

IN BOARD OF SELECTMEN  
MONDAY, JUNE 27, 1994

Present: Chairman Lawrence L. Blacker, John C. Drobinski and Maryann K. Clark.

The statutory requirements as to notice having been met, the meeting was convened at 7:30 p.m. at the Fairbank Senior Center by Chairman Blacker.

Site Plan Special Permit Amendment (SPA84-274) - Sudbury Inn Associates - 410 Boston Post Road

Present: G. Burton Mullen, applicant.

The Board convened a public hearing to consider application No. SPA84-274 of G. Burton Mullen, Sudbury Inn Associates, for a Site Plan Special Permit in accordance with Sudbury Zoning Bylaw Article IX.V.A. to modify the approval under Site Plan 84-274 to add restaurant use to those uses permitted, for property located at 410 Boston Post Road.

Notice of public hearing was duly posted and advertised in the Sudbury Town Crier on June 9 and June 16, 1994. Parties of interest, being abutters within 300 feet according to the Assessors, were provided written notice by first class mail. Additionally, the Planning Boards of Acton, Concord, Lincoln, Maynard, Framingham, Marlboro, Stow, Wayland and Hudson were provided written notice by first class mail.

Executive Secretary Thompson explained that the purpose of this meeting was to remove the stipulation of "no restaurants" to this site plan because as heard in a previous hearing, the Board of Health had approved a restaurant operation as long as it did not exceed 19 seats. He further explained that Mr. Mullen has since that time rented a portion of the building for medical offices and that parking requirements have been recalculated as to all new and proposed occupants showing current parking spaces to remain adequate.

Reports from the following departments were received: Board of Health dated February 15, 1994, approving a request for a 19-seat coffee/bake shop; Board of Health June 27, 1994, approving medical offices at this location subject to installation and monitoring of a water meter to assure that the average daily flow to the septic system does not exceed 118 gallons per day; Town Engineer dated May 26, 1994, recommending approval provided the Zoning Enforcement Agent is satisfied there is enough parking for the entire building; Planning Board recommending approval subject to receipt of a complete list of all present tenants, their location in the building and the gross square footage of each tenant; Conservation Commission dated June 14, 1994, having no objection provided all Board of Health requirements are met regarding the septic system; Building Inspector's verbal report stating no objection as there is ample parking; Fire Chief verbal report also stating no objection.

On motion by Selectman Blacker, it was unanimously

VOTED: To grant a Site Plan Special Permit to Sudbury Inn Associates in accordance with application No. SPA84-274 to change the allowed uses to add "specialty coffee shop with limited sandwich and baked goods menu, as may be approved by the Sudbury Board of Health"; no change to the site is entailed.

A Decision will be prepared by Town Counsel and the submitted Site Plan will be updated to as-built conditions by the applicant, both for the Board's signature.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of June 13, 1994, as amended by Selectman Clark.

Council on Aging Donation

It was on motion unanimously

VOTED: To accept \$123.26 in miscellaneous donations for deposit into the Council on Aging Van Donation Account and to authorize the Council on Aging to expend the same for purposes of operating and maintaining the Council on Aging vans.

D.A.R.E. Program - Donation

It was on motion unanimously

VOTED: To accept on behalf of the Town, a donation in the amount of \$500, from the Tobin Corporation of Maynard, to be deposited into the D.A.R.E. donation account and to authorize the Police Department to expend same for the stated program; and further, to request the Executive Secretary to send a letter of appreciation to Tobin Corporation for their generosity.

Fuel Oil Bid

It was on motion unanimously

VOTED: To enter into a contract with Northeast Petroleum/Cargill, 72 Cherry Hill Drive, Danvers, MA 01915, to supply the Town with #2 fuel oil for the period July 1, 1994 through June 30, 1995, at the price of +\$.0268 per gallon to be added to the lowest rack price as listed in the New York Journal of Commerce (Boston) in accordance with bid specifications and award of The Education Cooperative/Massachusetts Plan Administrators Association.

Committee for the Preservation and Management of Town Documents - Appointment

It was on motion unanimously

VOTED: To appoint Fred Lee Ford Swanson to the Committee for the Preservation and Management of Town Documents, as recommended by said Committee, for a term to expire April 30, 1997.

Dunkin' Donuts Site Plan #92-316 - 378 Boston Post Road

It was on motion unanimously

VOTED: To confirm the signing by the Board on June 22, 1994, of the landscape plan for Dunkin' Donuts Site Plan No. 92-316, 378 Boston Post Road, having received approval of the Building Inspector, Town Engineer and Design Review Board.

Sudbury Employees Group Insurance Advisory Committee - Resignation

It was on motion unanimously

VOTED: To accept the resignation of Loretta A. Bigelow dated June 16, 1994, from the Sudbury Employees Group Insurance Advisory Committee, effective June 30, 1994, and to request the Executive Secretary to send a letter of appreciation to Mrs. Bigelow for her service.

Limousine Licenses

It was on motion unanimously

VOTED: Subject to approval by the Sudbury Police Department, to grant renewal of a License for Conduct of a Livery and Limousine Service within the Town of Sudbury to James E. Butler, d/b/a Sudbury Limo Service, 9 Old County Road; and to approve rates as set forth below and in application dated June 3, 1994, for a term to expire June 30, 1995.

Sudbury to or from Boston Logan Airport \$45.00  
Hourly rates are \$35.00 per hour

It was on motion unanimously

VOTED: To grant renewal of a License for Conduct of a Livery and Limousine Service within the Town of Sudbury to Edmund R. Brown, 39 Union Avenue, d/b/a AAA Limousine, Inc.; and to approve rates as set forth below and in application dated June 4, 1994, for a term to expire June 30, 1994.

Sudbury to Boston and/or Logan Airport

Limousine	\$75.00
Sedan	\$65.00
Van	\$55.00

Hourly Rates

Limousine	\$60.00
Sedan	\$50.00
Van	\$40.00

Reserve Fund Transfer No. 94-27 - Law

It was on motion unanimously

VOTED: To approve Reserve Fund Transfer Request No. 94-27 dated June 23, 1994, for Law Department Legal Expense Account in the amount of \$3,000.

Line Item Transfer No. 94-28 - Selectmen Contracted Services

It was on motion unanimously

VOTED: To approve Line Item Transfer No. 94-28 dated June 23, 1994 of \$296.25 from the Selectmen's Overtime Account to the Selectmen's Contracted Services Account, to pay for non-payroll extra hires in FY94.

Middlesex County Advisory Board

The Board discussed request from the Middlesex County Advisory Board dated June 14, 1994, for support in opposing a possible outside section to the State annual budget to change the funding method for the County Corrections Departments and Registry of Deeds by making them assessments on the Cherry Sheet. The Board expressed opposition with the process of attaching outside sections to the budget, but took no other position at this time.

The Executive Secretary was requested to send a letter to Sudbury's legislators stating that concerning the "Funding County Corrections, A Proposal for Change" proposal from the Dept. of Revenue Div. of Local Services, the Board has problems, and finds it unconscionable to have the proposal bypass the normal committee process, including public hearings, and stressing that, whatever the actual merits of the proposal, it should have open, public discussion and not be attached as an outside section in the middle of a hectic budget process.

Transfer of Restaurant License - Jezebel's, 8 Village Green

Present: Lamijo Corporation representatives: John Gollinger, Attorney, Paul LaCava, Manager/Owner, Robert Gentile, Head Chef and Steve Rhodes, Restaurant Broker.

The Board convened a public hearing to consider application for transfer of the restaurant license for the sale of all alcoholic beverages, under General Laws C.138, §12, from Rosa West, Inc. d/b/a Rosalie's of Marblehead, Inc., to Lamijo Corporation, d/b/a Jezebel's, for property located at 8 Village Green, 29 Hudson Road. This application also involves approval of a change in the description of the premises by elimination of the use of the entire basement containing cocktail lounge and bar. In addition, the request is for a Common Victualler License and Entertainment License.

The Board was in receipt of appropriate documents, including applications for licenses, corporate votes, articles of organization, forms regarding change of manager and finances, and citizenship verification.

Executive Secretary Thompson stated that all was in order at the Selectmen's Office with regard to this application. He submitted a letter from the Board of Health dated June 27, 1994, approving a 160 seat restaurant subject to a pre-opening inspection to assure compliance with the State Sanitary Code.

The Board was also in receipt of favorable recommendations: a verbal report from the Fire Chief dated June 24, 1994, and written reports from Building Inspector and Police Chief dated June 13 and June 15, 1994 respectively.

Attorney Gollinger explained that the floor plans were not yet available, as they had not anticipated their need because there is to be no change in the floor plan, other than the elimination of the use of the basement. Since the dimensions on the old plan were incorrect, new dimensions had to be taken resulting in the delay.

Executive Secretary Thompson explained that a floor plan will be required as the State requires that locations of entrances, exits and bars be noted. He recommended to the Board that they approve the transfer subject to the stipulation of the required floor plan.

Attorney Gollinger explained the background of the principals adding that Jezebel's would be different from Rosalie's, in that it would be a family style steak house. He said that the principals were looking for the same licenses as were granted to Rosalie's i.e., Common Victualer License and Entertainment License for background music and occasional D.J.

The Executive Secretary stated that all local back taxes had been paid.

It was on motion unanimously

VOTED: To approve the application of Lamijo Corporation, Paul LaCava, Manager, d/b/a Jezebel's, for transfer of the Restaurant All Alcoholic License formerly held by Rosa West, Inc., for property located at 8 Village Green, 29 Hudson Road, including description change stated above, with the stipulation that the principals of Jezebel's provide the required floor plan.

And it was further unanimously

VOTED: To grant to Lamijo Corporation, d/b/a Jezebel's, 8 Village Green, 29 Hudson Road, for the remainder of calendar 1994, a Common Victualer License and Entertainment License for background music Sunday through Thursday 11:30 a.m. to Midnight, and Friday and Saturday from 11:30 a.m. to 1:00 a.m.; disc jockey for special functions Monday through Saturday only during the aforesaid hours.

#### FY95 Insurance Coverages

The Board was in receipt of a Memorandum dated June 24, 1994, from Budget and Personnel Officer Terri Ackerman, providing the results of bids for the components of a self-insured Worker's Compensation Program and quotations received for Property/Liability and Ancillary coverages plus a renewal premium (not self-insured) bid for Worker's Compensation.

Selectman Blacker stated that it was his understanding that the recommendation made by Ms. Ackerman is that the Town accept Great American Co.'s bid for the following: Property Liability \$55,000 and School Board Liability \$2,000; Workers' Compensation (reinsurance with Cook & Co. as claims administrator) \$32,210; Ambulance Attendants, Great American Co. \$500; Police/Fire Accident, Hartford Insurance \$11,000.

Selectman Blacker reminded those in attendance that at the last Special Town Meeting, the Town voted to adopt a self-insurance fund for Workers' Compensation and the \$150,000 FY95 appropriation is to be deposited to a trust fund. This funding will continue for "x" number of years until, at some future point in time, less monies may be required to be deposited.

Executive Secretary Thompson recommended that the Board accept the recommendation of the Budget & Personnel Officer.

Accordingly, it was on motion unanimously

VOTED: To contract as follows:

Property/Liability (Including Auto, Boiler/Machinery, Umbrella, Law Enforcement, Public Officials)	Great American Co.	\$ 55,000
School Board Liability	Great American Co.	2,000
Workers' Compensation	Great American Co. (reinsurance) & Cook & Co. (claims admin.)	32,210
Police/Fire Accident	Hartford Insurance	11,000
Ambulance Attendants	Great American Co.	500

And it was further unanimously

VOTED: To concur with the memorandum dated June 27, 1994 of Budget and Personnel Officer Terri Ackerman concerning the sources of revenue available for deposit into the Workers' Compensation Trust Fund as follows:

- \$64,222 carried forward from FY93 Workers' Comp. budget line item
- \$69,731 carried forward from FY94 Workers' Comp. budget line item
- \$150,000 approximately, from FY95 Workers' Comp. budget line item
- \$20,000 + \$28,000 dividends from MIIA program, if not needed elsewhere.

#### 212th Town Forum

At 8:00 p.m. Chairman Blacker convened the 212th session of the Town Forum.

Community Action Statement: A Public Forum, which had been advertised in the June 16 and June 23, 1994, issues of the Sudbury Town Crier and on cable television local bulletin board, was commenced for the purpose of reviewing Sudbury's Community Action Statement relative to community planning and to prioritize the needs to be included therein. The Community Action Statement is to be filed with the Massachusetts Executive Office of Communities and Development (EOCD) and is a requirement in connection with applications for Massachusetts Small Cities Community Development Block Grants and other EOCD grant programs.

Town Planner Jody Kablack presented the listed priorities of municipal needs in five categories which had been prepared as a result of input from the Town's departments and the Executive Secretary distributed a copy to those in attendance.

Thomas Phelps, Chairman of the Sudbury Board of Appeals, stated he was encouraged that this type of dialog was taking place; his main suggestion was that we should continue to educate the public as to the

contents of the Community Action Statement for feedback purposes. Several other questions followed and were responded to by Ms. Kablack, the Selectmen and Executive Secretary.

Upon inquiry at the conclusion of the discussion, no-one present objected to the proposed list of priorities as set forth in the handout.

Historic Town Centre Circulation and Parking Plan: A presentation was made by Maria Von Brincken of her design for the Town Centre which she is preparing as a school project. The Board congratulated her on her endeavor and expressed a desire to receive a copy of the final product.

Activity reports by various department heads and committees were then presented.

A video tape of the Forum is on file in the Selectmen's Office for public review.

#### Notes for Borrowing

Upon presentation of bonds for the borrowing of \$85,053.50 in anticipation of State reimbursement for Highway Street Repairs (\$55,000) and Sherman's Bridge Repairs (\$5,053.50), effective June 21, 1994 and due December 19, 1994, the Board signed same and approved and signed an additional bond for the Nixon School (\$25,000) from STM 89, Article 5, to come due October 19, 1994. As per Town Treasurer's letter of June 13 1994, BayBank won the bids as follows: Sherman Bridge Repairs 3.38%, Highway Street Repairs 3.18%, and Nixon School 3.20%.

#### Election Polls

Present: Town Clerk, Jean MacKenzie.

The Town Clerk requested the Board to direct her as to the location(s) for the next primary and state elections to take place this fall, commencing September 20th. Mrs. MacKenzie pointed out that there was an urgency to the request, as other factors had to be scheduled prior to the election. The programmer of the voting machines services a number of communities and scheduling is necessary for his time as well, as he will be on vacation at the end of August. She stated the location(s) will have to be the same for both the September 20th primary and the November election; to do otherwise would be confusing for the voters.

Chairman Blacker asked the Town Clerk if there was enough equipment to have elections in two locations, thus splitting the precincts. She replied in the affirmative, but asked him where the two locations would be. He asked where possible locations could be - suggesting Nixon School, Fairbank Center and Curtis School.

Executive Secretary Thompson indicated he had spoken to John Wilson about using the Curtis School. The Town Clerk interjected, saying the Curtis School was not suitable because a separate entrance and exit is needed for each precinct. Following discussion, it was agreed that accommodation for two precincts may be possible at Curtis because it has the largest gym.

Mrs. MacKenzie advised that a major consideration for the choice of locations must be that wherever the polls are the voting machines should be left there. She explained that they were delicate and did not take well to being moved around. She said the Noyes School was the only place that has storage capability for the machines. Executive Secretary Thompson stated that the Noyes School claimed they did not have storage. He also stated that the latest verbal agreement he has with John Wilson is that the schools

will provide storage for the voting equipment (approximately 300 square feet) if the Town will allow School Department storage in the area of the old fire station. The Town Clerk responded to Mr. Thompson that she had spoken to Mr. Wilson concerning this idea and he only laughed out loud at such a proposal. [The next day in conversation with Mr. Thompson, Mr. Wilson reconfirmed the commitment to provide 300 square feet of new storage space for the voting machines in exchange for space in the basement of Town Hall.] The Town Clerk stated the machines have lasted as long as they have because they have not been moved and have been maintained in a constant environment. Based on that premise, Chairman Blacker said the machines should be stored where they are now (Nixon School) until such time as they absolutely have to be moved out.

Mrs. MacKenzie again asked where the locations were going to be for the upcoming elections. Chairman Blacker asked for a consensus from the other members of the Board as to whether there should be two separate locations. At present, he added, it is impossible to have polling stations with permanent storage for the equipment. No location has any storage space available. He stated that if the Board wanted two separate locations, the polling equipment would have to undergo moves until a permanent solution was found. Even if the best location for an election was the Noyes School, it would still involve moving the equipment from the Nixon School and back. Mrs. MacKenzie further added that, if the schools are selected as locations, the programmer must program the equipment prior to their move to the school, since the schools cannot close the on site programming area, usually the cafeteria. Moving the equipment following programming could disturb the program and eleventh hour reprogramming would be out of the question.

Based on this information, Chairman Blacker suggested having the elections at the Nixon School. Mr. Thompson stated the problem then gets put off to the following year. Chairman Blacker agreed but stated that right now there is no building suitable for elections which can also house the equipment, and that based on the information and discussion there is no option to have two precincts and the only location seems to currently be the Nixon School. Executive Secretary Thompson stated that from past experience the Nixon School was not suitable for elections. It was later learned that Nixon School is out, because it will be re-opened in September 1994.

A suggestion of using the Loring School was presented. However, the Town Clerk advised that the parking situation would not permit an election at that location.

Chairman Blacker then asked the Town Clerk where, based on her knowledge and experience, she would recommend location(s) for the election. The Town Clerk replied that she would like to see the schools close for the November election. Chairman Blacker advised that that would never happen, and asked for a second choice. The Town Clerk said that if the Noyes School was available, two precincts could be accommodated and then the equipment could be stored there as well. Selectman Clark asked about the Town Hall as a location, if it could be made handicapped accessible. The Town Clerk stated that it would not be big enough for two precincts and added, that possibly the Fairbank Center would work, but she wasn't sure if even it was big enough.

Mrs. MacKenzie asked if it were possible to be given back the storage space at the Noyes School and Mr. Thompson stated that John Wilson advised that maybe half the former storage area could be used for the machines. Mrs. MacKenzie stated that the Noyes School storage area was built for the machines and if the Town could have it back, even in the worse scenario, all four precincts could be accommodated at the Noyes School, as was done in previous years. Mr. Thompson advised everyone that the schools are so short on storage, they have to purchase space and are justifiably reluctant to give up any.



Selectmen Drobinski suggested creating a favorable environment in the old fire station that could be accessed by driving into the area and unloading the voting machines. Mr. Thompson advised the Board that it would be big enough, an area could be created in the right bay of the old fire station but cost might be substantial to do so. Mrs. MacKenzie said the space would be big enough, but she was concerned with the dampness etc. Mr. Thompson advised Mr. Wilson that if he (Thompson) had the money, he could do such a project, but at this time there were no funds. Selectman Drobinski explained to the Town Clerk that that was the trade off. The schools have the money and need storage space and if they can use part of the old fire station for their storage, they would be willing to provide enough environmentally controlled space for the voting equipment as well.

Chairman Blacker summed up the discussion by stating the Board would take all this information under consideration and advise the Town Clerk of their decision by July 15.

#### Performance Review Meeting - Fire Chief

Present: Fire Chief Michael C. Dunne.

The Board was in receipt of a performance report by Fire Chief Michael Dunne dated June 2, 1994, concerning his annual review.

Chairman Blacker pointed out that the Fire Chief had an excellent suggestion relative to future purchasing of vehicles. The Fire Chief suggested requesting bids subject to appropriation. That way a true lowest bid could be obtained, rather than bidders reviewing public records to find out how much funding was available.

At Mr. Thompson's request, Chief Dunne explained that District 14 towns were going to purchase a used ambulance which would be placed in service whenever their regular ambulances were in a shop being worked on. This was going to be done at no cost to Sudbury. The possibility exists the spare ambulance may be housed in Sudbury due to its central location.

Selectmen Drobinski relayed the Board's high regard for the work the Fire Chief and his department is doing and it was on motion unanimously

VOTED: To accept Mr. Dunne's annual performance review report dated June 2, 1994, and the FY 95 goals contained therein.

#### Amendment to Traffic Rules and Orders - Dudley Road

The Board was in receipt of a letter from the Town Engineer dated June 23, 1994, setting forth the various options to reduce the amount of traffic on Dudley Road. In his letter he mentioned concurrence by Safety Officer Conrado with an option wherein a "No Left Turn" sign be installed at Nobscot Road at the entrance to Dudley Road. In addition a "Residents Only" sign would be included below. It was suggested that this be done for a three-month trial period. [Later by letter dated July 12, 1994, Officer Conrado denied such concurrence.]

For the purpose of reducing traffic on Dudley Road, it was on motion unanimously

VOTED: To accept the recommendation of the Town Engineer to install on Nobscot Road across from the entrance to Dudley Road, two signs - one to read "No Left Turn" and a sign "Residents Only" to be installed below it, for a three-month trial period.

Accordingly, it was on motion unanimously

VOTED: That the Traffic Rules and Orders of the Town of Sudbury, adopted by the Board of Selectmen on September 12, 1941, and subsequent amendments thereto, be and are hereby amended as follows:

By amending Section 15. USE RESTRICTIONS ON CERTAIN STREETS, as follows:

By renumbering paragraph 1 to "1A".

By adding as the second paragraph the following:

"1B. In accordance with the authorization in Chapter 90, Section 18 of the General Laws, vehicles traveling in a northerly direction on Nobscot Road are prohibited from making a left turn onto Dudley Road, residents excepted, 24 hours per day."

By adding at the end of the last sentence in the third paragraph the following:

"or to companies performing a service for Federal, State, Municipal or Public Service Corporations."

By changing the words "Part 1" to "Parts 1A and 1B" in the final two paragraphs.

Fire Department Line Item Transfer No. 94-29

It was on motion unanimously

VOTED: To sign a line transfer from Fire Maintenance to Fire Overtime in the amount of \$606.21 necessary to pay overtime in order to maintain the minimum staffing levels through the end of FY94.

Reserve Fund Transfer No. 94-29A - Selectmen

It was on motion unanimously

VOTED: To sign reserve fund transfer to Selectmen Contracted Services in the amount of \$2,000. This amount is estimated to pay costs to remedy oil spill at Town Hall, per directive of the DEP.

Reserve Fund Transfer No. 94-30 - Building

It was on motion unanimously

VOTED: To sign a reserve fund transfer to Building Department Maintenance Account in the amount of \$,6000 to be used as follows: \$2,000 for replacement of oil burner for Flynn Building boiler and \$4,000 for the cost of excessive gas usage at the Fairbank Community Center.

Landfill/DEP

Selectman Drobinski updated the Board on the meeting held June 15, 1994, which he attended with other officials at the Department of Environmental Protection (DEP) office in Woburn concerning local landfill operations. Selectmen Drobinski informed the Board that DEP has considered a fine against the Town in the amount of \$4,000 for lack of methane gas monitoring and flying paper. He concluded that he and the Town Engineer would continue to negotiate with DEP on this matter and keep the Board updated. On this subject, Chairman Blacker informed the Board that he had inquired of the Executive Secretary if he had responded to Chairman Palmer-Anderson of the Finance Committee concerning her memo of May 31 requesting a meeting on so-called "landfill planning". Mr. Thompson answered that he had spoken with Ms. Palmer-Anderson concerning the matter and intends to update her on the recent June 15 meeting, and further, that a meeting has been scheduled for July 14 with those persons present that she requested.

Candlewood Trust Gift/Powder Mill Road Walkway

Executive Secretary Thompson requested the Board to vote on the dispersion of a portion of a \$15,000 gift to the Town from Candlewood Trust as follows: \$4,825 to the Planning Board for the construction of an extension to the walkway on Powder Mill Road.

It was on motion unanimously

VOTED: As a addendum to the Board's vote of February 3, 1992, to release \$4,825 to the Planning Board for the construction of an extension to the walkway on Powder Mill Road out of a \$15,000 gift to the Town from Candlewood Trust.

Loretta Bigelow, Assistant Treasurer

Present: Loretta Bigelow.

Selectman Clark asked Loretta Bigelow, who was present, if she had any questions for the Board since she had attended the meeting all evening. Mr. Thompson interrupted to advise that he had previously asked Ms. Bigelow if she had anything for the Board's consideration and she had said she was observing. Loretta Bigelow responded to Selectman Clark that she was in attendance tonight hoping to meet with the Board relative to her letter of June 9, 1994. Chairman Blacker responded the matter has been referred to Counsel and that the Board of Selectmen would be in touch with her as soon as possible on this subject.

There being no further business, the meeting was adjourned at 10:45 p.m.

IN BOARD OF SELECTMEN  
MONDAY, JUNE 27, 1994

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