

IN BOARD OF SELECTMEN
MONDAY, DECEMBER 29, 1975

Present: Chairman John E. Taft, William F. Toomey, and John C. Powers

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

Transfer All Alcoholic Beverages Restaurant License - Porter's Restaurant, Inc., 694-698 Boston Post Road, to 99 West, Inc.

Present: Charles F. Doe, President/Treasurer, Paul J. Whitney, Clerk of 99 West, Inc., Theodore S. Hatch, manager of 694-698 Boston Post Road; Thomas Carens, attorney for 99 West, Inc., Donald E. Porter, present owner of premises at 694-698 Boston Post Road; William Brewin, attorney for Mr. Porter; Herbert Massicott realtor for Mr. Porter; Janet Brennan, abutter

Chairman Taft announced that the Board, acting as the Licensing Authority for the Town of Sudbury, was tonight holding a public hearing on the application of 99 West, Inc., Theodore S. Hatch, Manager, for a transfer of the all alcoholic beverages restaurant license from Porter's Restaurant, Inc., Donald E. Porter, President/Treasurer, located at 694-698 Boston Post Road, Sudbury.

The Executive Secretary read the public notice as advertised in a local newspaper, and he reported that the appropriate Town departments and abutters had been notified and the following reports received: from the Fire Chief, dated December 19, 1975, which recommended conditional approval; from the Building Inspector, dated December 23, 1975; and from the Director of the Board of Health, dated December 24, 1975, both of which recommended approval.

Chairman Taft reviewed the application for the Sale of Alcoholic Beverages, dated December 15, 1975, as submitted by Mr. Hatch on behalf of 99 West, Inc., and the application for Transfer of Liquor License, dated December 15, 1975, as prepared by Mr. Porter and Mr. Hatch.

Mr. Brewin attorney for Mr. Porter, presented an affidavit signed by Mr. Porter, attesting to his having notified property abutters of tonight's hearing.

The Executive Secretary reported that the Board had also received the Articles of Organization for 99 West, Inc., a Certificate of Corporate Vote, and Certificates of Citizenship for Messrs. Doe, Whitney, and Hatch.

Mr. Carens, attorney for Mr. Doe stated that the application for transfer of license and the change in the premises at 694-698 Boston Post Road was properly before the Board, along with the plans and specifications of the proposed operation, and he spoke briefly of Mr. Doe's seven similar operations.

In response to questions from the Board, Mr. Doe made the following statements:

- He holds liquor licenses for all other operations.
- Food sales amount to 50% - 60% of business volume.
- Seating/serving capacity for 150 people; site plan shows 96 parking spaces, which exceed Sudbury Bylaw requirements.

- Peak periods of business expected to be 12:00 - 2:00 p.m. and 7:00 - 8:00 p.m.
- An entertainment license for a single guitar player will be requested.

No one spoke in opposition to the proposal.

After further discussion, Selectman Toomey moved to approve the application as presented.

Chairman Taft amended Selectman Toomey's motion to provide a condition that the proposed stand-up bar be excluded from the site plan.

Chairman Taft's amendment was seconded by Selectman Powers for purposes of discussion and was then lost by a 2-1 margin.

It was then

VOTED: To approve the application of 99 West, Inc., Theodore S. Hatch, Manager, for a transfer of the all alcoholic beverages restaurant license from Porter's Restaurant, Inc., Donald E. Porter, President/Treasurer, located at 694-698 Boston Post Road.

(Selectmen Toomey and Powers in favor, Chairman Taft opposed)

On a second motion by Mr. Toomey, it was further

VOTED: To approve a change in the premises at 694-698 Boston Post Road, Sudbury, formerly described as:

"One floor: two rooms for bar and dining, kitchen, cellar for storage; two front exits, one rear exit, and one side exit" to the following:

"One floor: one room for bar and dining, kitchen, (2600 sq. ft.) and cellar for storage; three exits east and west sides, and delivery entrance at rear";

in accordance with Chapter 138 of the General Laws, as amended by Chapter 260 of the Acts of 1971 to provide a change in the description of the licensed premises.

(Selectmen Toomey and Powers in favor, Chairman Taft opposed)

At the request of Mr. Carens in a communication dated December 29, 1975, with the approval of Town Counsel, it was on motion unanimously

VOTED: To grant to 99 West, Inc., permission to assign their stock to the Middlesex Bank, NA, as collateral security for their loan.

Application for Renewal of Class I License - C. R. Wood Corporation, 50 Union Avenue

Present: Zoning Enforcement Agent Francis E. White; Alfred Moran, Manager, C.R. Wood, 50 Union Avenue.

On the subject of C. R. Wood Corporation's application for renewal of their Class I license, the Board met with Alfred Moran, manager of the Corporation's

Sudbury office located at 50 Union Avenue, to discuss the question as to the location of their base of operation.

In response to questions from Selectman Toomey, Mr. Moran stated that C. R. Wood Corporation recently moved from their previous location at 75 Union Avenue and is now renting office and outside storage space from E. H. Perkins, 50 Union Avenue, from which they are engaged in the sale and rental of heavy construction equipment. Mr. Moran stated that as the Corporation is a distributor of heavy construction equipment, it is necessary that they have office and display space, but, as there is insufficient space at 50 Union Avenue, their major equipment stock is kept in Maine.

Chairman Taft noted that their expiring license, which was issued for their operation at 75 Union Avenue, was subject to the receipt of a permit from the Board of Appeals, and he requested that Mr. Moran, with the help of the Zoning Enforcement Agent, apply to that Board for a transfer of their permit.

It was on motion unanimously

VOTED: To table further consideration of C. R. Wood Corporation's application for renewal of their Class I License until receipt of permit transfer from the Board of Appeals, at which time the Zoning Enforcement Agent will contact the Board.

Atlantic Richfield Company - Commercial Contract Extension

The Board on November 18, 1975 voted to reject the bids to supply gasoline to the Town for 1976, in the best interests of the Town, and to continue the present purchase agreement with Atlantic Richfield Company under Federal guidelines and regulations.

The Executive Secretary reported that there had since been no change in the Federal guidelines to his knowledge, and that it was, therefore, his recommendation to enter into an extension of the Town's present agreement with Atlantic Richfield Company through December 31, 1976.

On the recommendation of Town Counsel, it was on motion unanimously

VOTED: To approve the commercial contract extension dated November 12, 1975 between the Town of Sudbury and Atlantic Richfield Company for the purpose of supplying the Town with gasoline for Town vehicles for the period of one year through December 31, 1976;

and it was further

VOTED: To authorize the Executive Secretary to sign the commercial contract extension.

Final Budget Review - Police Department

Present: Nicholas Lombardi, Police Chief

Chief Lombardi met with the Board to review the Police Department's final budget for the 1976-77 fiscal year.

Final Budget Review - Building and Inspections Department - Dog Officer

Present: Francis E. White, Building/Wiring Inspector and Dog Officer

Mr. White met with the Board to review the final budgets for the Building and Inspections Department and the Dog Officer for the 1976-77 fiscal year.

Also under discussion was a yearly retainer for the Plumbing/Gas Inspector, after which it was on motion unanimously

VOTED: To request approval from the Personnel Board for a change in the recompense of the Plumbing/Gas Inspector, effective July 1, 1976, and to increase the budget by \$1,000.

The Board requested that the Plumbing/Gas Inspector be designated as a special employee so that his private business in Sudbury would not be in conflict with his receiving a salary for Town work, and they directed the Executive Secretary to obtain a motion to accomplish the designation from Town Counsel.

Chairman Taft requested the Building Inspector to review the present plumbing/gas fee schedule for consideration of possible increases.

Final Budget Review - Civil Defense, Fire Department

Present: Josiah F. Frost, Fire Chief

Chief Frost met with the Board for the purpose of reviewing the final budgets for the Civil Preparedness and Defense and the Fire Department for the 1976-77 fiscal year.

After discussion, it was on motion unanimously

VOTED: To submit the Fire Department budget for the 1976-77 fiscal year, as amended by the Executive Secretary and Chief Frost, and to request additional information from the Fire Chief relative to reducing the overtime account, by the Fire Prevention and Training Officer providing coverage during the summer months, and the same financial overtime benefits to be derived from the hiring of four additional men;

and it was further

VOTED: To further discuss the budget upon completion of the Fire Chief's report.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the meeting of December 22, 1975, as corrected.

Utility Petition #75-38, Intervale Road

It was on motion unanimously

VOTED: To confirm the existence, upon property accepted by the Town as a public way, of Boston Edison Company and New England Telephone and Telegraph Company poles at the following location:

INTERVALE ROAD, from a point approximately 32 feet northeast of
Hudson Road, --
Eight (8) poles (guy wire and anchor on sixth pole)

Assistance to Planning Board - Federal Grant

The Board received a communication dated December 26, 1975, from Planning Director Emmanuel Tiliakos, requesting the Board's suggestion for alternative sources of funding in the amount of \$70 to supplement a Federal grant to Miss Gina Sauta for assisting the Planning Board office with map making and drafting during the period of December 29 to January 19, 1976.

It was agreed to refer the above-referenced communication to the Planning Board, and Chairman Taft stated that, in the interest of time, he would contact the Chairman of the Planning Board on the matter.

Heritage Park - Donation

The Executive Secretary announced that the Rotary Club had made a donation to the Heritage Park fund, and Selectman Powers reported that the money will be used for benches and a planting area.

Sudbury Housing Authority - Vacancy

The Board, at its December 22, 1975 meeting, in response to a request from the Clerk of the Sudbury Housing Authority, suggested 8:00 p.m. on January 12 as a time to meet with the remaining members of the Sudbury Housing Authority relative to filling the vacancy on the Authority created by Douglas Miranda's resignation. It was also agreed at that time that Chairman Taft would contact the Chairman of the Housing Authority relative to candidates.

Chairman Taft now reported that in telephone conversation with Mrs. Bauder, she had expressed her opinion that the Authority has no particular candidates in mind, and that she would contact him following the next meeting of the Authority, at which the subject would be under discussion.

Selectmen's Budget Hearing

The Executive Secretary announced that the Finance Committee would hold a hearing on the Selectmen's proposed 1976-77 budget on Saturday, January 10, 1976, at 11:00 a.m.

Patrolman Robert Wenham

The Board received a letter dated December 23, 1975, from John Nicholson, M.D. which stated that Patrolman Robert Wenham could return to work for desk duty only.

After discussion, it was agreed that the matter must now be taken up with the Personnel Board for their approval. The Selectmen requested the Executive Secretary to schedule a meeting with the Police Chief on January 5, 1976, to further discuss the matter.

Executive Session

At 11:25 p.m., it was on motion unanimously

VOTED: To enter into executive session for discussion, deliberation, or voting on matters which, if made public, might adversely affect the financial interests of the Town.

There being no further business to come before the Board, it was on motion unanimously

VOTED: To adjourn the meeting at 11:45 p.m.

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