

IN BOARD OF SELECTMEN
MONDAY, JANUARY 9, 1984

Present: Chairman John E. Murray, Anne W. Donald and Myron J. Fox.

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

Change of Manager - Ephraim's Restaurant

Present: Thomas Nadolski and Gary Schmidt, Ephraim's Restaurant.

Responding to Selectman Fox who asked why Mr. Thomas Lyons would not be continuing as manager, Mr. Nadolski stated that Mr. Lyons helped to get them started, but it was never their intent that he would be full-time manager, and that Mr. Schmidt is well qualified for the position.

It was on motion by Selectman Fox unanimously

VOTED: To approve a request, dated December 19, 1983, for a change of manager from Thomas Lyons to Gary T. Schmidt, for Ephraim's Restaurant, Kenbo, Inc., 8 Village Green, Hudson Road, in accordance with General Laws, c.138, subject to Alcoholic Beverages Control Commission approval.

Planning Board Communication/Mill Village Realty Trust

It was on motion by Chairman Murray unanimously

VOTED: To table any action with regard to a communication dated December 19, 1983, from Theodore P. Theodores, Chairman of the Planning Board, relative to approval of Site Plan 83-271, Mill Village Realty Trust, 361 Boston Post Road, until Town Counsel can be in attendance and report on the same.

Transfer Request/Word Processor

It was on motion by Selectman Fox unanimously

VOTED: To approve Request for Transfer No. 16, dated January 6, 1984, in the amount of \$315 from Account 501-81, Surveys & Studies, to Account 950-95, Word Processor, which is the cost difference for a faster Printer, as further explained on the numbered transfer.

Fire Department Vehicles

The Board acknowledged receipt of, and briefly discussed, a report, dated December 29, 1983, from the Fire Chief providing a listing of and a schedule for replacement of all fire department vehicles, plus a survey of fire vehicles in area towns.

Executive Secretary Richard E. Thompson stated that the Finance Committee had tentatively approved the report as presented, subject to review in relation to the Town's complete budget picture at a later date. Mr. Thompson stated he would be reporting back to the Board on that.

It was on motion by Chairman Murray unanimously

VOTED: To acknowledge receipt of the Fire Chief's report of December 29, 1982, as submitted, and to direct the Executive Secretary to commend the Fire Chief for the thoroughness of his report.

Transportation Improvement Program

The Board noted receipt of and discussed a copy of the Fiscal Year 1984 Transportation Improvement Program, as prepared by the Central Transportation Planning Staff and endorsed by the Metropolitan Planning Organization.

Executive Secretary Richard E. Thompson stated that one aspect of the grant application the Selectmen filed in conjunction with the Planning Board, for funds to update the Town's "master plan", addresses the widening of Route 20.

Mr. Thompson further stated that the draft of the Selectmen's annual report makes references to the widening of Route 20, and includes an appeal to the residents to assist the Selectmen in contacting Senator Atkins and Representative Hicks in trying to get this project moving.

Selectman Fox recommended that the Board concur and pursue that suggestion, and further, that the Board use all political avenues possible, beginning with discussion with Frank Vana, to assist the Town.

Mr. Thompson was directed to report back to the Board in 2-3 weeks.

Cable Advisory Group

Executive Secretary Richard E. Thompson announced that the appointees to the Cable Television Advisory Group had all accepted, and that he had asked them to address the provisional license, and the question of the rate structure proposed by Mr. Henchy of Adams-Russell at the Board's January 4 meeting. The group will consist of the following people: Joseph D. Bausk, Anthony I. Kreisel and Margaret Anne Ward.

Minutes

Mr. Thompson gave the Board a copy of the drafted January 4 minutes, and asked each member to call the office if he had any changes.

Underground Storage Tanks

Relative to the question raised by Selectman Fox at the Board's January 4 meeting on the subject of the annual monitoring of underground fuel tanks, Executive Secretary Richard E. Thompson gave the Board a copy of the Bylaw, Article V, section 25, which in part, indicates that new underground storage tanks are licensed for fifteen years and must be inspected every five years after that.

Following discussion, the Board directed the Executive Secretary to forward a copy of this bylaw to the Fire Chief and the Board of Health asking if they feel it is sufficient, along with any previous information/correspondence on the subject which the Executive Secretary may have on file in the Selectmen's office.

Policing Out-of-State Vehicles

On the matter of Sudbury's involvement in a program for the policing of out-of-state vehicles in conjunction with the Massachusetts Registry of Motor Vehicles (see December 28 communication), Mr. Thompson stated that, through a Federal grant, the State Registry of Motor Vehicles is supplying Sudbury with an officer for a number of days between the hours of 1:00-10:00 p.m. The Town will appoint an officer to work with him, to attempt to apprehend any local people who are housing out-of-state vehicles.

Route 20 Development

Executive Secretary Richard E. Thompson informed the Board that Judy Cope had contacted him regarding the development of Route 20 and the interest of a small group of residents to meet with the Selectmen to discuss the same.

Mr. Thompson stated that he updated Mrs. Cope on what the Selectmen are doing, i.e., from the aspect of trying to update the master plan, etc.

Following discussion, the Board directed the Executive Secretary to inform Mrs. Cope of the Planning Board's meeting of January 16th on the subject of Town Planning, and, if they are still unsatisfied, the Selectmen would be available to meet with them at that time. Chairman Murray asked that Mr. Thompson also inform the Chamber of Commerce of the Planning Board's meeting.

Sign Bylaw

On the recommendation of Selectman Fox, the Board directed the Executive Secretary to forward a copy of the proposed revision to the sign review bylaw, 84ATM, Article #37, to the Chairman of the Sign Review Board, Burton Mullen, and the local Chamber of Commerce.

Ordering 1984 Annual Town Meeting Warrant

Present: Town Moderator J. Owen Todd.

During review of the list of articles for the 84ATM, the Board approved the following for the consent calendar:

Temporary Borrowing; Unpaid Bills; Amend Bylaw, Art. XVII - Town Clerk's Fees; Pumping Water from Private Buildings; Change Name of Longfellow Street; Sale of Tax Possession Parcel (Off Stone Road); Amend Bylaw: Art. V,3 - Public Safety, Unlicensed Dogs; Amend Bylaw, Art. XV - Building Permit Fees; Accept Ch. 597 of the Acts of 1982 - POW Auto Excise Tax Exemption; Sudbury 350th Anniversary Celebration Fund (1989); and Special Act - Septage Facility Billings.

After further review and discussion, the Selectmen ordered the 45-article Warrant for the 1984 Annual Town Meeting.

Joint Meeting/Sanitary Landfill

Present: Highway Surveyor Robert A. Noyes, Assistant Highway Surveyor John Lindgren, and Highway Operations Assistant Steven Nystrom; and Town Engineer James V. Merloni.

Chairman Murray convened a joint meeting with the Highway Surveyor/Sanitary Landfill Agent and the Town Engineer to discuss the Town Engineer's report of November 17, 1983, relative to the operations of the Sudbury Landfill; the Selectmen's article for the 84ATM, Hydrogeological Study - Landfill Site (ATM Article #12); and the question of equipment at the Landfill and surplus funds for the same.

Highway Surveyor/Sanitary Landfill Agent Robert A. Noyes stated that there is approximately \$32,000 surplus money after purchasing the compactor, and that he hoped to use that money for surplus/used equipment, rather than turn it back to the General Fund.

Executive Secretary Richard E. Thompson commented that it is a large amount of money, the Selectmen are in charge of the Landfill, and agreed that it should not be turned back to the Town, but should be used for additional equipment, particularly a piece of equipment suitable for maintaining the service road at the Landfill.

During discussion regarding the type of heavy equipment that would make the operations of the Landfill more efficient, Mr. Noyes explained that the front-end loader had been traded-in for the compactor, and the compactor is not the best piece of equipment for maintaining the service road. Mr. Noyes stated that they sometimes use the bulldozer for the service road but that it is being repaired right now; also, he stated that a shovel dozer would be better for the job.

The Town Engineer stated that, in the past, they always had two pieces of equipment at the Landfill. The compactor can only be used for compacting the rubbish. It cannot move large quantities of earth and the bulldozer is only capable of pushing small distances. Mr. Merloni felt a front-end loader or a grader should be available at all times and, because that is not the case, a lot of problems have been created at the Landfill.

Mr. Thompson stated that this matter was mentioned in the Town Engineer's report of November 17, 1983. Mr. Thompson specifically pointed out the Town Engineer's suggested recommendations to change the operations of the Landfill to obtain maximum life from the Landfill site on page 2 of his report. Selectman Fox asked for cost estimates on those recommendations.

Mr. Merloni reviewed his recommendations with respect to the cost of initiating each, as follows:

1. (Operator to): "Monitor (daily) and record the amount of cover material used in the operation"; no cost involved.
2. "Provide a work force of at least two men on site at all times" (every day); approximate salary \$17,500, requires a person with a hydraulic license.

Mr. Noyes commented that, because of budget cutbacks, he has lost some men and has had to utilize that second person, usually at the Landfill, somewhere else.

Mr. Merloni commented on the importance of operating the Landfill efficiently, explaining that the Town had lost six years in the last three years because of current operations and that, if this type of operation continues, there will only be ten years left; however, if his recommendations are implemented, he felt there would be sixteen years' life at the Landfill, taking into consideration expected new growth of the Town.

During more discussion on this subject the question remained whether the Town could afford to hire a new person, and the question of whether two men would, in fact, be needed every day, i.e., Thursday being a very slow day.

In conclusion, the Selectmen agreed that a second person at the Landfill would save 5-10 times his estimated \$20,000 salary in one year in the life of the Landfill because of the improvement in operations with the additional equipment.

3. "Make a front-end loader available to the landfill site at all times. The compactor cannot move refuse or cover matter large distances and it cannot keep the service road in good operation condition"; a new front-end loader would cost \$140,000 new and \$16,000-30,000 second hand. There was more discussion on the differences of the various equipment and what heavy equipment would be most suitable.

4. "Monitor all cars and trucks using the landfill to make sure they are Sudbury residents. Check all commercial compactors using the site to insure they have the proper Town permits for dumping."; involves spot checking people dumping to be sure they are Sudbury residents, and could be one of the responsibilities of the second person (newly hired) at the Landfill, especially on Saturdays when, according to Mr. Noyes, over 1500 people use the Landfill.

Mr. Thompson stated that big numbers would be involved for every year the Town does not have its own landfill operation, pointing out that the present landfill operation is costing the Town approximately \$6+ per ton, and the current average figure for a private contractor is \$30-40 per ton plus transportation (which is the higher factor). He also noted that one savings factor has been acquiring cover material from the Rt. 117 site - a savings of approximately one million dollars.

The Town Engineer stated that the four recommendations he is suggesting are very cost effective and explained that, for the fourteen month period from September, 1981, through November, 1982, 20,000 tons were handled, and, at the Twelve Dollars per ton rate Framingham charges at its incinerator, the total cost would equal \$244,000 per year; that cost, times the six years saved at the Landfill by implementing these four recommendations, would save One and a Half Million Dollars.

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

VOTED: To concur with the four recommendations set forth in the Town Engineer's report of November 17, 1983, as noted above, and to direct the Executive Secretary to meet the Highway Surveyor and the Town Engineer to work out how the four recommendations can be implemented.

Responding to concern expressed by Selectman Fox relative to the surplus money (approximately \$30,000) in the Highway Budget, appropriated at the 83ATM, Mr. Thompson stated, subject to correction, that Town Meeting voted the appropriation to be used for general equipment for the Landfill, and that he would check the wording of the vote and give the Board a copy of it.

Selectman Fox stated he personally would not vote for that money being used at the Landfill unless the Finance Committee and Town Meeting approved, and stated further that next time the Highway Surveyor should take a closer look at what money he will need to purchase equipment.

Relative to Article #12, 84ATM, the Town Engineer stated that a Hydrogeological study is a directive from the State - see letters dated March 8, 1983, and dated September 26, 1983.

Selectman Fox asked if there were any less expensive alternatives to this \$20,000 article. The Town Engineer responded that he felt the Motts Study (a Hydrogeological study) might have been sufficient, but that the D.E.Q.E. felt it was not comprehensive enough. There was some discussion regarding the D.E.Q.E. requirements, i.e., there is a draft report, issued in February, 1983, listing new regulations regarding placement and number of monitoring wells required, and hazardous waste regulations. Also, responding to Selectman Fox, Mr. Merloni stated that the estimates he has received from firms qualified to do this type of study varied from \$10,000-20,000. Responding to the Selectmen, Mr. Merloni stated his willingness to present the article at the 84ATM.

Police Grievance/Robert I. Chaffee

Present: Police Officer Robert I. Chaffee; Atty. Theresa M. Dowdy; Officer John Harris, President, Police Local 315; Police Administrative Assistant Peter Lembo; and Chairman Henry P. Sorett, Personnel Board.

In accordance with the grievance procedure of the Police union contract, Article VIII, section 1, Step 4, Chairman Murray convened a hearing relative to a grievance dated December 24, 1983, of Police Officer Robert I. Chaffee, concerning his opinion that his illness on November 23, 1983, was job-related and, therefore, requesting reinstatement of sick time, paid holidays, and vacation time; said hearing is in response to an appeal to the Selectmen from Police Administrative Assistant Sergeant Peter Lembo, dated January 5, 1984, of the Personnel Board's favorable decision on the grievance at its hearing of January 3, 1984.

Executive Secretary Richard E. Thompson noted the following communications:

- to Officer Robert I. Chaffee, dated January 6, 1984, from the Board of Selectmen, confirming tonight's hearing date;

- from Dr. Melvyn W. Kramer to Sergeant Peter Lembo, dated December 13, 1983, stating that Officer Chaffee's illness is thought to be a chest wall musculoskeletal syndrome aggravated by the patient's stress and by anxiety of cardiac illness because of family history; whether the patient's condition will limit his working capabilities will be evaluated in future visits.

- a draft copy of the minutes (not yet approved) of the Personnel Board's hearing (and decision) of January 3, 1984;

- attached to said minutes were two communications:

- 1) from Dr. Kramer, dated December 27, 1983, which stated that Officer Chaffee has been continuing to require medical attention for a condition that is not fully resolved and that he anticipates Officer Chaffee will need to continue therapy for up to 1-2 more months;
- 2) from Dr. Charles S. Keevil, dated January 3, 1984, stating he saw Officer Chaffee in consultation, November 30, 1983, and subsequently in follow-up for an echocardiogram and a treadmill stress test; diagnosing Officer Chaffee's condition as musculoskeletal pain syndrome and stating that he is under treatment by his personal physician, Dr. Kramer; and offering the opinion that Officer Chaffee is not capable of performing the duties of a police officer at this time;

- from Atty. Theresa M. Dowdy, on behalf of International Brotherhood of Police Officers (IBPO), Local 315, dated January 9, 1984, stating the position of said Local is that the Selectmen are without jurisdiction to hear an appeal of a "settled" (by Personnel Board) grievance; that it is in violation of Article VIII of the Collective Bargaining Agreement between the union and the Town as well as a prohibitive practice in violation of M.G.L., Chapter 150E; and that, inasmuch as Acting Chief Lembo has brought this appeal, the burden of showing jurisdiction lies with him.

Chairman Henry P. Sorett of the Personnel Board stated the minutes are a fairly accurate representation of the testimony of the witness but not an accurate representation of the statements of legal principles that were discussed.

Assistant Town Counsel Thomas M. French, responding to Chairman Murray, stated that said minutes were substantially correct insofar as the conclusions which were drawn, but that there were a lot of minor errors which do not affect the outcome.

Mr. Sorett commented that the Personnel Board felt the confrontation Officer Chaffee had with his supervisor is well within Chapter 111F (allowed benefits), which was the determining factor in the Personnel Board's decision.

Mr. French stated his opinion that there are at least two reasons which give the Selectmen jurisdiction on an appeal under Article VIII (whether by the Town or by the Police Officer), as follows:

1. Step 4 states that, in the event Step 3 fails, the grievance shall be appealed to the Selectmen. It does not state that Step 3 must fail from the

point of view of the Police Officer, as opposed to the point of view of the Chief or the Town or whoever is the other party; and

2. by analogy to Step 5, which states, if the above step(s) fails to satisfy the grievance, at the request of either party the grievance shall be submitted to arbitration.

Mr. Sorett stated that the Personnel Board takes the reverse position.

Mr. French made two points. He questioned why the Personnel Board is taking a position, since this is simply an appeal to the Board of Selectmen grievance procedure; and questioned when the personnel Board had, in fact, discussed the question.

Atty. Theresa M. Dowdy, for Police Officer Robert I. Chaffee, contended that the Selectmen have no jurisdiction in this grievance because, from an arbitrator's point of view, the following would be true: 1) looking at Article VIII, it is not until Step 5 that "either party" is mentioned - if the Town or the Union wanted "either party" to have the prior steps, it would have been so stated; 2) a dictionary meaning of the word, "fail", means to leave undone, and the grievance was not left undone at Step 3 - the Personnel Board made a decision; and 3) if one was to say that the Personnel Board has no jurisdiction in the grievance procedure, it would leave the Personnel Board meaningless in this Article, and no arbitrator would leave something in an Article if it is meaningless.

Selectman Donald asked if the Personnel Board had decided in the opposite manner, whether Atty. Dowdy would still feel the same, or if she would be before the Selectmen with an appeal for her client?

Atty. Dowdy stated that the appeal procedure always leans toward the employee up to the point of arbitration; further, responding to Selectman Fox, stated that the (Acting) Police Chief would have no access to any appeal if he were dissatisfied with the decision of the Personnel Board because of the language in the union contract. There was further discussion regarding the interpretation of the grievance procedure language. The Selectmen agreed with Mr. French's interpretation.

Responding to comment by Mr. Thompson, Sergeant Lembo stated that the Union has filed a grievance against him because he appealed the Personnel Board's decision; it being the Personnel Board's contention that he had no right to appeal under the current language of the grievance procedure.

Mr. Thompson recommended that, based on the facts and information presented to the Selectmen on this grievance, this hearing be continued until such time as Officer Chaffee submits to an examination by a physician appointed by the Selectmen. Chairman Murray suggested a cardiologist; Atty. Dowdy stated it is not a cardiac problem. Mr. Thompson added that it has been the past practice of the Board, in every grievance of a medical nature, that, rather than take an independent decision of the person's own physician, the Board will seek a second opinion. (Mr. Thompson added this procedure had been strongly recommended by Mr. Sorett at the 83ATM.)

Atty. Dowdy requested that said examination for a second opinion be performed by a doctor who is familiar with Fibrositis.

Mr. Sorett stated that Sergeant Lembo had indicated to the Personnel Board that he had no disagreement with the contention that Officer Chaffee was disabled. Mr. Sorett suggested then that it may not be necessary to have that second opinion yet - the dispute remaining, whether or not the disability is related to the job.

Chairman Murray felt that Sergeant Lembo, as well as the Selectmen, could only draw their conclusions relative to Officer Chaffee's disability from the doctor's opinions.

Mr. Sorett stated further that the Personnel Board has no quarrel with a medical examination so long as, pending said examination, the benefits under Chapter 41, s. 111F, remain in effect; that the Personnel Board's decision should stand until such time as a contrary decision (by the Selectmen) is made.

Mr. Sorett suggested that when Officer Chaffee's six weeks' benefits under Chapter 41, s. 111F, are exhausted, and only benefits in the sick bank are remaining, this situation could cause irreparable harm.

Mr. French stated that there is a sick leave bank and that it was his understanding that Mr. Chaffee had applied for that. Mr. French did not know the status - whether it had been granted, but he stated it was his understanding that there are a number of days available to Officer Chaffee through the sick leave bank. Furthermore, Mr. French stated the grievance procedure is still in the process of being resolved, and in his opinion, if the Town took a position and granted Officer Chaffee everything under Chapter 41, s. 111F, it would have essentially granted him the relief that he asked for.

Sergeant Lembo stated that Officer Chaffee's pay ran out January 3; he stated he received a letter from the sick bank authorizing another ten days, which would pay Officer Chaffee through the 17th. Officer Chaffee is entitled to thirty-six days of sick bank pay which would bring him through the end of February, allowing enough time for the grievance to be resolved with no loss of pay to Officer Chaffee.

Atty. Dowdy commented that requiring the use of sick bank is grounds for a preliminary injunction. Mr. Thompson asked Atty. Dowdy if this was her intention to do so; Atty. Dowdy responded in the affirmative.

Selectman Fox asked for background and for Officer Chaffee's interpretation of what the cause of the injury was.

Atty. Dowdy stated that, according to the latest stress-related cases under 111F, conditions are generally covered for pre-existing illnesses aggravated by job-related stress, stress continuing over a very long period of time, etc.

Responding to Selectman Fox, Officer Chaffee stated that, while on desk duty at the Sudbury Police Station, at approximately 4:30 p.m. (4:00 p.m. - midnight shift) on Wednesday, November 23, he got bad chest pains which went down his left and right arms; he took aspirin and Alka-Seltzer; he completed his shift. The next day he was still getting pains, sweating, and feeling nauseated; he completed the whole shift. Friday and Saturday were his days off. During those two days, he stated, he had pains off and on. On Sunday, he called in sick and Monday morning he went to see Dr. Kramer, who took an EKG and gave him medication. Because he was not better Tuesday, he went back to see Dr. Kramer, who admitted Mr. Chaffee to Emerson Hospital. Mr. Chaffee stated he spoke to Sergeant Lembo and explained that he was going to be hospitalized. While in the hospital, Dr. Kramer took various tests and called in a cardiologist, Dr. Keevil; Officer Chaffee was admitted to the cardiac-care unit, was put on several medications to calm him down and get his heart beat back to normal. Since leaving the hospital, Mr. Chaffee stated, he has seen Drs. Kramer and Keevil on frequent intervals (about twice a week) and is on several medications.

Selectman Fox asked Officer Chaffee if he felt that the illness is job related.

Officer Chaffee stated his illness has been diagnosed as Fibrositis Syndrome, a stress-related injury that affects the muscular walls of the chest (symptoms are very similar to those of heart attack - shortness of breath, sweating, pain protruding down the arms, and discomfort). Mr. Chaffee said that the doctor informed him that this illness is brought on by the stress of his job - incidents that a police officer is involved with, i.e., responding to fatal accidents; dealing with irate people; having responsibility of prisoners in cells; the burden of the possibility of being shot at.

Responding to Selectman Fox, Officer Chaffee stated that he has felt this stress over the three years he has been on the police force. He stated that Dr. Kramer had explained to him that this disease is something that builds up over a time, unlike a broken limb. He stated that he never had chest pains, sweating, and nausea as he did during the November 23rd illness, before.

Selectman Fox asked Sergeant Lembo why he felt Officer Chaffee's stress/-illness was not job related.

Sergeant Lembo stated Officer Chaffee does not have anything documented which indicated he was under stress. Sergeant Lembo said that Officer Chaffee has talked about stress when he has been on the desk since August of 1983. Sergeant Lembo stated that Officer Chaffee asked repeatedly to go on patrol, but Sergeant Lembo felt he could not authorize that over his immediate supervisor, Sergeant Nix. Sergeant Lembo went on to say that he had asked Officer Chaffee, at one point, if there was a personality problem and whether he would like to work with another sergeant, but Officer Chaffee indicated he was happy working where he was.

Selectman Fox asked why Sergeant Nix assigned Officer Chaffee to desk duty rather than patrol. Sergeant Lembo stated that this involved internal police matters and should not be discussed here.

Sergeant Lembo stated he did not know of any stressful situations that Officer Chaffee has been involved in since he was put on the desk; nothing had been documented since last August. Sergeant Lembo stated Officer Chaffee had one argument with Sergeant Nix, and offered his opinion that a stress case could not be predicated on one argument. Sergeant Lembo went on to say that there are times when a sergeant has to take disciplinary action in the police department - that it is not a Boy Scout troop, but a para-military outfit.

Sergeant Lembo commented further that Officer Chaffee talks about the following incidents which were stressful to him:

- a fatal accident - Officer Nix told Sergeant Lembo that Officer Chaffee had been relieved from the scene to pick up a fellow police officer, whose father-in-law was killed in the accident;

- regarding a high-speed chase, Sergeant Lembo stated he was on duty on the night in question and that he told Officer Chaffee to back off, that the Police Department has rules and regulations against high-speed chases;

- relative to a motorcycle accident which Officer Chaffee responded to - there were no injuries.

Sergeant Lembo concluded that it was his opinion that these are normal police events and go with police work.

Selectman Fox agreed that to be a police officer is a difficult job but that a police officer has to accept these situations as part of the police work. He expressed his personal concern regarding setting a precedent and stated that was why this particular case is so important. He went on to say that the Selectmen could make a better judgment after seeing whether this next doctor's views corroborate with what has been previously stated by Drs. Kramer and Keevil.

Sergeant Lembo stated that, on a particular case as this, he could not understand how a doctor can determine whether this is a job-related stress situation when the doctor knows nothing about the job or any stress-related incidents an officer is involved in, and how a Board of Selectmen can act on letters from doctors based on hear-say evidence from his client/patient. Sergeant Lembo, therefore, questioned Dr. Kramer's reference to Officer Chaffee's stress on the job.

Selectman Fox felt this was a very good question and one that the Selectmen should be asking of the physician who examines Officer Chaffee, and that, this being the issue, if the doctor could document it for the Selectmen.

Selectman Fox went on to say that it could be that the doctor will not know the answer, and this may be a matter for a psychiatrist. Selectman Fox felt that stress could be job related or it could occur from stressful family situations, etc.

Since Dr. Kramer is Officer Chaffee's personal physician, as well as Town Physician, Selectman Fox suggested that, due to conflict, he preferred that Mr. Thompson contact one of the other Town Physicians for a referral.

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

VOTED: To direct the Executive Secretary to schedule a physical examination with a physician of the Board's choice for Officer Chaffee, as soon as possible, and to contact Officer Chaffee accordingly;

and it was further

VOTED: To continue this hearing until such time as the Board has received the medical report on Officer Chaffee;

and it was further on motion by Selectman Fox unanimously

VOTED: To not pay Officer Chaffee his regular salary, which ran out January 3, 1984, but to support instead that he be paid from the sick bank, subject to approval from the proper authority.

(Mr. Thompson stated he is responsible for one third of that authorization and that he would act favorably on the same.)

Officer John Harris asked that Officer Chaffee's grievance be amended, if and when the grievance is settled in Mr. Chaffee's behalf, so that the sick bank payments paid to Officer Chaffee are reimbursed to the sick bank.

Selectman Fox stated that he personally would accept that amendment and asked that the Board schedule the same and vote it with advice from Town Counsel.

Police Chief Appointment

Present: Administrative Assistant Peter Lembo.

Selectman Donald stated that, since Peter Lembo was present, she would like to bring up a recent article printed in the Middlesex News, Friday, January 6, concerning the Finance Committee's police budget hearing. Selectman Donald wanted to make it clear that the Selectmen have not taken a position on appointing a Police Chief from outside of the Town.

Administrative Assistant Peter Lembo responded that the article did not accurately reflect his comments; in fact, he was trying to portray to the press that the question of reorganization of the Police Department was contingent upon several town meeting actions, i.e., Civil Service withdrawal question. In addition, there was the pending question of whether the current Chief's retirement will be effective within the current fiscal year.

Selectman Donald again stressed with the Board's concurrence the only decision made to date by the Selectmen is the budget as presented to the Finance Committee which includes a new Lieutenant/Deputy Chief Position.

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

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk