

IN BOARD OF SELECTMEN
MONDAY, JULY 11, 1977

Present: Chairman John C. Powers, Ira M. Potell, and William F. Toomey

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

Hearing--Application for License to Store Inflammables Underground--James C. Weaver,
248 Old Lancaster Road

Present: James C. Weaver, applicant

In accordance with the provisions of Chapter 148 of the General Laws, the Board held a public hearing on the application of James C. Weaver, 14 Highgate Road, Wayland, for a license to store inflammables, for home heating purposes, as follows:

Underground, 2000 gallons #2 fuel oil, on property located at 248 Old Lancaster Road, Sudbury.

Executive Secretary Richard E. Thompson reported that the matter had been properly advertised and that notice of tonight's hearing had been sent to all appropriate Town officials and abutters and that the following reports had been received: from the Building Inspector, dated July 6, 1977, and from the Fire Chief, dated July 8, 1977, both of whom expressed no objection to the issuance of a permit for this purpose.

Mr. James Weaver, applicant, stated that his reason for the request was to insure sufficient heating oil during the winter without having to be dependent on a delivery truck negotiating his 400-foot sloped driveway during the winter months and to take advantage of the cost-saving features afforded by this size tank. Mr. Weaver stated that the fuel would be used for home heating purposes only.

After further discussion, it was on motion by Selectman Toomey unanimously

VOTED: To issue to James C. Weaver, 14 Highgate Road, Wayland, a license to store inflammables underground, 2000 gallons #2 fuel oil, on property located at 248 Old Lancaster Road, Sudbury, subject to use of the fuel for home heating purposes only and not for resale.

Minutes

It was on motion by Selectman Potell unanimously

VOTED: To approve the minutes of the regular and executive session and the Town Fathers Forum transcript of June 27, 1977;

and it was further

VOTED: To approve the minutes of the special meeting of June 29, 1977.
(Selectman Toomey voted "Present" with regard to the special meeting of June 29, 1977, as he had not been in attendance.)

Setting of Cemetery Fees

Present: Robert A. Noyes, Highway Surveyor/Superintendent of Cemeteries; and
William Place, Highway Department Operations Assistant

Executive Secretary Richard E. Thompson stated that the matter before the Board was the establishment of cemetery fees in addition to those set by the Board at its meeting of May 23, 1977. Mr. Thompson reported that Superintendent of Cemeteries Robert A. Noyes had forwarded to the Board, with his letter dated June 14, 1977, recommendations for fees which were set forth on page 11 of Mr. Noyes' Cemetery Department report dated January 1977.

Mr. Noyes stated that he was recommending an opening charge of \$125 for weekdays as well as weekends and holidays, and he stated that, in his opinion, this figure was in line with corresponding charges by surrounding towns.

Selectman Toomey asked whether the Cemetery Study Committee had seen Mr. Noyes' recommended figures.

Mr. Noyes stated that he had not submitted his recommendations to the Committee.

Discussion then concerned the fact that the Committee had essentially dissolved after the 1977 Annual Town Meeting, and Chairman Powers stated that the Committee's specific recommendation had been that Mr. Noyes establish a method by which the fees may be set.

Mr. Noyes reported that the Committee had seen the preliminary figures.

Selectman Toomey stated that he had no problem with the recommendations.

Selectman Potell stated that he would like to see a change in Mr. Noyes' recommended figures that 65% of the lot cost be applied toward perpetual care so that the cost applied toward perpetual care would be increased to 75%.

Selectman Toomey asked Mr. Noyes, if such an increase would create a hardship.

Chairman Powers asked Mr. Noyes whether, in his opinion, the cost of the land purchases would increase percentage-wise faster than perpetual care costs would increase.

Mr. Noyes responded that it would be difficult to determine these increases.

In response to Selectman Toomey's earlier question, Mr. Noyes stated that the increased percentage could be tried, but that he was of the opinion that his development costs would change. Mr. Noyes was, however, in agreement with the increase.

After further discussion, it was on motion by Selectman Potell unanimously

VOTED: To apply 25% of the lot cost toward the lot purchase and the remaining 75% toward perpetual care.

It was further, on motion by Selectman Potell, unanimously

VOTED: To establish grave opening charges, including foundation installation charges and minimum cost as recommended by Mr. Noyes on page 11 of his Cemetery Department report dated January 1977, as follows: an opening charge for weekdays, weekends, and holidays of \$125, cremation interment at \$25.00, stillborn interment at \$20.00, foundation charge per cubic foot at \$12.00, and minimum cost at \$15.00.

It was further, on motion by Selectman Potell, unanimously

VOTED: To establish a recording fee of \$1.00 in addition to lot prices as established.

It was further, on motion by Selectman Toomey, unanimously

VOTED: To set fees for a stillborn grave at \$20;

and it was further, on motion by Selectman Toomey and amended by Selectman Potell unanimously

VOTED: To set the fee for a cremation lot at \$25.00 for the lots which are specifically designated by the Superintendent of Cemeteries as cremation lots in all cemeteries and to set the fee for any person desiring to deposit cremations in a lot other than those so designated at the regular fee of \$125.

Public Hearing--Northern Farms Farmstand and Country Store, Joseph and Charles Calareso, owners, 15 Union Avenue

Present: Joseph and Charles Calareso, license holders; Frank R. Sherman, attorney representing Messrs. Calareso; Building Inspector/Zoning Enforcement Agent Francis E. White; Richard and Jani Frances Riel, Northern Farm customers, and approximately eight interested Townspeople; Jeffrey Marshall, neighboring businessman

The Board held a public hearing relative to Northern Farms Farmstand and Country Store, Joseph and Charles Calareso, owners, 15 Union Avenue, relative to the following matters:

- a. question of suspending or revoking the Package Goods Store License for the Sale of Wines and Malt Beverages held by Messrs. Calareso; and
- b. discussion relative to site plan compliance.

Selectman Potell suggested that the order of discussion of the above items be reversed.

Chairman Powers asked Town Counsel whether such reversal would be permissible.

Town Counsel Paul Kenny responded that, in his opinion, it would be preferable to discuss items in the order advertised, but that it would be permissible to discuss either item first.

As neither Messrs. Joseph or Charles Calareso, their attorney, Frank R. Sherman, nor the remaining Board members expressed any objection to the reversal of the order of discussion, it was on motion by Selectman Potell, unanimously

VOTED: To take out of order Items 3a and 3b, reversing the two items, so that 3b is discussed first and 3a second.

Site Plan Compliance - Mr. Frank R. Sherman identified himself as an attorney having law offices at 747 Main Street, Waltham, and living at 255 Peakham Road, Sudbury, and he stated that he was representing Joseph and Charles Calareso.

Executive Secretary Richard E. Thompson reported that the Board had, in May 1977, met with Joseph and Charles Calareso on the matter of extension for completion of Site Plan #76-164, at which time it voted to extend the completion date of the site plan from May 10, 1977 to July 15, 1977, with the understanding that an update of status would be received by the Board on July 1, 1977. Mr. Thompson stated that Chairman Powers had stated at the May 9 meeting that the Board would like to see a revised site plan indicating the new street side line, as surveyed by the Town Engineer, by its May 16 meeting. Mr. Thompson further stated that, on June 30, a site plan had been filed which has been scheduled on the August 8 agenda, and he further stated that he had with him this evening a complete record of all previous meetings.

Chairman Powers supplied Mr. Sherman with a copy of the record.

Mr. Thompson stated that Mr. Calareso had brought his past site plan into compliance and had also submitted a new site plan as the Board was of the opinion that there were such major revisions to be made to the plan that it should go back through all appropriate Town boards.

Chairman Powers asked the Building Inspector for a progress report concerning compliance with the Northern Farms site plan.

Building Inspector/Zoning Enforcement Agent Francis White reported that the original site plan was approved on May 10, 1976 and that there were presently two violations: 1) three parking spaces located at the rear of the building are occupied by storage and shelving material and empty produce crates; and 2) one parking space located immediately south of the canopy is occupied by cases of tonic bottles.

Mr. White stated that the new site plan shows five parking spaces to the rear of the building which are occupied by the produce crates and building material and that the parking space immediately south of the canopy, which is shown as being for handicapped persons, is still occupied by the cases of tonic.

Selectman Toomey stated that he had asked Mr. White to stop at Northern Farms on his way to tonight's meeting to check on site plan compliance and that Mr. White had not been admitted to the building although there were customers inside. Selectman Toomey stated that the fact that the Building Inspector was not admitted to the building, following a request by a member of the Board of Selectmen, as well as the earlier reports that hands had been laid on the Building Inspector by the licensee were of great concern to him.

Selectman Toomey asked Mr. White if hands had been laid on him.

Mr. White stated that Mr. Charles Calareso had placed his hand on his shoulder in an effort to gain his attention and that there had been no pushing or shoving involved.

In response to Attorney Sherman's question, Mr. Charles Calareso made the following statements:

- The store was open tonight only until 7:00 p.m., although the regular closing time was 9:00 p.m., to allow him to attend the hearing in progress.

- There were two customers in the store at the time of closing (Mr. and Mrs. Richard Riel).

- When Mr. White arrived a sign indicating that the store was closed was in the window.

- There was nothing that he was unwilling to show the Building Inspector.

Mr. White stated that if the "Closed" sign was in the window, he had not seen it, and he stated that he had been asked to see if the storage cage for the beer and wine had been completed and that when he had been denied admittance to the building, he had turned around and left.

Mr. Richard Riel, Goodman's Hill Road, stated that he and his wife had been customers in the store and that they had both seen the closing sign in the window and that Mr. Calareso had told them that he was closing at that time.

Mr. Jeffrey Marshall, owner of Reverence, Ltd., located next to Northern Farms, stated that he was also present helping Mr. Calareso, as he was trying to close up to get to tonight's meeting.

Selectman Potell referred to page 3 of the Board's May 16, 1977 letter to Joseph and Charles Calareso, which reported a discussion during the May 9 meeting concerning the fact that no outside storage area is shown on the site plan and Mr. Calareso's statement, at that time, that, as there was no provision for outside storage on the site plan, he would discontinue outside storage in the rear parking spaces. Selectman Potell also referred to page 4 of the aforementioned letter which stated, as part of the Board's conditioned vote on May 9, that it was understood there would be no outside rubbish storage on the property. Selectman Potell stated that these violations continue although it was agreed that they would end, and he questioned Mr. Calareso as to why he had refused the registered letter from the Building Inspector and why the sign was not removed from Town property until just a few days before tonight's hearing rather than earlier as had been discussed. Selectman Potell also expressed his concern that the revised site plan was not received by the Board on May 16, as requested, and he asked whether the plan had been reviewed by the Board of Health as mentioned in the May 16 letter.

Mr. Calareso stated that the plan had not been submitted to the Board of Health.

Chairman Powers asked what the revised plan indicated for those areas presently being used for outside storage.

Mr. White stated that the revised plan showed a display area, but no outside storage area. Mr. White estimated that a couple of hundred cases of tonic were stored in the parking space designated on the revised site plan for use by handicapped persons.

Mr. Sherman stated that there were, in this space, approximately 125 cases of tonic, and he asked whether Mr. Calareso had not been given until July 15 to comply with his previous site plan, and, this being the case, he stated that Mr. Calareso had until that date to remove the cases.

Selectman Potell again commented on the fact that a revised site plan indicating the new street side line as surveyed by the Town Engineer had not been received by the Board by its May 16 meeting, as requested.

Chairman Powers informed those present that the Board and certain Town officials had held an on-site inspection and had found that the property line on the 1976 site plan was incorrect, that there was a substantial piece of Town-owned property on the westerly side of Union Avenue at that location and that the Board was concerned that the property be shown in its proper location.

Chairman Powers asked Mr. White whether he had received, prior to June 30, any other site plan for Northern Farms.

Mr. White responded that he had received a plan from Mr. Calareso early in June, but that the plan was not made acceptable during the fourteen day period he had to review it and that he had returned the plan to Mr. Calareso for the following reasons: 1) the display of tonic was not shown, 2) the parking spaces were not dimensioned properly, 3) improper screening of the beer and wine storage area, and 4) no filing fee was submitted.

Mr. Sherman asked Mr. Charles Calareso whether the filing fee had been paid at the earlier submission.

Mr. Calareso responded that the fee had not been paid.

Mr. Sherman asked Mr. Calareso whether the fee would be paid this evening.

Mr. Calareso responded that it would.

Mr. Calareso stated that he had been the one who called attention to the error in the property line and that, in his opinion, he had acted in good faith in attempting to comply with the site plan.

Mr. Thompson stated that because the revised plan was to indicate major changes, he had considered the plan to be a revised one rather than a renewal and that he had requested that a filing fee be submitted. Mr. Thompson stated that he had also suggested to Mr. Calareso that he submit a letter requesting that the Board waive the fee at the same time.

Chairman Powers stated that he had a question for Town Counsel as to whether the new site plan should be considered a revision or a renewal, as the fee for site plan renewal is only \$10.

Mr. Thompson stated that, at no time, did his office inform the applicant that he did not have to pay a filing fee.

Discussion then concerned the outside storage, and Chairman Powers asked Mr. White what material was being stored on the west side of the building.

Mr. White stated that the storage consisted of plastic trays for fruits and vegetables, showcases, boards, and building material.

In response to Mr. Sherman's question, Mr. Calareso stated that, after the wind storm, he had left the material where it had fallen until the insurance adjusters had inspected it, but that he had removed it after that time because of complaints. Mr. Calareso stated that the material was reusable and would be used.

Mr. Calareso stated that the material covers three parking spaces on the original site plan and five on the new site plan and that it could be moved in a day.

Mr. Sherman then asked Mr. Calareso if he had refused a registered letter from the Building Inspector.

Mr. Calareso stated that he had refused the letter, as, in his opinion, he had been so harassed.

Chairman Powers asked the Building Inspector about the content of the letter.

Mr. White stated that his letter had advised Mr. Calareso that the trusses in the roof of his flower canopy were not designed to carry a load on the top and had suggested that he relocate his plants to a lower position.

Chairman Powers stated that the Board had met on that property with the Highway Superintendent and the Planning Board to discuss treatment of the Town-owned property and that agreement had been reached that the Town would take certain trees down.

Selectman Potell reported that he had stated, at that time, that he was not agreeable to removal of the trees.

Mr. Thompson stated that he had, at that meeting, taken no minutes, that it had been decided that the area would be replanted, and, after that meeting, the property owner requested that, prior to his removal of the sign, the Town remove the trees. Mr. Thompson reported that Mr. Potell had stated that he did not wish the trees to be removed, but that they had been taken down after a public hearing.

Mr. Noyes, who was attending the meeting for other discussion, stated that the trees had been posted for removal in accordance with regulations and that a public hearing had been held, at which no one appeared.

Mr. Sherman stated that Mr. Calareso had moved the sign to a correct location, that the fence was erected at the Board's request, even though it could not, in his opinion, accomplish what the Board had hoped because of the new location, that the traffic pattern is in compliance, that the entrances and exits are correctly marked, and that the stone dust has been put down on the parking lot. Mr. Sherman stated that the parking spaces have not been marked as yet, but that it was hoped that this could be accomplished this week. Mr. Sherman further stated that the tonic and construction debris will be moved before the July 15 deadline and that the Board had received the new site plan, the filing fee, and waiver request from Mr. Calareso.

Selectman Potell asked Mr. Calareso when the Sign Review Board had requested that he remove his sign.

Mr. Calareso responded that the request had been made in April.

Selectman Potell commented on the fact that an independent authority had requested immediate action with regard to the removal of the sign and that the removal had not taken place for three months.

Mr. Sherman commented that, in his opinion, there would seem to be some sort of personality conflict between the Board and Mr. Calareso, and he pointed out that Mr. Calareso's attempt to close early in order to attend tonight's meeting had been interpreted as an action to bar the Building Inspector from the building. Mr. Sherman suggested that perhaps both sides in this dispute could sit down and discuss their differences with mutual benefit as well as benefit for the Town and its businessmen.

Chairman Powers stated that, with regard to the matter of the Sign Review Board's request for sign removal, the request was made on May 9 rather than in April.

Mr. White stated that he had handed to Mr. Calareso a letter requesting him to remove the sign immediately on June 1, 1977.

Chairman Powers stated that the location of the sign is an integral part of the site plan and that there is no question that it was installed in conformance with the previous site plan.

Chairman Powers further stated that the Board's responsibility lies to the Town and that the people conducting business in the Town are a part of the Town. Chairman Powers stated that he would point out that half of the problem with a new site plan was caused by a mutual mistake as to property bounds, and that legitimate efforts made by businessmen to comply with Town bylaws is something the Board tries to encourage and support. Chairman Powers stated that it was his opinion that there have been misunderstandings in this instance for which he was sorry, but by which the Board should not be blinded, and he further stated that it was his opinion that, when the Board reaches its judgment in this matter, it should remember these factors. Chairman Powers also expressed his hope that there will be full site plan compliance by July 15.

In response to Mr. Sherman's question as to what remains to be done for full compliance, Mr. White stated that the five rear parking spaces and the handicapped parking spaces must be operational.

Question of Suspension or Revocation of Package Goods Store License for the Sale of Wines and Malt Beverages - At 8:50 p.m., Chairman Powers convened the portion of the hearing relative to the question of suspension or revocation of Northern Farms package goods store license for the sale of wines and malt beverages.

Executive Secretary Richard E. Thompson reported that notice dated June 27, 1977 of the Board's vote on June 20, 1977 to hold a public hearing on July 11, 1977 on the question of suspension or revocation of his license had been sent by certified mail to Messrs. Joseph and Charles Calareso and was returned unclaimed. Mr. Thompson reported that a second notice of the hearing dated July 5 had subsequently been sent by regular mail.

Mr. Frank R. Sherman identified himself as an attorney having offices at 847 Main Street, Waltham, and living at 255 Peakham Road, and he stated that he was representing Joseph and Charles Calareso.

Paul Kenny identified himself as Counsel for the Town of Sudbury.

Executive Secretary Richard E. Thompson reported that the Board, at its meeting on February 7, had held a public hearing on Joseph and Charles Calareso's application for a Package Goods Store License for the Sale of Wines and Malt Beverages, which was continued until February 23 to allow receipt of required probationary information and an indication to be made to the plan accompanying the application as to how the liquor would be secured on Sundays, as no such sales could be made on that day. Mr. Thompson reported that, at the February 23 continued hearing, the Board again voted to continue the hearing until March 7, as the probationary check had still not been received and that the Board, being in receipt of the favorable probationary record on March 7, had voted to grant a Package Goods Store License for the Sale of Wines and Malt Beverages to the applicants, subject to approval by the Alcoholic Beverages Control Commission (ABCC) and payment of fees as required.

Mr. Thompson stated that he wished to indicate that the main reasons for the continuance had been the inability to obtain the probationary records.

Selectman Potell asked whether, at the time of Mr. Calareso's license approval, a plan had been submitted which indicated where the beer and wine would be stored.

Mr. Thompson stated that, at the February 7 meeting, Chairman Toomey had advised the applicants that the liquor sales area and storage area, as well as the manner in which the liquor would be secured on Sundays, must be shown on the plan. Mr. Thompson stated that he had subsequently met with Mr. Calareso and that a plan had been received. (This plan was now marked "Exhibit 1").

Mr. Sherman briefly reviewed the plan.

Mr. Thompson then continued, stating that on Monday, March 7, the Board voted to grant the license which was issued on March 24, following ABCC approval.

In response to Selectman Potell's questions, Mr. Calareso stated that beer and wine had been received into his store and sales made approximately two weeks after issuance of the license and that the beer and wine storage area had been secured during the week before the Fourth of July.

Selectman Potell stated that the conditions placed on the license had not been met as liquor was sold before the security barrier had been erected.

In response to Mr. Sherman's question, Mr. Calareso stated that the storage was secured prior to receipt of the Selectmen's July 5 letter which was received by Mr. Calareso on July 6.

Mr. Sherman stated that it was unfortunate that the certified letter was refused, but that Mr. Calareso had secured the area before notice of the hearing was received.

Chairman Powers commented that Northern Farms occupies a building that was previously used as a trucking terminal and that approximately half of the store houses the old loading docks on the south side which are physically separated from the customer service area by a solid wall containing one door three-and-half feet off the ground. Chairman Powers stated that the area under discussion is part of the storage area, not part of the customer service area.

Mr. Calareso stated that the storage area has been fenced with 8-foot plastic coated wire on a secure frame with a door and a lock.

Selectman Toomey asked Town Counsel what the permitted hours were for the sale of beer and wine in Sudbury.

Mr. Kenny stated that the hours were 11:00 a.m. to 11:00 p.m., but that individual license holders could operate within these hours as they wished.

Selectman Toomey stated that he, as a Selectman, had requested the Building Inspector to check, earlier this evening, whether the storage area was secured, and that the Building Inspector was denied entrance at Northern Farms while acting on a request from a member of the Board of Selectmen.

Mr. Richard Riel, Goodman's Hill Road, stated that he and his wife had been in the store this evening when they were informed by the owner that he was closing for the night and the lights were going out and it was at this time that the Building Inspector arrived.

Jeffrey Marshall, owner of Reverence, Ltd., an abutting business, stated that he was helping Mr. Calareso to close down for the night and that Mr. Calareso had been of the opinion that, if he met with the Building Inspector, he would get tied up.

Selectman Toomey asked how he could know that the work with regard to security of the beer and wine storage had been completed in the proper fashion.

Mr. Thompson stated that he had informed the Chairman of the Board of Selectmen that he had earlier looked at the property and, at that time, the owner requested that he accompany him to the back of the storage area, where he had witnessed the fence and framing for the door which was approximately 90% complete at that time. Mr. Thompson stated that he had informed Mr. Calareso that he needed a lock for the door, and that Mr. Calareso had stated that he was aware of the need for a lock.

Chairman Powers stated that the fact that the premises is licensed for the sale of beer and wine does not necessarily mean that it cannot be closed on occasion.

Town Counsel was in agreement.

Selectman Potell asked why it had taken over three months to comply with the conditions of the license, which was not a negligible matter.

Mr. Sherman stated that Mr. Calareso had a lot to do with regard to the site and that money and time were not always available. Mr. Sherman suggested that Mr. Calareso's priorities perhaps did not coincide with those of others, but that he had done what he could when he could and that the site plan was now in compliance.

Selectman Potell stated that, in his opinion, when an applicant receives a conditioned license, the license should not be issued if those conditions are not met and that responsibility must accompany the license.

Mr. Sherman agreed that, when an applicant accepts a license, a commitment is made by the licensee.

Chairman Powers asked if anyone else wished to speak on the matter.

Mr. Riel stated that he had visited the store many times, that he had seen Mr. Calareso, in his opinion, trying to comply with the regulations and that his intent was good.

Mrs. Frances Riel stated that she had not recently taken notice of the trash, that her observations had concerned the excellent produce and service at Northern Farms.

Mr. Sherman asked that the Board, in its deliberations, consider the comments just heard, and he stated that Mr. Calareso has been a resident of the Town for 17 years, that he makes his living honestly, and that he would fully comply, before the July 15 deadline, with the site plan.

Mr. Sherman referenced General Laws, Chapter 138, Section 23, which is the section under which Mr. Calareso's establishment operates, and he distributed a copy of the statute to the Selectmen ("Exhibit 2"). Mr. Sherman stated that, in his opinion, it is no longer true that the Selectmen can solely revoke the license, that there must be a violation under Chapter 138 or a regulation of the Board which had been adopted under the State law. Mr. Sherman asked the Board if any problems would be solved by revocation of Mr. Calareso's license, and he commented that Mr. Calareso, in his opinion, is selling his liquor in accordance with the law.

Mr. Sherman referred to Police Chief Nicholas Lombardi's February 23, 1977 letter, which stated that he had no objection to the issuance of a package goods store license to the Calaresos and his comment that the applicants were honest, hard-working people who were a credit to the community, and he stated that he would doubt that this fact had changed since that time.

Selectman Toomey asked Town Counsel if he agreed with Mr. Sherman's remarks relating to Chapter 138.

Mr. Kenny stated that he would agree that Section 23 is in effect and has been amended since 1965 and that, essentially, he would agree with Mr. Sherman's statement that there must be specific reason for revocation of the license in view of the facts which had been presented tonight and as the date for site plan compliance postdates this hearing.

Selectman Toomey asked if the site plan were not completed by July 15, whether further action could be taken.

Mr. Kenny stated that, in his opinion, further action could be taken. Mr. Kenny stated that, if there is not, at the present time, any regulation dealing with the granting or holding of a beer and wine license with reference to compliance with the site plan, there is no basis for revocation, and that there would need to be a rule or regulation relating to site plans promulgated by this Board, under its authority, before it could be violated.

Selectman Potell stated that, based on Town Counsel's statement, he had nothing further to add.

Selectman Toomey stated that, based on the recommendation and statements of Town Counsel, he would move to not revoke the license, but would like to first comment that he had taken exception to Mr. Calareso's statements regarding Town officials, including the Board of Selectmen, and he again stated that the site plan and the conditioned license must be complied with and, if any violation occurs in the future, he would be the first to request a new hearing on the matter.

Selectman Potell stated that he would again like to express his dissatisfaction with the way things had been handled with regard to site plan compliance, particularly the delays until the last minute.

Chairman Powers stated that, in his opinion, he thought it was pretty clear to the Calaresos that the Board was less than enthusiastic about their failure to comply with some of the regulations, and he stated that he was sorry that the noncompliance had to get mixed up with a license problem. Chairman Powers stated that it was his personal hope that Mr. Calareso understands that full compliance will be made by July 15th and that all would go well from now on.

There being no further discussion, it was on motion by Selectman Toomey unanimously

VOTED: To not suspend or revoke the Package Goods Store License for the Sale of Wines and Malt Beverages issued to Joseph R. and Charles C. Calareso, Northern Farms Farmstand and Country Store, 15 Union Avenue.

Chairman Powers thanked those present for their attendance this evening.

Board of Appeals Associate--Appointment

Present: Ronald Adolph, member, Board of Appeals; David G. Berry, candidate

The Board met with Board of Appeals member Ronald Adolph for the purpose of interviewing Mr. David G. Berry relative to his interest in serving on the Board of Appeals, after which, it was on motion by Selectman Potell unanimously

VOTED: To appoint David G. Berry, 50 Blacksmith Drive, as an alternate to the Board of Appeals, for a term to expire on April 30, 1978.

Purchase/Lease--Accounting Machine

Present: Town Accountant John Wilson; Sudbury Schools Business Manager Bernard Hennessy; and School Committee member John Sirota

The Board met with Town Accountant John Wilson, Sudbury Schools Business Manager Bernard Hennessy, and Sudbury School Committee member John Sirota for discussion relative to the purchase/lease of an accounting machine.

Mr. Sirota stated that a request for a proposal for an accounting machine had recently been put out by the Town Accountant and, following receipt of bids, the Town Accountant had made a recommendation to the Selectmen (by letter dated June 17, 1977) that the contract be awarded to Burroughs Corporation.

Mr. Sirota stated that, at that time, his inclination had been to concur with the Town Accountant's recommendation and to come before the Board tonight to establish a working relation procedure which would become necessary if joint use of the accounting machine was to be the case.

Mr. Sirota stated that the School Committee had taken no action on the matter since that time and that he, at this time, was of the opinion that the Burroughs machine would not best suit the School Department's need and was meeting tonight to see if there were some offsetting arguments to change his present stand. Mr. Sirota stated that, in his opinion, the Burroughs machine would appear to make more work for both the Town and the schools because the majority of the work would have to be done in the Town Hall and would make the School Department dependent on the availability of machine time and Town personnel. Mr. Sirota stated that it would be his recommendation to purchase or lease a machine adaptable to the schools' work and the processing very much as is done now.

Mr. Wilson stated that the most time-consuming procedure was the processing of the bills payable and that, in his opinion, the Burroughs machine would result in a reduction in the work load, particularly from the Town Hall's point of view.

Selectman Toomey stated that the Town was already committed to the Burroughs machine and he asked whether Mr. Sirota could compile the School Committee's objections and meet with the Town Accountant and the School Business Manager.

After discussion, it was agreed that Mr. Sirota would discuss the matter with the remaining members of the School Committee and with Mr. Hennessy and bring their concerns to Mr. Wilson for his reaction.

Chairman Powers stated that it was his opinion that the voters had favored a working relationship between the Town Hall and the School Department and that he would hope that the School Committee, Mr. Hennessy, and Mr. Wilson would discuss any areas of disagreement and that the Town Accountant would report back to the Board as soon as possible.

Mr. Wilson stated that he expected to have his staff trained in the use of the Burroughs machine very quickly and had been of the opinion that, as the School Department was going ahead with this machine, their office staff would be trained at the same time. Mr. Wilson expressed his opinion that the Burroughs machine would benefit the School Department.

Mr. Sirota stated that, in his opinion, if the requirements of the School Department could be satisfied, joint use of the Burroughs machine would probably be the best course of action, and he stated that, if the issue could be resolved by July 13, he could present the matter to the School Committee on that night.

After further discussion, it was on motion by Selectman Toomey unanimously

VOTED: To request the Town Accountant to meet with Mr. Sirota and Sudbury Schools Business Manager Bernard Hennessy for further discussion of the matter of the lease/purchase of an accounting machine and to report back to the Board as soon as possible.

Requests to Purchase Graves in Section 12--New Town Cemetery

Present: Superintendent of Cemeteries Robert A. Noyes

The Board received a letter dated June 8, 1977 from Robert A. Noyes, Superintendent of Cemeteries, which forwarded a citizen's request dated May 12, 1977 to purchase graves in Section 12 of the New Town Cemetery. Mr. Noyes' letter also stated that the Board had earlier received three other letters with similar requests for lot purchases in Section 12, and the letter further informed the Board that Section 12 would not be the next section to be developed using his present pattern and set forth his recommendation that Section 9 be the next section developed.

Chairman Powers stated that he had recently met with the ministry and had indicated to them that, when lots in Section 12 became available, he would have no difficulty in recognizing requests on a first-come, first-served basis.

Mr. Noyes stated that Sections 5, 7, and 9 would normally be developed next, and he asked for the Board's direction in this matter.

Selectman Toomey asked whether the long-range plan had been to develop the cemetery as was presently being done.

Mr. Noyes responded in the affirmative.

After discussion, it was agreed to advise Rabbi Kushner of the usual development pattern of the cemetery and to suggest that Section 9 be substituted for Section 12 with regard to requests for cemetery lots from members of his congregation.

It was on motion unanimously

VOTED: To recognize the request for lots in Sections 5, 7, 9, and 12 of the New Town Cemetery on a first-come, first-served basis upon receipt of written requests and to further recognize that a request for Lot 12 can be transferred to Lot 9, which is the next to be developed in the usual sequence; and it was further, on the recommendation of the Executive Secretary, unanimously

VOTED: To accept the recommendations of the Superintendent of Cemeteries, set forth in his letter dated June 8, 1977, that he proceed with the development of Section 9 in accordance with his existing development pattern.

Heritage Park and Hosmer House Grounds--Recommendation from Permanent Landscape Committee

The Board had received a letter dated June 27, 1977 from the Permanent Landscape Committee which set forth its recommendations with regard to plantings and work to be done in Heritage Park and the Hosmer House grounds.

Executive Secretary Richard E. Thompson distributed a related letter dated July 8, 1977 from the Town Engineer which enclosed a cost estimate and plan for the work proposed by the Permanent Landscape Committee.

The Executive Secretary was requested to check the location of the curbing with the Town Engineer as the Board was concerned that a section of the park

shown on the plan is not on Town-owned land.

After discussion, it was on motion unanimously

VOTED: To approve the recommendations set forth in the June 27, 1977 letter from the Permanent Landscape Committee for plantings and work plans for Heritage Park and Hosmer House grounds.

Tax Possession #164, Lots 21 and 22, Willis Lake Drive

The Board received a request dated June 27, 1977 from the Conservation Commission relative to an abutter's interest in purchasing Tax Possession Parcel #164, located on Willis Lake Drive.

After discussion, on the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To authorize the Executive Secretary to communicate with Robert and Mary Dunne, 14 Arborwood Road, relative to an article in the next Annual or Special Town Meeting on the matter of their purchase of Tax Possession Parcel #164, Lots 21 and 22, Willis Lake Drive.

Establishment of Archeological Preparation Committee

The question of establishing an Archeological Preparation Committee in connection with the Haynes Garrison Site Development was briefly discussed.

Chairman Powers suggested the names of Royal Haynes and Royce Kahler as possible candidates as they have contact with archeological study.

After discussion, it was on motion unanimously

VOTED: To establish an advisory committee of three to do preliminary investigation relative to an archeological dig at the Haynes Garrison site.

Horse Pond Road School Lease

The Board briefly discussed Town Counsel's July 9, 1977 letter to the Board relating to the lease of the Horse Pond School, and it was agreed to discuss the matter with Town Counsel at a later date prior to the Board's next meeting on July 25.

Wayside Inn Chapter of the DAR--Sale of Cookbooks on July Fourth

On the subject of the question of confirming the Board's action of June 30, 1977 granting permission to the Wayside Inn Chapter of the Daughters of the American Revolution to sell cookbooks on the Town Common on July Fourth, it was on motion unanimously

VOTED: To table the matter indefinitely as the cookbooks had not been available for sale at that time.

Appointments

After discussion, it was on motion unanimously

VOTED: To make the following appointments:

Emmanuel Tiliakos as the Town's designee to the Metropolitan Area Planning Council for a term to expire on April 30, 1980.

David G. Berry to the Earth Removal Board for a term to expire on April 30, 1978, replacing John Cheney.

Robert J. Hotch to the Earth Removal Board for a term to expire on April 30, 1978, replacing Robert Turner.

Joseph Klein to the Earth Removal Board for a term to expire on April 30, 1980, replacing James Malonson.

Edith Creter as U.N. Day Chairman for 1977.

Josiah F. Frost as Civil Defense Director for a term to expire on April 30, 1978.

Josiah F. Frost as Forest Warden for a term to expire on April 30, 1978.

One-Day Licenses--Beer and Wine--Frozen Desserts, Ice Cream, Soda, etc.--M.S.S. Indulgence Society

In response to his request received by the Board on June 27, 1977, it was on motion by Selectman Toomey unanimously

VOTED: To issue the following one-day licenses to M.S.S. Indulgence Society, Michael Barilone, President, for its Annual Feast Day at the Chapel on Mossman Road for Sunday, July 24, 1977 from approximately 10:00 a.m. until 6:00 p.m.:

- 1) For the sale of wines and malt beverages only, subject to the condition that no loud speakers, amplifiers, or any other noise-producing devices are used; and
- 2) For the sale of frozen desserts, ice cream mix, confectionery, soda water, or fruit on the Lord's Day.

Public Works Employment Act Application--Round II

On the recommendation of the Executive Secretary, it was on motion unanimously

VOTED: To amend the Board's vote of June 20, 1977 relative to the Public Works Employment Act application under Round II, so that it reads: To authorize the Executive Secretary to file and submit an application to the Federal Economic Development Administration under Round II of the Local Public Works Capital Development and Investment Program for the Concord Road/Lincoln Road intersection reconstruction and various road resurfacing projects throughout the Town; and the Executive Secretary is further authorized to execute all appropriate contracts and documents related thereto on behalf of the Town of Sudbury.

Reconstruction of Lincoln/Concord Roads Intersection

The Board noted receipt of a letter of appreciation from Lincoln-Sudbury Regional School District Superintendent David L. Levington for selecting, as a high priority for Federal funding, the reconstruction of the Concord/Lincoln Roads intersection.

Gift for Town Ambulance--Sudbury Grange #131

The Board received a letter dated July 6, 1977 from Fire Chief Josiah F. Frost advising that the Sudbury Grange #131 has again made a sizable donation to the Town Ambulance equipment, as he had received a set of inflatable splints for use in the vehicle.

It was on motion unanimously

VOTED: To accept the gift of ambulance equipment from the Sudbury Grange #131 and to send them a letter of appreciation for their generous gift.

Reserve Fund Transfer Request--Board of Selectmen

The Board considered the below-named Reserve Fund Transfer requests, after which it was on motion by Selectmen Toomey unanimously

VOTED: To approve Request No. 0742 for a transfer from the Reserve Fund to Account 950-94, Copying Service, in the amount of \$357.84 for the purposes set forth in the numbered transfer.

It was further unanimously

VOTED: To approve Request No. 0743 for a transfer from the Reserve Fund to Account 950-97, Town Meeting Expense, in the amount of \$440.26 for the purposes set forth in the numbered transfer.

It was further unanimously

VOTED: To approve Request No. 0744 for a transfer from the Reserve Fund to Account 503-21, Law-General Expense, in the amount of \$3,608.21 for the purposes set forth in the numbered transfer;

and it was further unanimously

VOTED: To approve Request No. 0745 for a transfer from the Reserve Fund to Account 501-41, in the amount of \$65.60, for the purpose set forth in the numbered transfer.

Executive Secretary Richard E. Thompson stated that he would attend the Finance Committee's meeting at which these transfers were acted upon and, at the Board's request, he would, at that time, provide information in addition to that provided on Transfer Request No. 0742 and Transfer Request No. 0745.

Clerical Study

On the matter of Article 25, Clerical Positions Study, which was passed by the 1977 Annual Town Meeting, the Board requested that the Executive Secretary arrange some tentative dates for meeting with the School Committee and the Finance Committee relative to formulation of positions before any further action by a Town Meeting.

Senior Citizens Picnic

Executive Secretary informed the Selectmen of an invitation from the Park and Recreation Commission to attend, with their wives, a picnic with the Senior Citizens on July 18 from 4:00 p.m. to 6:30 p.m. at Feeley Park.

The Selectmen accepted the invitation with pleasure.

Crossroads Concert--First National Parking Lot

The Executive Secretary informed the Board of a request from Jack Gerry, Crossroads, to hold a brief concert in the First National Parking lot on July 22 to promote their evening concert in the Upper Town Hall on that date.

It was on motion unanimously

VOTED: To approve the aforementioned request subject to approval by the Chief of Police.

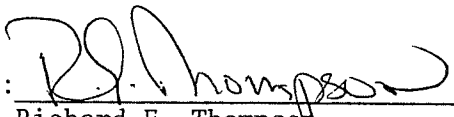
Dog Control

The Executive Secretary reported that his office had recently received many complaints relative to dog control.

After discussion, the Board requested bi-monthly reports from the Dog Officer relating to the cost of dog control.

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

VOTED: To adjourn the meeting at 11:00 p.m.

Attest: 
Richard E. Thompson
Executive Secretary-Clerk