

Public Hearing: Mr. Andrew Scalese, Sudway Lunch

Convened: 8:00 p.m.

In attendance: Chairman E. E. Kreitsek, R. C. Venne, J. E. Taft, Executive Secretary G. P. Draheim, Phyllis Sampson.

Mr. Kreitsek reported that word was received at the Town Hall this afternoon that Mr. Scalese had been in an auto accident and would not be present at this hearing. Mr. Kreitsek asked if anyone were present representing Mr. Scalese; no one appeared. Mr. Kreitsek suggested that the testimony of those interested parties present be given.

At this point, Mr. Louis Hough, Chairman of the Board of Health, wished to protest. He stated that the restaurant operated by Mr. Scalese had been of much concern to the Board of Health for some time, that with its present method of operation it was a menace to the town, and that the disability of one person should not be a reason for delay. Mr. Hough moved for prosecution to cease and desist.

Mr. Taft said that he opposed postponement, that the hearing should be held as scheduled, and that someone could talk with Mr. Scalese' attorney later.

Mr. Venne asked if there were any new evidence pertaining to the license.

Mr. Hough stated that the Board of Health would like to give their evidence.

Mr. Kreitsek agreed that testimony be given and that all evidence be entered into the record.

Mr. Hough presented Mr. John Sullivan, Board of Health Inspector. Mr. Sullivan stated that he had made several inspections at the Sudbury Lunch in the past few months and found it unsatisfactory. He said that the proprietor was using the basement as a kitchen, preparing food in the basement. He described the basement as having earthen walls and no proper ventilation. He said that a formal letter had been sent to Mr. Scalese from the Board of Health on July 13, 1964, and that he had checked the building again on August 13, 1964, and found

that the basement was still being used for the preparation of food. He stated that during an inspection he had observed Mr. Scalese preparing a spaghetti dinner and found spaghetti soaking in a sink of dirty water, and manufacturing ice cream and storing it in dirty containers. He added that Mr. Scalese has no license to manufacture ice cream. He further stated that the restaurant upstairs had poor floors, patched walls, untidy shelves, and no storage for refuse. He said that Mr. Scalese had attempted to start an addition to the building in the back but was very slow about it.

Mr. Taft asked how long he had been in the process of building this addition, and Mr. Sullivan said at least five months. Mr. Hough here stated that blocks had been placed only two weeks ago.

Mr. Taft asked what was the purpose of the addition, and Mr. Sullivan said for for a kitchen.

Mr. Hough asked Mr. Sullivan about the condition of the septic tanks. Mr. Sullivan said the system was adequate, that the sinks were lower than the sewer line, but that when he checked on August 13, he found that a pump was being used to dispose of the waste.

Mr. Kreitsek asked if he had ever observed vermin or rodents. Mr. Sullivan said that he hadn't, but that his last inspection occurred at 8:15 p.m., and he did not have a flashlight.

Mr. Taft asked how the basement is reached, and Mr. Sullivan replied that there was an open stairway with no door at the side of a small restaurant counter.

Mr. Taft asked if there was a stairway to the outside from the basement.

Mr. Sullivan said that there was not.

Mr. Sullivan referred to the Board of Health letter sent on July 13, 1964, and said that Mr. Scalese had been given one month to bring operation up to Board of Health specifications, and then a letter was sent to the Board of Selectmen. The July 13 letter reads as follows: (have copy - will include!)

Mr. Sullivan said that Mr. Scalese was always very vague about his plans and had no engineering plan or floor plan for the addition.

Mr. Hough asked Mr. Sullivan if a building permit had been issued. Mr. Sullivan said he had not seen one displayed nor a common victualler permit.

Mr. Taft asked how big the addition was to be. Mr. Sullivan estimated the size to be 15' x 25', and stated that an entrance would be provided from the existing ~~sink~~ cooking area into the new kitchen. He said that the Board of Health had not been unreasonable in its requests, but that the board had no faith in Mr. Scalese' word.

Mr. Taft asked if there was a sink in the upstairs area. Mr. Sullivan said there were two open sinks under the counter with a hot water tank in the basement.

Mr. Venne asked how many people worked there. Mr. Sullivan said Mr. Scalese, his wife and some children.

Mr. Venne then asked if Mr. Scalese had been given any plan to go by, any preconceived idea of a plan expected by the Board of Health. Mr. Sullivan said that there was a sanitary code. Mr. Taft asked if this was a state sanitary code. Mr. Sullivan stated that the basic law required ventilation to take out cooking odors, smooth floors and non-absorbent floors and walls.

Mr. Calvin Smith, Chairman of the Board of Appeals, stated that Mr. Scalese had applied to the board for permission to construct the addition to the building because the building is too close to the road. Mr. Scalese had been asked to submit a layout and plan pertaining to the addition to the Board of Health for its approval. Mr. Scalese said he had no money for this. The Board of Appeals, having heard no more from Mr. Scalese, on March 31, 1964, tabled any action subsequent to the approval of his application. Mr. Smith stated that, at the time of the Board of Appeals hearing, Mr. Scalese appeared willing to do anything to help, but did not follow through. Mr. Smith said that Mr. Scalese would again have to ~~ask~~ apply to the Board of Appeals.

Mr. Warren Ide, former owner of the Sudway Lunch, introduced himself and stated that he held the mortgage on the Sudway Lunch, and that if Mr. Scalese could not stay in business, it would mean the loss of his (Mr. Ide's) home.

He said that he was at work in Boston when his wife called him about this hearing, and he came to protect his own interests. He said he sold the business to Mr. Scalese in February but had run it himself for four years prior to this time. He stated that the Board of Health inspections during that time were always satisfactory.

Mr. Kreitsek reiterated that the Board of Health wanted to correct a dangerous condition.

Mr. Taft asked Mr. Ide if he had prepared food in the basement, and Mr. Ide stated that he had. Mr. Taft asked if Mr. Ide were a cosigner in the business. Mr. Ide stated that he was not; that the original mortgage had been reassigned, that the property was not owned by ~~it~~ either Mr. Scalese or himself, and that the failure of the business would affect a second mortgage which is on his home.

Mr. Kreitsek said that the decision of the Board of Selectmen would be limited testimony on to/the sanitary conditions of the business, that the board could not consider Mr. Ide's personal loss, and that Mr. Ide's testimony would have no bearing on the decision.

Mr. Ide said that he only wanted a thirty-day continuance so that he could help Mr. Scalese get the building addition going.

Mr. Kreitsek read the Board of Health notice/^{sent}to the Board of Selectmen dated August 13, 1964. (will copy and include)

Mr. Venne asked if Mr. Ide knew of Mr. Scalese's plans; did he feel that he could persuade Mr. Scalese conform to the Board of Health specifications.

Mr. Ide said he would try, but he did not know if he could do any good.

Mr. Sullivan here stated that a general housecleaning would not straighten out the problem at hand. Even with help from Mr. Ide, he could not solve the basic problem.

Mr. Ide said that he had had inspections every six months when he operated the restaurant, and that it had always been found clean and there were just a few minor complaints.

Mr. Venne stated that it was not just the cooking in the basement, but the way in which Mr. Scalese had been cooking.

Mr. Taft asked if the code had been changed recently. Mr. Sullivan answered that two rongs don't make a right, that in his position he had never seen this condition in a basement kitchen. He said that the food was exposed and not kept under proper temperature control, etc.

Mr. Kreitsek stated that the evidence^s and testimony should be limited to the present conditions, not consideration of the past or future.

~~Mr. Kreitsek stated~~

Mr. Venne suggested that the restaurant might remain open to serve from the main floor, but that the basement be closed. Mr. Ide said that some food could be prepared upstairs.

Mr. Taft suggested that Mr. Ide could help by persuading Mr. Scalese to conform to the zoning regulations of the Board of Appeals in order to continue with the addition.

Hearing adjourned: 9:00 p.m.