

IN BOARD OF SELECTMEN  
MONDAY, OCTOBER 31, 1983

Present: Chairman John E. Murray and Myron J. Fox.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:30 p.m. by Selectman Murray.

Reserve Fund Transfers - Unclassified 950-95/Selectmen 501-31

Present: Marjorie Wallace, Finance Committee.

The Selectmen were in receipt of two Reserve Fund Transfer Requests in conjunction with their acceptance on October 24 of a report dated October 14, 1983, submitted by Administrative Secretary Janet Silva for the purchase of a word processor for the Selectmen's department. A transfer request for Acct. 950-95 set forth two options - option I, in the amount of \$2,640 for the purchase of all required equipment and software in FY84 (total cost \$9,840 - \$7,200 appropriated by 83ATM), and option II, in the amount of \$742 to purchase minimum equipment and software in FY84 with a FY85 budget of \$2,200 to complete the purchase. A corresponding transfer for Acct. 501-31 requested funds to cover a maintenance agreement for these options in the amounts of either \$512 (option I, more equipment = higher maintenance) or \$436 for option II.

The Executive Secretary recommended option I in both instances on the basis that equipment prices are unpredictable - that the direction of the industry appears to be that hardware will be dropping and software will be increasing in price.

Marjorie Wallace of the Finance Committee agreed with Mr. Thompson stating that there would be a savings of \$300 over two years by going with Option I on the first transfer and expressed her opinion that the department should buy for its immediate needs. Ms. Wallace stated her recommendation to the Finance Committee will be that the Selectmen go with option I on both transfers.

Following a brief discussion, it was on motion by Selectman Fox unanimously

VOTED: To approve Request for Transfer #10 from the Reserve Fund dated October 31, 1983, to Unclassified, Word Processor, Acct. 950-95, for option I, to purchase all required equipment and software in FY84, in the amount of \$2,640;

and it was further

VOTED: To approve Request for Transfer #11 from the Reserve Fund dated October 31, 1983, to Selectmen, Maintenance Acct. 501-31 for option I, for word processor maintenance through FY84, in the amount of \$512.

Minutes

It was on motion by Selectman Fox unanimously

VOTED: To approve the minutes of the Regular Session, as amended, and the Town Fathers Forum, as drafted, both of October 24, 1983.

Executive Secretary Richard E. Thompson noted for the record that Selectman Donald, who could not be present this evening, had commented on the minutes prior to the meeting and her comments had been incorporated into the minutes.

Health Care Week

In accordance with a October 24, 1983, request from the Executive Director of the Sudbury Public Health Nursing Association, Inc., it was on motion by Selectman Fox unanimously

VOTED: To sign a proclamation designating the week of November 27 through December 3, 1983, as Home Health Care Week in the Town of Sudbury, in recognition of the services rendered by the Sudbury Public Health Nursing Association.

Appointment - Memorial Day Committee

The Board tabled taking any action on the appointment to the Memorial Day Committee and directed the Executive Secretary to contact that Committee relative to any recommendations as to candidates it might have.

Post Hunting Signs

As directed by the Board at its meeting of October 2th, Mr. Thompson stated he had contacted the Chairman of the Conservation Commission, Richard O. Bell, who confirmed that Commission's recommendation to post all roads leading into Sudbury to the effect that no hunting is allowed except with the permission of the owner of the property. However, Mr. Bell expressed a willingness at this time to have only Routes 20 and 117 posted. Mr. Thompson recommended that the Board vote accordingly. (Mr. Thompson stated that, after speaking with Mr. Bell, he realized that it may not be possible to post Route 20 since it is a State road.)

It was on motion unanimously

VOTED: To post Route 20 and Route 117 where these roads enter the Town of Sudbury using signs approximately 18" X 24" in size which read, "No Hunting in Sudbury Without Written Permission".

Indemnification Agreement - Boston Edison Company

It was on motion by Selectman Fox unanimously

VOTED: To confirm the Board's telephone vote of October 26, 1983, to waive the condition of an Indemnification Agreement from Boston Edison Company relative to Utility Petition Number 83-11 for conduit, Maynard Road, approved on October 24, 1983, stipulating, however, that the Executive Secretary inform Boston Edison Company the Town would require such indemnification on future petitions and would work out the details of the same with Boston Edison in the immediate future.

Selectman Fox explained that the reason for waiving the condition is because it is a new rule promulgated by the Board and will affect all future petitions of Boston Edison.

Preliminary Discussion/Site Plan of Technology Concepts, Inc., Codjer Lane

Present: Stuart Wecker, President Technology Concepts, Inc.; George Catrambone and Glen Chalder of Catrambone Development Corporation; Architects Leslie Moldow and Phil Doyle; Building Inspector Joseph E. Scammon; Town Engineer James V. Merloni; and William H. Holden, abutter.

Chairman Murray convened a meeting for a preliminary discussion of a possible future site plan submission, which had been requested by Stuart Wecker, President of Technology Concepts, Inc., relative to construction of a corporate headquarters building on property off Codjer Lane, Industrial Park District #1.

Selectman Fox stated that the Selectmen will make no commitment relative to this site plan, that he personally was opposed to any preliminary discussion, mostly because it is an unadvertised meeting, unlike site plan hearings which are advertised and abutters notified.

(During the meeting, abutter William Holden stated that the applicant had been discussing his plans with him, and that he had been individually informed of tonight's discussion with the Selectmen.)

Mr. Wecker stated that the reason for requesting the preliminary discussion was mainly to hear from the Selectmen their concerns or any problems regarding the former applicant's site plan request for this property.

Chairman Murray stated that one of the main concerns of the Selectmen relative to this industrial site is the amount of traffic development the same would generate. He added later that the Town Engineer and the Building Inspector may have concerns once they have reviewed this specific site plan and those will be in their official reports submitted to the Selectmen for the public hearing.

Selectman Fox asked about the site plan. Mr. George Catrambone stated they are developing a 25,000 square foot area of land which includes a 14,000 square foot building and parking for eighty-two cars, for use by the Technology Concepts Company. Mr. Wecker stated that his company is presently in Sudbury, over Bullfinch's Restaurant, and will be moving to larger temporary quarters at Stanmar pending site plan approval and construction of their new building in the Industrial Park.

On the subject of traffic and access, there was some discussion regarding the mix of additional morning traffic and school children/bus stops at Horse Pond Road and Codjer Lane, and the Town's preference, considering the traffic issue, that access be from Union Avenue, not Horse Pond Road. Further discussion focussed on the fact that in the 1800s, Codjer Lane had been laid out as a private way for public use. Town Engineer James V. Merloni stated that, if the road were improved to the acceptable Town standards, the Town could take it over as a public way. Responding to Selectman Fox, Mr. Merloni stated that he has rough in-house estimates regarding the cost of constructing Codjer Lane from the proposed site to Horse Pond Road versus to Union Avenue (a longer distance). Mr. Catrambone later asked if Town Counsel had an opinion on this issue. Mr. Thompson responded that correspondence from Town Counsel on that subject is available in the Selectmen's office.

Mr. Holden explained that past deeds to the parcel of abutting land he presently owns included property which went to the middle of the road, and referenced a 69ATM resolution which stipulated access to the Industrial Park via Union Avenue, not Horse Pond Road. Mr. Holden also stated there are one hundred acres in the Industrial Park and his concern about the precedent this development (Technology Concepts site Plan) would set if eighty-two cars were allowed to access from residential Horse Pond Road.

Responding to Chairman Murray, Mr. Wecker stated he hoped to file his site plan application by December 1, to which Chairman Murray recommended that he not delay because of the workload and time schedule of the Planning Board.

At the conclusion of discussion, Chairman Murray concluded by stating that there is an obligation to allow the people who own land in the Industrial Park to develop it as such; on the other hand, the Selectmen are very concerned about the abutting residential areas. He stated that this is an issue the Selectmen have been concerned with and have tentatively scheduled a meeting with the local Chamber of Commerce to discuss the Industrial Park area, how and if it should be developed.

Performance Review - Joseph E. Scammon, Building Inspector

In accordance with the Selectmen's Performance Review Policy, the Board met with Building Inspector Joseph E. Scammon.

The Board acknowledged receipt of a September 27, 1983, report from Mr. Scammon reviewing the functions of the Building Department over the past year. With respect to salary, explaining to Selectman Fox, Mr. Thompson stated that Mr. Scammon is in the Sudbury Supervisory Association and that this is the second year of a two-year contract mandating a 6.5% salary increase.

The Selectmen discussed individually those objectives listed on the Department Head Evaluation Sheet, dated October 31, 1983, prepared by the Executive Secretary, summarized as follows:

- Relative to Building Services, maintenance and custodial of all Town buildings, Chairman Murray thanked Mr. Scammon for the things he does which at times seem to go unnoticed, i.e., repairs at the Police Station which should have been corrected by the contractor. He asked for Joe's input on the reconstruction of a letter which is being forwarded to the contractor and architect from the Permanent Building Committee relative to unfinished items there.

The Board agreed that Joe is stretched too thin. Mr. Thompson stated a major factor is that the vacated schools have become a burden for the Town, and mean extra work under the supervision of the Building Department.

- Relative to follow-up and enforcement of zoning violations/complaints, Mr. Scammon indicated that the courts have been most cooperative and generally the judge and/or clerk, if the case does not get into the courtroom, look to him for direction in terms of the amount of the fine to be issued. Selectman Fox encouraged Mr. Scammon to impose the Town Bylaw One-Hundred-Dollar-per-day fine whenever possible.

- Responding to Chairman Murray, Mr. Scammon stated that progress has been slow in the area of maintenance of Town buildings, and that too much time is lost in general maintenance and repair work - that he would like to be relieved of some of those details.

- Mr. Scammon expanded briefly on the relocation of office space in Town Hall and the Flynn Building - this will be an on-going project.

Responding to the Selectmen, Mr. Scammon stated that his car has 60,000 miles on it and that he will be putting in for a new vehicle for FY85.

At the conclusion of discussion, it was on motion unanimously

VOTED: To concur with and adopt the Department Head Evaluation of Joseph E. Scammon, Building Inspector, dated October 31, 1983.

And it was further

VOTED: To set the FY84 salary for Joseph E. Scammon, Building Inspector, at \$29,480, from his present salary of \$26,875, which represents the Sudbury Supervisory Association contract increase of 6.5% plus a 3% merit increase, and which puts Mr. Scammon at Step 6 on the Sudbury Supervisory Association salary grid from Step 5, retroactive to July 1, 1983.

The Executive Secretary was directed to forward a copy of the Board's vote to both the Personnel Board and Finance Committee.

Performance Review - James V. Merloni, Town Engineer

In accordance with the Selectmen's Performance Review Policy, the Board met with Town Engineer James V. Merloni.

The Board acknowledged receipt of a September 28, 1983, report from Mr. Merloni summarizing the major activities and most significant accomplishments completed by the Engineering Department during the past year.

The Selectmen discussed individually those objectives listed on the Department Head Evaluation Sheet, prepared by the Executive Secretary, dated October 31, 1983, summarized as follows:

- Stabilize number/continuity of personnel. Mr. Merloni stated his first priority is to stabilize personnel in his department - there was a turn-over of seven people in one-and-a-half years in his department, which, he stated, created major disturbances.

Later, Mr. Merloni discussed the morale of municipal employees in general, stating that at times they are not given the professional respect due them, salaries are generally lower and town employees are no longer offered benefits which are greater than those in the private sector, concluding that job security is a problem since the inception of Proposition 2½. Chairman Murray commented that there is little chance for advancement in a small engineering department such as the Town's, which is another problem.

Responding to Selectman Fox, Mr. Merloni thought that some relief from State law in terms of salaries and benefits restricted by Proposition 2½ would be helpful - that other than legislative changes he did not know of any other way.

Later, responding to Chairman Murray, Mr. Merloni stated that he would like to be able to keep each person in his department for at least five years and should be able to do so with the present salary steps and grids.

In response to a question from the Board, Mr. Merloni explained that the Internship Co-operative Program had been cut three years ago to stay within budget restraints and that if funds were available, he would want to reinstate that program since these were usually local people and gave him a pool from which to hire. Mr. Merloni stated that many of his budgetary problems are Proposition 2½ related.

The Board expressed its appreciation of Mr. Merloni's professional work and manner. Selectman Fox commented further that he has a great deal of confidence in Mr. Merloni, that he is extremely competent and cooperative, and as a municipal employee he can only pay him the highest compliment.

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

VOTED: To concur with and adopt the Department Head Evaluation of James V. Merloni, Town Engineer, dated October 31, 1983.

And it was further

VOTED: To set the FY84 salary for James V. Merloni, Town Engineer, at \$36,149, from his present salary of \$33,943, which represents the Sudbury Supervisory Association contract increase of 6.5% plus 2% longevity, retroactive to July 1, 1983. (Mr. Merloni was already at the maximum step level.)

The Executive Secretary was directed to forward a copy of the Board's vote to both the Personnel Board and the Finance Committee.

Performance Review - Richard E. Thompson, Executive Secretary

In accordance with the Selectmen's Performance Review Policy, the Board met with Executive Secretary Richard E. Thompson.

The Board acknowledged receipt of an October 26, 1983, report from Mr. Thompson outlining the major activities and accomplishments of the Selectmen's office over the past year, and discussion concentrated in areas, summarized as follows:

- On the subject of staff assistance with inquiries, time and assistance given, Mr. Thompson commented and concluded by stating that, because Sudbury has a good reputation, many people want to borrow from our expertise. Some discussion followed regarding salaries being challenged by Town Meeting, appearing to be a disrespect for public servants but in reality being a misconception of the numerous and varied tasks being performed by Town officials.
- Responding to Selectman Fox relative to objectives for next year, Mr. Thompson stressed the importance of the Selectmen's office working with the Finance Committee, the Town Accountant and other Town departments for continuity in maintaining the Town's present financial posture, recognizing constraints of Proposition 2½.
- Regarding the objective to simplify and expedite the Collective Bargaining process, Chairman Murray cautioned Mr. Thompson to avoid becoming a middleman during negotiations, which was a problem with certain unions last year that resulted because of an attempt to save on legal expenses associated with Collective Bargaining.

- Mr. Thompson answered questions raised by Selectman Fox about his employment contract - the six-month severability notice clause and the ICMA retirement program.

Selectman Fox expressed his personal feelings about Mr. Thompson. He stated that he had worked with Mr. Thompson for eleven years in a variety of capacities and that the highest compliment he could pay to him would be to say that the only reason the Selectmen's office can appear competent and can run as effectively as it does is strictly because of him. He said that none of the action dictated by Town Meeting would go into effect without Mr. Thompson's competence. Selectman Fox added that he has worked with many other Executive Secretaries in other towns, none of which are as competent. He further stated Mr. Thompson is a professional and the salary being requested is in line with what the Town pays other competent department heads.

Chairman Murray added that Mr. Thompson is always willing to help people, that he handles his job like a professional, that the Selectmen are only prepared to make decisions because the backup is there, that through tough times he has been a leader.

At the conclusion of discussion it was on motion by Selectman Fox unanimously

VOTED: To renew an employment contract (agreement) with Richard E. Thompson, Executive Secretary, for FY84, in accordance with G.L.c.41, s.108N, with the following provisions:

- 1) an annual salary for July 1, 1983, to June 30, 1984, to be \$44,686;
- 2) in addition to an annual salary of \$44,686, an additional 3% (\$1,341), which shall be used for supplemental retirement benefits under the so-called ICMA Retirement Plan (ICMA Retirement Corporation);
- 3) annual membership in the International City Management Association and the Massachusetts Municipal Management Association;
- 4) one (1) physical examination per year by a Town physician;
- 5) one (1) month of vacation per year;
- 6) the same sick leave benefits as non-union Town employees;
- 7) the same medical insurance benefits as non-union Town employees;
- 8) the same holidays as non-union Town employees;
- 9) a milage allowance of \$100/month; and
- 10) a six-month severability notice.

Mr. Thompson thanked the Selectmen for their kind comments and stated he will try to live up to their expectations next year.

#### Police Station Repairs

At the suggestion of Selectman Murray, the Executive Secretary was directed to contact the Permanent Building Committee and in conjunction with the Building Inspector and Town Counsel put together a communication to be sent to Hugo Construction relative to the completion of items remaining on a punch list under the construction contract for the Police Station.

(The Board received in its packages for tonight's meeting backup correspondences between the PBC, Hugo Construction Co., Inc., and Architects, Kubitz & Pepi Associates, Inc.)

#### Tentative Meeting with Chief Lombardi

The Board concurred with the draft letter from the Selectmen's office to be sent to Police Chief Nicholas Lombardi, dated November 1, 1983, concerning an Executive Session meeting scheduled for November 14, 1983, relative to the possibility of Involuntary Retirement for the Chief.

#### Personnel Administration

The Board noted receipt of a communication dated October 20, 1983, from the State Department of Personnel Administration relative to an eligibility list established on September 28, 1983, determined as a result of the examination held on February 5, 1983 - Police Chief Open Competitive Examination.

#### Conservation Commission Open Space Joint Subcommittee

Selectman Fox asked who was on the Joint Subcommittee for Open Space and directed Mr. Thompson to furnish him with a list.

#### Planning Board Matters

At the direction of Selectman Fox, the Executive Secretary will contact the Planning Board regarding the cancellation of several meetings due to the lack of a quorum; also, relative to possible candidates for the vacancy on that Board. Mr. Thompson stated that, if there are any candidates which the Board may have in mind, they should be asked to contact the Selectmen's office for an application.

#### Fort Devens Environmental Impact Report

Responding to questioning by Selectman Fox, Mr. Thompson stated that he had met with the Fort Devens, Sudbury Annex liaison group last Friday and had reached a consensus on the letter to be drafted on the Environmental Impact Assessment Report, as part of Sudbury's public comment, to be submitted by a November 15th deadline, which would be given to the Board by the middle of next week for endorsement.

Halloween

Selectman Fox stated he had received a couple of telephone calls in addition to those complaints received by the Selectmen's office regarding the short notice given to residents to celebrate Halloween on Sunday, October 30, rather than on the 31st, adding that most people he spoke with agreed with the rationale for changing the date. Selectman Fox suggested that Mr. Thompson remind the Board next year well in advance of the holiday for consideration of similar action.

Loring School

Selectman Fox informed the Board that the Sudbury Community Arts Center had laid off their director, an indication to him that they might be experiencing financial difficulties. Selectman Fox expressed concern that if this were the case he did not want the Town to be liable for any expenses incurred by that organization. He urged Mr. Thompson to keep the lines of communication open between himself and any prospective buyers of that property.

Cable Television

Mr. Thompson informed the Board that Town Counsel had informed him that the State Cable Commission would be setting up a meeting within one month for the purposes of discussing the motion for summary decision with counsels relative to the cable television licensing appeal.

Landfill Hours

Mr. Thompson reported that he had received a request for the Sudbury Landfill to open at 8:00 a.m. from a person who would like to stop there on the way to work in the morning. Since it has been the Board's policy that Sudbury's hours coincide with those of the Wayland Landfill, the Executive Secretary was directed to contact the Highway Director in Wayland regarding the feasibility of that change.

Ephraim's Restaurant

Mr. Thompson informed the Board the he had released Ephraim's licenses, except for the entertainment licenses, which are pending Board of Appeals' action.

Funds/Sudbury River Diversion

Mr. Thompson reported on behalf of Selectman Donald her concern about the status of funds to pay counsel relative to the Sudbury River Diversion Project - appropriated by the Town and the Water District in equal amounts of \$5,000 each. Mr. Thompson stated he would report back to the Board if there is a problem.

84ATM Articles

Excise Tax Exemption/POWs

On the recommendation of the Executive Secretary the Board supported an article exempting POWs from paying excise taxes in accordance with G.L.c.597, s.1.

Mr. Thompson stated that Selectman Donald expressed support of the article.

It was on motion by Chairman Murray unanimously

VOTED: To direct the Executive Secretary to draft such an article for endorsement by the Board for the 84ATM.

Entertainment Licenses

It was on motion unanimously

VOTED: To direct the Executive Secretary to draft an article for the 84ATM relative to a possible bylaw amendment pertaining to the issuance of entertainment licenses to properties located in limited business districts.

Powder Mill Road

It was on motion unanimously

VOTED: To direct the Executive Secretary to draft an article for the 84ATM relative to resolution of the Powder Mill Road issue in conjunction with litigation which is pending relative to the closing of that road.

House Move to Sudbury

Selectman Fox expressed his support of the opinions expressed in a recent editorial in The Town Crier relative to the house which had been moved from Wayland to Sudbury and asked that the Executive Secretary follow up. The Executive Secretary stated he would draft a letter to respond to another inquiry on the same matter which he would forward the the Board next week.

There being no further business to come before the Board, the meeting was adjourned at 11:00 p.m.

Attest:

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Richard E. Thompson  
Executive Secretary-Clerk