

IN BOARD OF SELECTMEN
TUESDAY, JUNE 23, 1992

Present: Chairman John C. Drobinski, Judith A. Cope and Lawrence L. Blacker.

The statutory requirements as to notice having been met, the meeting convened at 7:00 p.m. at the lower Town Hall.

Reserve Fund Transfer - No. 92-29 - Melone Property

To pay for remaining costs of conducting the 21E study performed by Woodard & Curran at the request of the Board of Selectmen indicated on Invoice No. 9993, dated February 5, 1992, required for the Melone property prior to acquisition, it was on motion unanimously

VOTED: To approve Reserve Fund Transfer Request No. 92-29, dated June 23, 1992 in the amount of \$2,700 for Melone Account 562-A36 ATM 91/36.

Line Item Transfer - No. 92-27

It was on motion unanimously

VOTED: To approve Line Item Transfer No. 92-27, dated June 9, 1992, in the amount of \$7,774.51 from Accounting Line Item No. 951-803 Prop/Liab. Ins. to Line Item No. 951-800 Unc. Health Ins., necessitated by an increase in rates, May 1992.

Secretary/Legal Secretary - New Hire

The Board acknowledged receipt of a communication dated June 23, 1992 from Administrative Assistant Janet Silva to Mr. David Mandel, Chairman, Personnel Board, with regard to a new hire: Carolyn K. Duff replacing Elaine Jones who is retiring on June 30, 1992. In addition, the Board is in receipt of a copy of Ms. Duff's resume.

Mr. Thompson informed the Board the intention of the office is to contract with Ms. Duff for a period of six months at which time her performance will be evaluated.

Regional E911

Mr. Thompson noted for the record that both the Fire Department and the Police Department Chiefs agreed to carry forward from their Fiscal Year 1992 budget, \$2500 for the MAPC sponsored MetroWest region E911 study.

Howe Trust Property

Secretary Thompson updated the Board on the Conservation Commission's memo of June 16, 1992 relative to the Howe Trust Property, which was discussed at the Board's June 22, 1992 meeting stating that Town Planner Jody Kablack is sending the Commission's memo to the Planning Board recommending approval. The subject will be on the Planning Board's agenda for June 29, 1992. Ms. Kablack suggested Mr. Blacker might want to attend as the Planning Board's liaison.

Performance Reviews

Fire Chief Michael C. Dunne

Present: Fire Chief Michael C. Dunne.

The Board is in receipt of a performance report, dated May 11, 1992, from Michael C. Dunne concerning his Annual Performance Review.

Chief Dunne reported it will still be about two more weeks before the move to the new fire headquarters and hopefully before July 4, 1992.

Mr. Dunne mentioned that talks are ongoing regarding the regional dispatch system and the Department has held money back in the budget for it.

Mr. Thompson informed he and Mr. Dunne have talked about Mr. Dunne's accomplishments and what he hopes to accomplish in the future. He commented that Chief Dunne has accomplished quite a lot this past year particularly with the new fire station. He has saved the Town much money by closely monitoring all construction activities and obtaining private donations.

Mr. Dunne's efforts for removal of underground storage tanks have been very successful with 30 tanks removed so far. Mr. Thompson commended Chief Dunne's efforts in drafting the Underground Storage Tank Bylaw for Town meeting.

With regard to the underground tanks, Mr. Dunne stated he has talked with a local contractor working on removing the tanks in the Town and thinks the cost could be lowered by as much as \$500 per house by keeping a tank in Town as the receptacle for the two or three inches of sludge that needs to be removed from the bottom of the old tanks to eliminate the need for sludge to be transported in every instance. Chairman Drobinski noted that the EPA may require a permit.

Chairman Drobinski personally thanked Mr. Dunne for drafting the Underground Storage Tank Bylaw for the Town.

Mr. Thompson commented it is important to keep the new station in mind with regard to using it for meetings by other Town Departments as he knows space will be needed because of new Federal A.D.A. requirements—it will not be just a fire station, but will help to alleviate some of the other problems with regard to space.

Selectman Cope asked how much extra room there might be at the new fire headquarters and is there any possibility of combining two different departments in the future. Mr. Dunne described the space and its uses. Mr. Thompson commented that the Town would have a lot of problems trying to combine with the Police. He indicated that the cells would be the difficult part. He noted that, in the past, time had been spent trying to work out a plan to combine both Fire and Police on this same site.

Chairman Drobinski asked if there would be an open house, and Chief Dunne responded there will be.

Selectman Cope added that Mr. Dunne is a fine representative of the Town and that everyone is also very proud of the new station.

Selectman Blacker concurred that Chief Dunne does a great job and added a request that the Chief draft for himself and the Selectmen, for purposes of negotiation, what changes he would like to see from the administrative point of view to determine what needs to be done to meet the needs of the Fire Department whether it be legislation or negotiation strategies. The Board will then meet with him to talk about it.

Chairman Drobinski asked Mr. Dunne what his goals are regarding the Department's Standard Operating Procedures. Mr. Drobinski commented on the water rescue in Lincoln. Mr. Dunne informed that he received a water rescue award from the State in 1974, and further noted the Department has wet suits and has trained at the Atkinson Pool.

Mr. Dunne expressed his frustrations with the comments made at Town Meeting with regard to his salary. He continued that he has no contract and is non union and thought it unfair to have his salary attacked when he gave back a certain portion of his salary to help level fund the Department's budget.

Selectman Cope noted that changes that need to be made should be made before Town Meeting.

Chairman Drobinski commented that the atmosphere at present is to be in an attacking mode mostly because of the budgetary process which outlines salaries and benefits.

Mr. Thompson stated that the message is to expose things more, but there are few towns left that have as many line items as Sudbury.

Mr. Drobinski responded that it is unfair to single out individuals, and even though everything is discussed before Town Meeting, it may not make any difference. Selectman Blacker concurred and thought that perhaps another solution should be worked out.

The Selectmen thanked Mr. Dunne for his continued fine performance.

It was on motion unanimously

VOTED: To accept Mr. Dunne's Annual Performance Review Report dated May 11, 1992, and to set his FY93 annual salary at the Grade 15, Step 7 rate of \$61,828 effective July 1, 1992, plus 4% longevity of \$2,473 and plus annual EMT stipend of \$1,251, for a total salary of \$65,552.

Building Inspector John B. Hepting

Present: Building Inspector John B. Hepting.

Secretary Thompson commented that Mr. Hepting has expressed concerns and frustrations with regard to several issues. Mr. Thompson stated he advised Mr. Hepting to take all of his concerns into consideration when submitting his budget, and expose the fact that there is more help needed in the Department in several areas and that the public needs to know that. Mr. Thompson noted that this thought was expressed by the Finance Committee Chairman at the Board's June 22, 1992 meeting that the

Departments be encouraged to think about what their needs are and what solutions need to be implemented to resolve their concerns.

Mr. Hepting stated he always likes to be well rehearsed and prepared and is frustrated because the job description seems to be expanding in several areas namely: Addition of Handicap Compliance Coordinator, physical plant manager for Fairbank Senior Center, Energy Program with Boston Edison, the Conservation Commission has been granted permission to put two more buildings under the Department's care, increasing number of cases involving litigation which take a lot of time. On the State side, Mr. Hepting reports an increased number of items added to permits, thus creating more paper work; and six new programs instituted by the State to monitor. Mr. Hepting feels he is being too thinly spread and doing much more than he was hired to do which was zoning enforcement and building inspector.

With regard to signs in Town, Mr. Earl Midgley has been assigned that task and it has worked out well. In addition, however, the secretarial services are suffering in the Department because her hours have been cut and shared with another Department and the filing clerk has been eliminated. This has all happened in spite of doubling building permits in one half the time compared to last year.

Mr. Hepting also echoed thoughts of Mr. Dunne's with regard to comments made at Town Meeting concerning salaries, and attitudes expressed toward public officials who, in his opinion, are all working hard and trying to do a good job.

As far as goals, Mr. Hepting states he had hoped to get the Department on the computer, but has not been able to accomplish this because there is no money and no time for it. He believes the Department is lucky to keep ahead on the current budget, and that there is no present active maintenance being done—just maintaining the status quo and keeping up with the work load.

Secretary Thompson has asked Mr. Hepting to bring back two articles that were submitted for Town Meeting namely: 1) building maintenance and, 2) handicapped accessibility with the hope of finding funds to program them on a one, two or three year basis supported by the Finance Committee. In addition, Mr. Thompson stated he will be working with Budget and Personnel Officer Terri Ackerman to update the Personnel Bylaw salary plan, and will be looking closely at the Building Department's positions.

Computerizing the Building Department was discussed, and it was concluded that no one has enough time to devote at present for educating people to use it. Mr. Hepting reported that the Department is very hard copy oriented and thought it may be difficult to get everything on line.

Selectman Blacker asked if Mr. Midgley were not assigned to sign duty, would it help him to have that extra assistance. Mr. Hepting responded that it would very much. Mr. Thompson reported that there is not enough money budgeted for an assistant. Mr. Hepting noted he prefers to eliminate the sign enforcement function from the Building Department altogether, because he feels it is an inappropriate use of time. A number of things in the Town's Bylaws are not addressed with regard to signs, particularly temporary signs; signs people wish to use only for a weekend. There are several issues outstanding with regard to signs and an example is Mill Village. Mr. Hepting has suggested to these merchants that they get together to write a Bylaw and ask the Chamber of Commerce to support their efforts. Mr. Hepting thinks there is a need for the Bylaw to be updated with regard to signs.

Chairman Drobinski commented that he shares and feels badly about the frustrations Mr. Hepting is experiencing particularly with regard to Town Meeting. Hopefully the Board will be able to alleviate some of the frustrations. The Board concurred that Mr. Hepting has excellent qualities and would hate to see these frustrations slow him down.

It was on motion unanimously

VOTED: To accept Mr. Hepting's report as submitted, and to set his FY93 salary in accordance with the Sudbury Supervisory Association Contract at Step 6, \$48,769 annual rate effective July 1, 1992, with other benefits as contracted with Mr. Hepting on November 19, 1990.

Town Accountant James Vanar

Present: Town Accountant James Vanar.

Secretary Thompson reported he met with Mr. Vanar to discuss mainly the retirement account. There are extra appropriations in the retirement account--around \$50,000 for two years due to the one-time cost for elimination of the \$30,000 retirement cap being spread out.

Mr. Vanar reported an actuarial study is not being done at this time, but the Town is maintaining the appropriate level fund which is up over 1/4 million dollars. This amount can be raised without additional appropriation in the tax rate through investing this fund and realizing higher yields.

Selectman Blacker asked if the money was invested in a special program. Mr. Vanar responded that it is in the Town's money market fund at the present time. The investment results should be comparable to what a retirement fund should be and include the Stabilization Fund.

Mr. Vanar responded he is very pleased the Town is addressing the issue of the retirement fund. He feels \$100,000 a year is an excellent level of funding as proposed by Mr. Thompson and would eventually reach the point of funding itself. (The current level is \$20,000/year.)

Selectman Cope asked if the new audit recommendations are similar to the past ones.

Mr. Vanar responded it is a matter of interpretation and depends on who you talk to. He assured that all recommendations have been satisfied and some major steps have been made. The biggest step was a change in the division of authority in the Treasurer's Office.

Mr. Vanar reported that on July 1, 1992 he will be reconciling the books instead of Town Treasurer Mary Ellen Dunn, which make his job easier.

The Town is trying to establish a high bond rating.

The Board concurred with Chairman Drobinski's comments that they are pleased with Mr. Vanar's performance and concluded that it is a lot of hard work to make sure the Town's finances are under control.

It was on motion unanimously

VOTED: To accept the Performance Review Report as submitted, dated June 1, 1992, by Mr. James Vanar, Director of Finance/Town Accountant, and to set his FY93 annual base salary in accordance with the Sudbury Supervisory Association contract, at the Step 6 rate of \$61,742 effective July 1, 1992.

Police Chief Peter B. Lembo

Present: Police Chief Peter B. Lembo.

Chief Lembo requested his performance review be held in executive session because of certain allegations written in the newspapers against him. He commented he would answer all allegations in private, because certain things are not privy to the public, and felt he might have to show more information than the public is entitled to hearing in order to defend himself properly.

Executive Secretary Thompson stated that character and reputation rather than professional competence is usually discussed in executive session, and assured Mr. Lembo that the meeting would not turn into an inquisition because the Chairman is running the meeting and stipulates who will ask the questions. Mr. Thompson asked that Mr. Lembo acquiesce to a public performance review, with the stipulation that if certain issues come up that are inappropriate, an executive session will be held at another time. The Chief agreed.

Mr. Thompson explained that 10 or 15 years ago, performance reviews with Department heads were held in executive session, but because of changes in the open meeting law, they now have to be public.

Chairman Drobinski asked that Chief Lembo highlight his report for the Board.

Mr. Lembo stated he has met all of his goals, including last year's request regarding aggressive traffic enforcement, which has increased significantly.

With regard to future goals, Mr. Lembo stated he will be retiring in a couple of years, but would like to complete the Accreditation Program before he does retire, which is about 80% completed at present. He noted that the last part of this program requires a lot of time, and a great deal of overtime pay which is not in the budget.

Chief Lembo boasts the Department maintains the best communication system and computer system in the State, and that the Department is running 100% efficiently. There are no grievances, and only one unfair labor practice case three years ago in which a settlement was negotiated. Mr. Lembo reports no complaints about police officers; crime down 22%, traffic accidents down; but an increase in arrests-- mostly violations of restraining orders dealing with domestic abuse.

Chairman Drobinski questioned how the Department is handling these cases, voicing concern that the Department maintains a high degree of sensitivity. Mr. Lembo responded that the Department has a complete policy on domestic abuse; in fact, he helped write the model policy that the State uses and further that all the Sergeants in the Department have been trained in the domestic abuse policy.

Chief Lembo reported he has made some changes in the organization--one being eliminating the night detective because he had to assign Sergeant Harris into uniform. The patrol function is the primary

responsibility of the Department. In addition, Officer Anthony Deldon has been reassigned to the school department to administer the DARE program and two officers are retiring next year.

Chairman Drobinski commented that the DARE program is a great community outreach for the Police Department.

Mr. Drobinski commented on the controversy with regard to the breathalyzer tests that are administered. Chief Lembo responded it has been very successful, particular with the added video camera, which reduces court time but each requires manpower.

Mr. Drobinski requested Chief Lembo to review standard operating procedures, just to make sure they are up to speed. Mr. Thompson commented that the operating procedures have been updated through the accreditation program. Mr. Lembo stated the MASS Police Chief's Association proposed updating model statewide rules and regulations, but it is difficult to change much without having to go to the unions to bargain for it.

Chairman Drobinski asked Mr. Lembo about the latest "buzz word", namely "Community Based Policies". The Chief responded that a Town like Sudbury does not need it--it is a policy geared more for larger towns and cities with a multi culture.

It was the feeling of the Board, as expressed by Mr. Drobinski, that the Police Department and the Chief in particular, should think about ways to reach out to the community, as Officer Deldon is doing with the DARE program. The Police Department is more than issuing tickets and making arrests.

Mr. Lembo noted the Department works with and has a lot of support from the senior citizens.

Chairman Drobinski reported the Board is pleased overall with the Department except for a few issues. Chief Lembo commented that the Town should look at the whole picture, because the Town has an excellent Police Department.

Selectman Cope had questions regarding the different committees Chief Lembo belongs to and what he does on the committees. Mr. Lembo talked about the various committees and the benefits to the Department. Mrs. Cope also asked about the conference the Chief attended--Police Issues in the 90's and what changes might take place in Sudbury as a result of him attending such a conference. Chief Lembo stated that one of the big issues is the hazardous effects of radar, and that one solution, discussed at the conference, to protect from the radiation of the radar, is to remove the antennae from the inside of the cars to the outside, which the Department has done.

Chairman Drobinski commented that from his personal point of view, as a Town employee Mr. Lembo owes respect to people on the phone and believes his recent conversation with the press could have been handled with more tact and diplomacy. Mr. Lembo responded that he believes he was baited and thought it was a harassing phone call, which he does receive from time to time, and was unaware that the other party was the Town Crier.

With regard to holiday pay, Mr. Lembo informed that he does not receive time and one half, but straight pay, and that he only works on holidays when no one else has bid for the job. With regard to

sick pay, Mr. Lembo reported he does not abuse this policy and has several unused sick days on the books.

Chief Lembo indicated that either he or Lt. Nix make themselves available on the weekend; and in fact, Mr. Lembo is on call 24 hours a day and does not receive pay for it. He further stated he has to make himself available to remove dead bodies, because he is the only one in the Department who can do this.

Mr. Drobinski concluded that many of the details Chief Lembo has expressed are welcome and has cleared some of the air. The main issue, continued Mr. Drobinski is public safety, and working holidays in the interest of public safety is the Chief's decision because he is the management of the Police Department and should not be second guessed by the public; however, when the public perceives that what is being done in the interest of public safety is wrong, then there is something wrong with the way the Department is doing business. He stated that if people don't feel the Police Department is functioning in a manner to make them feel good about the Police Department, then the problem rests with the Chief.

Chairman Drobinski commented he is not personally questioning the time or effort Mr. Lembo devotes to public safety, but he is concerned about the fact that the Chief is not perceived as being responsive to the community--which may be perception rather than reality. The Board's goal is to make sure that the Chief is doing the job he needs to do and the public feels confidence in the Police Department. Mr. Drobinski continued that this issue has been raised and it needs to be dealt with.

Chief Lembo suggested that any time there are innuendoes addressed to him, or that the Board hears about, he should come to the Board immediately, rather than let the issues fester. Mr. Drobinski concurred that this would be appropriate; however, he would like to see more outreach with the community to address the issues. More effort needs to be initiated to handle the newspapers, continued Chairman Drobinski, because they are also members of the community and deserve respect.

Selectman Blacker suggested Chief Lembo forget the past differences and attempt to establish a rapport from this point on with the newspaper and develop a good working relationship. With regard to vacation pay, Mr. Blacker commented he does not question that whatever was done was the proper thing to do, but the scenario in these tough economic times is that the person who is head of the Department has to give the appearance of helping out the situation, rather than taking advantage of it.

Chief Lembo responded that he does not agree with Mr. Blacker's comment because the Ethics Commission Rule states that management can work what duty is not taken and does not take away pay from any of the men. Selectman Blacker responded that Mr. Lembo's image and position is that of management--different from union.

Mr. Blacker requested Mr. Lembo to prepare a list of ideas, procedures, etc. from a management point of view with regard to managing a police department, i.e. scheduling, assignments--including idealistic and realistic items for review and discussion with the Board of Selectmen.

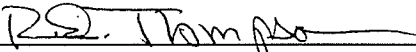
Selectman Cope asked if police morale is as strong as it ought to be. Chairman Drobinski commented that high morale reflects a good community feeling. Secretary Thompson stated that morale is better than it used to be, but that perfect morale is not possible, but it is realistic to try to achieve the best morale possible.

In conclusion, Chairman Drobinski stressed that it is the Board's desire that Chief Lembo start a new dialogue with the Town Crier if possible because it is in the best interest of our community and police force.

It was on motion unanimously

VOTED: To accept Police Chief Peter B. Lembo's report as submitted; and to set his FY93 salary effective July 1, 1992, at the Grade 15, Step 7 base annual rate of \$61,828 plus 4% longevity of \$2,473, plus 20% Quinn Bill of \$12,366, for a total salary of \$76,667; plus holiday pay in accordance with G.L. ch. 147, s. 17F.

There being no further business, the meeting was adjourned at 9:30 p.m.

Attest: 
Richard E. Thompson
Executive Secretary-Clerk