen intend to appoint a new Chief in early November, as recommended by Chief Frost. At the conclusion of the interview Chairman Cossart thanked Captain Dunne for attending.

Assistance of Committee on Town Administration (CTA)

At the suggestion of Selectman Donald, and following discussion, the Executive Secretary was directed to forward a letter to the Committee on Town Administration, explaining that the Selectmen had discussed certain areas in which they felt the CTA could help; namely, the pros and cons of establishing a police lieutenant position and of hiring a permanent full-time assessor to work under the Board of Assessors.

Finance Committee member Marjorie Wallace suggested the Board might also want to refer to the CTA the question of whether the title of the Finance Committee should be changed to Advisory Committee, relating to the question of the Committee's scope of recommending on Town Meeting articles. The Board agreed to include this subject as well.

Grievance Local 2023 - Shawn Kelley

Present: Fire Chief Josiah F. Frost; Firefighter Shawn Kelley; his attorney Francis C. Burke, Jr.; Secretary Peter Devoll, and Atty. Kenneth Grace, International Association of Fire Fighters, Local 2023.

At its October 13th meeting, the Board took the grievance of Firefighter Shawn Kelley under advisement to await the Town Physician's report and review the facts presented that evening with Town Counsel. Although re-consideration of the grievance was scheduled to be continued in Executive Session, there was no objection from those present this evening to conduct the same in public session.

Chairman Cossart stated that, subsequent to the Board's last meeting, the Board had received a letter from the Town Physician, Melvyn W. Kramer, dated September 18, 1982, (corrected to October 18, 1982), stating that he received Mr. Kelley's medical records from his personal physician and following review of the same, recommended that Mr. Kelley be placed on permanent disability status.

It was on motion by Selectman Murray, and following discussion, unanimously VOTED: To support Fire Chief Josiah F. Frost in his action of assigning Firefighter Shawn Kelley to light duty and, thereby, deny Shawn Kelley's grievance dated August 20, 1982, received on September 29, 1982, from the President of Local 2023 relative to performing limited duty and Agreement Articles XIV and IV, section 5.

A summary of the discussion which took place is as follows:

Selectman Murray stated that when the Selectmen took a position regarding limited/light duty, they were primarily concerned with a police officer on "light duty", for example, in the position of dispatcher where he would be in close proximity to the prisoner, and perhaps in a situation where he might have to help subdue a prisoner. Later, that concern had been referred to Chief Frost for his consideration, but there was not a clear-cut policy directive regarding light duty for the Fire Department. That point was reiterated several times during the discussion by other Board members, emphasizing such a decision was only within the purview of the Fire Chief.

Atty. Grace still questioned the Board's "past practice" regarding light duty stating he felt that past practice of not allowing light duty had been demonstrated with other fire and police personnel, and he further questioned the legalities of assigning light duty, in this instance, to a firefighter, as governed by G.L.c.41, s.111F, and the union contract. He also pointed out that past practice is always a part of the grievance process whether or not it is part of the contract.

Town Counsel Paul L. Kenny responded to the legalities of allowing light duty by stating that the Selectmen's policy is a managerial prerogative and not negotiable; also, that it is within the purview of the Fire Chief to assign light duty, especially on the recommendation of a physician, which in this case was received by letter dated August 11, 1982, from Dr. Joseph Winsten.

Responding to points made by Selectman Murray regarding the dangers of a Police "light-duty" dispatcher being in close proximity to prisoners, Mr. Kelley pointed out that the same emergency-type situation could arise when only the Fire "light-duty" dispatcher is on duty and a person drives into the station with an on-the-spot medical emergency.

Relative to Dr. Kramer's letter of October 18, 1982, and in response to Chairman Cossart, Shawn Kelley stated he could not make a determination on one reading of that letter as to whether or not he would file for disability retirement.

Responding to Chairman Cossart, the Chief stated he would submit his recommendation regarding involuntary disability in writing to the Selectmen within the next few days.

Atty. Grace asked what the Selectmen's future policy will be pertaining to light duty for firefighters and whether the Selectmen would meet with the Union to deal with that. Selectman Cossart indicated it was the Selectmen's obligation to define light duty but that, in his opinion, it would not be appropriate at this time for the Selectmen to approach the Union for input on that subject.

Project Management, Inc.

The Board acknowledged receipt of an October 13, 1982, communication from Atty. John C. Thomson, representing Project Management, Inc., stating that the Law Office of Hutchins & Wheeler is in the process of preparing an appeal of the Board's decision of October 4, 1982, denying the site plan extension of Project Management for the Powder Mill Road property.

Middlesex County Selectmen's Association (MCSA) Seminar

Executive Secretary Richard E. Thompson informed the Board of a MCSA seminar on county government, to be held Wednesday, November 3, 1982. Selectman Donald indicated she would attend; Selectman Cossart stated he would not; Selectman Murray told Mr. Thompson he would confirm whether he was able to attend or not.

Communication - Division of Personnel Administration

The Board acknowledged receipt of a communication dated October 14, 1982, from the State Division of Personnel Administration complying with the Board's request to cancel the departmental promotional examination, which had been ordered under date of September 30, 1982.

Spraying of Herbicides

Executive Secretary Richard E. Thompson informed the Board of a Public Hearing, October 21, 1982, at Middlesex Community College, on the subject of spraying of Herbicides Along Utility and Railroad Rights of Way. The Board referred the same to the Board of Health.

Coatings Engineering

The Board was in receipt of an October 15, 1982, communication from Coatings Engineering Corporation requesting the reactivation of Coatings' application for a license to store inflammable liquids in excess of 165 gallons for use in their priming process at 33 Union Avenue.

The communication indicated upgrading of their water treatment system in accordance with an Agreement for Judgment with the DEQE had taken place but that no results have been received to date from the samples taken from the system; that air treatment plans have been submitted to DEQE for approval and equipment ordered for anticipated completion in November.

Selectman Donald stressed that the Board should see the above noted steps completed, noting that in the past Coatings has not lived up to their scheduled commitments.

Selectman Murray informed the Board that he had been alerted by Mr. Clifford Hughes of Concord Road of strong odors being emitted from Coatings which he stated he witnessed as still being present the following morning.

Following a lengthy discussion, it was the consensus of the Board that Mr. Thompson forward a copy of Coatings' communication to the Board of Health for a status report on the same, and that a meeting or hearing shall not be scheduled with Coatings at this time to re-consider their pending license application.

Minuteman Energy Alliance

Mr. Thompson informed the Board of a scheduled meeting on Thursday, September 30, 1982, by the Minuteman Energy Alliance and stated that he would pursue response from the Permanent Building Committee as to their interest in representing the Town by attending these meetings and reporting back to the Selectmen.

Paid Detail Police Officers

Mr. Thompson informed the Board that Highway Surveyor Robert A. Noyes had called regarding his difficulties in finding paid detail police officers when he needs them during highway construction. After discussion, the Board agreed to request from Mr. Noyes a list of possible candidates, to be appointed Special Constables (for traffic duty only), to help relieve him of this current problem.

Patruno - Vacation Pay Request

The Board was in receipt of a September 29, 1982, communication from Officer Vincent J. Patruno requesting four weeks of vacation in the form of pay instead of time off, in accordance with Article XIX, Section 7, of the collective bargaining

contract with Police Local 315 (IBPO), which states that, "Cash payments for vacation(s) will be paid in lieu of time off upon approval of the Executive Secretary after consultation with the Chief of Police."

Executive Secretary Richard E. Thompson stated his opinion that it was never the intention when the collective bargaining negotiations were taking place that an employee would ask for the total vacation pay in cash, but using discretion, would be allowed to receive possibly a "portion" of that pay in cash.

Chairman Cossart questioned the comments by the Executive Secretary that the potential exists of Officer Patruno receiving more than fifty-two weeks of pay for FY83 if his request is granted (an additional 1/12 of his annual salary), in that prior approvals of a similar nature did likewise.

Mr. Thompson continued that prior approvals of cash pay for vacation time, to the best of his knowledge, did not involve an officer on "injury leave", and that the original intent of this past practice was never to give cash for all vacation time, only a portion - the intent being to accommodate the employee and at the same time benefit the Town by not having to cover at time-and-a-half.

There was also some discussion on the uncertainty of a possible disability retirement date, which would have a different effect on this pay request and entitlement.

Selectman Donald stated that the circumstances appear to be the same as the Manzo case, which had been previously denied, and it was on motion by her unanimously

VOTED: To deny the request dated September 29, 1982, from Vincent J. Patruno for four weeks of vacation in the form of pay instead of time off.

At the suggestion of Town Counsel, Mr. Thompson was directed to forward a copy of the Manzo arbitration case to Officer Patruno, and to inform him of the Board's decision in his particular case.

There being no further business to come before the Board, the meeting was adjourned at 10:15 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk