

IN BOARD OF SELECTMEN  
MONDAY, MAY 2, 1977

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

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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.

Public Hearing--Application for Transfer of All Alcoholic Beverages License,  
Pizza Alla Pietra, 447 Boston Post Road

Present: Antonio Giovane, Manager, Pizza Alla Pietra, Richard K. Manion, and Attorney Michael J. Norris, applicants

Chairman Powers convened a public hearing on the application of Pizza Alla Pietra Corp. for a transfer of its All Alcoholic Beverages License to Giovane & Manion, Inc., Antonio Giovane, Manager, d/b/a Pizza Alla Pietra, for premises located at 447 Boston Post Road.

Executive Secretary Richard E. Thompson reported that all appropriate abutters and Town officials had been notified and that the application for transfer of liquor license had been properly filled out and received as had the statement of all persons having a beneficial interest in said license, the vote of the special meeting of the Board of Directors of Giovane & Manion, Inc., appointing Mr. Giovane as manager of said corporation, the articles of organization, and verification of citizenship of the three applicants.

Mr. Thompson reported that notice of the hearing had been published and that the following reports had been received: from the Building Inspector, dated April 19, 1977, who recommended approval; from the Police Chief, dated April 19, 1977, who expressed no objection; from the Fire Chief, dated April 19, 1977, who expressed no objection; from the Director of the Board of Health, dated March 16, 1977, who advised the Board that the commercial dishwashing machine had been installed at the establishment.

Mr. Thompson further reported that the Board had also received a communication dated April 22, 1977 from Attorney Michael J. Norris relative to the character of the new owners, which enclosed his requests dated April 15, 1977 to the Commissioner of Probation for a copy of the applicants' probation records which had been returned by that office with an indication that no records existed with regard to the applicants.

Chairman Powers objected strongly to the response from the Office of the Commissioner of Probation, as it consisted only of an inch-square piece of paper upon which the words "No Record" were stamped. Chairman Powers expressed his objection that no written response had been received, which had been signed by the Commissioner or an authorized agent and would therefore indicate that the requests had been properly reviewed and acted upon, and he requested Town Counsel to review the response received.

Town Counsel Paul Kenny stated that, in his opinion, the stamped paper did not indicate that it had come from the Commissioner of Probation.

Chairman Powers stated that he did not doubt the word of Attorney Norris, but he asked what further confirmation could be received by the Selectmen.

Mr. Norris stated that he could only relay to the Board what was given to him. Mr. Norris further stated that the present operation is owned by three individuals, one of whom is Mr. Giovane, who is buying out the other partners, and that Mr. Giovane is, and will continue to be, manager of the establishment.

Selectman Potell commented that the original Common Victualler All Alcoholic Beverages License had been issued by the Board on May 10, 1976 and was subject to the installation of a commercial dishwasher on the premises, in accordance with the May 10, 1976 letter from the Board of Health. Selectman Potell asked when the transferred license, if granted, would be exercised.

The Board was informed that the license would be exercised immediately, as the dishwasher has now been installed.

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

VOTED: To transfer the Common Victualler All Alcoholic Beverage License issued to Antonio Giovane, Manager, Pizza Alla Pietra Corp. on May 10, 1976 to Giovane & Manion, Inc., Antonio Giovane, Manager, d/b/a Pizza Alla Pietra, for premises located at 447 Boston Post Road.

#### Minutes

It was on motion by Selectman Potell unanimously

VOTED: To approve the minutes of April 25, 1977 regular and executive session and the April 26, 1977 regular session.

#### Line Item Transfer Request--Police Department

Present: Police Chief Nicholas Lombardi

(Selectman Toomey arrived during the following discussion.)

Police Chief Nicholas Lombardi met with the Board to discuss his request (No. 0721) for a transfer within the Police Department's budget from Account 320-11, Salaries, to Account 320-12, Overtime, to provide funds for overtime through June 30, 1977 and night differential payments retroactive to July 1, 1976 through June 30, 1977, as a result of collective bargaining.

Executive Secretary Richard E. Thompson reported that he had been informed by Chief Lombardi that the amount shown on the transfer was insufficient and should be increased to \$4500 to provide funds for an initially insufficient overtime account in addition to the night differential payments. Mr. Thompson stated that this transfer request would be \$2750 less had the funds for night differential been appropriated at the Special Town Meeting as should have been the case.

After discussion, it was on motion by Selectman Toomey unanimously

VOTED: To approve the Police Chief's request (No. 0721) for a transfer of \$4500 from Account 320-11, Salaries, to Account 320-12, Overtime, with the understanding that the appropriate changes will be made to the numbered transfer in accordance with Chief Lombardi's memorandum attached thereto.

Fourth of July Pie Sale on Town Common - Sudbury Woman's Club

In response to a communication dated April 26, 1977, from Mrs. Eleanor R. Hitchcock, President, Sudbury Woman's Club, it was on motion by Selectman Toomey unanimously

VOTED: To grant permission to the Sudbury Woman's Club to conduct its Fourth of July Pie Sale on the Town Common.

Commemorative Cover and Hand Stamp - Thomas Gainsborough's 250th Anniversary

The Board received a communication dated April 20, 1977 from J. Gibbins, Honorary Secretary, Sudbury and District Philatelic Society, Sudbury, Suffolk, England, which informed the Board of availability of a commemorative cover and special hand stamp in recognition of Thomas Gainsborough's 250th anniversary.

Chairman Powers announced that order forms for the commemorative cover and handstamp would be available in the Executive Secretary's office, and he requested that the press include this item in their news coverage.

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

VOTED: To thank the Sudbury and District Philatelic Society for its letter and to order a set of the commemorative material.

Permit for Mobile Home - James C. Weaver

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

VOTED: To issue to James C. Weaver, 14 Highgate Road, Wayland, in accordance with Article IX, (V, D) of the Sudbury Bylaws, a trailer permit to park a mobile home at 248 Old Lancaster Road for a period of six months while his home is under construction; said permit renewable after that time with a bond in the amount of \$1,000.

Selectmen's Meeting Rescheduled for May 31, 1977

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

VOTED: To reschedule the Board's regular meeting from Monday, May 30, to Tuesday, May 31, due to the observance of Memorial Day.

License - Outdoor Amusements - Leslie Hudson, August 13, 1977

After review and discussion of a request dated April 8, 1977 from Leslie Hudson, Milford, Massachusetts, it was on motion by Selectman Potell unanimously

VOTED: To grant to Leslie Hudson, Manager for Suburban Antique Dealers Association, a license to hold a one-day Antiques Show and Sale on the grounds of the Wayside Inn, on Saturday, August 13, 1977, from 10 a.m. to 5 p.m., subject to receipt of a letter of approval from Innkeeper Francis Koppeis, and Mr. Hudson's checking with the Police Chief as to the number of Police Officers required.

Request for Extension for Completion of Site Plan - Northern Farms Farmstand and Country Store

Present: Kathleen Brown, Chairman, Conservation Commission; Joseph and Charles Calareso, petitioners, arrived during the discussion

The Board received a communication dated April 28, 1977, from Joseph Calareso of Northern Farms Farm Stand and Country Store, requesting an extension for completion of their site plan (#76-164, which is scheduled to expire on May 3, 1977) because of complications resulting from a severe wind storm and problems concerning their boundary lines following a recent survey.

Chairman Powers expressed his opinion that the problem with the boundary lines was sufficient to make a material change to their site plan, and he questioned whether, due to this change of circumstances, the site plan should be revised or a new site plan filed.

Town Counsel Paul Kenny stated that, in his opinion, in view of Chairman Powers' remarks as to the potential need for changes in the site plan, he would suggest that the Board grant the requested extension for a short time and request that the petitioners come before the Board with their intentions.

Chairman Powers expressed his opinion that the Planning Board should also be included in discussion on this matter if the site plan has to be reworked.

Mr. Kenny expressed his opinion that to have Mr. Calareso lose his recently granted Package Goods Store License for the Sale of Wines and Malt Beverages would create a hardship for the petitioner, and he again suggested that the extension be granted as, in his opinion, the site plan could be amended subject to the Town bylaws.

Selectman Toomey stated that as Giroux Bros. Transportation, Inc., is the owner of the property, that company should be made a party to any site plan changes.

Chairman Powers mentioned the possibility of an on-site meeting of the Board and the principals on Saturday morning.

Conservation Commission Chairman Kathleen Brown expressed the Commission's interest in the property, as it had earlier ruled that a Wetland Protections Act Hearing was not necessary as long as the driveway and parking lot were not to be paved, in accordance with the approved site plan. Mrs. Brown stated that the Commission would also wish to be included in any future discussion to learn of any changes which might be required.

Chairman Powers suggested that, as culvert and screening problems might now arise, that the Highway Surveyor, Zoning Enforcement Agent, the Town Engineer, and the Board of Health should also be included in the discussion in addition to the Calaresos, Giroux Bros., the Conservation Commission, and the Planning Board and Sign Review Board.

Chairman Powers further stated that some very careful guidelines should be received from Town Counsel in this matter so that the rights of all parties are protected.

Joseph and Charles Calareso arrived at this point in the proceedings, and the Board updated them on the previous discussion.

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

VOTED: To continue discussion of the request to extend completion of site plan #76-164 at 8:15 p.m. on May 9, at which time the Board will meet with all aforementioned Town officials, the owners, and the petitioners.

Chairman Powers asked Mr. Calareso to contact Giroux Bros. in this regard.

Binding Arbitration Law - Communication from Governor Dukakis

Executive Secretary Richard E. Thompson reported that the Board had received a communication dated April 27, 1977 from Governor Michael S. Dukakis in response to his being informed by the Executive Secretary of the resolution adopted by the Town Meeting concerning its opposition to the binding arbitration law. Mr. Thompson stated that Governor Dukakis is opposed to proposed legislation to extend binding arbitration and that he intends to veto it unless it is amended to restrict binding arbitration to cases where the State's Labor Relations Commission has found municipal officials guilty of bargaining in bad faith and so that the scope of bargaining is limited to issues of wages, fringe benefits, hours, etc., in accordance with his pledge to not support mandatory programs funded by cities and towns.

After discussion, it was on motion unanimously

VOTED: To thank the Governor for his above-referenced letter.

On a related subject, Mr. Thompson reported on the impact of Senate Bill No. 1669 which also concerns collective bargaining.

The Board expressed its opposition to S.1669.

Sudbury Co-Operative Preschool

In response to his request dated April 24, 1977, it was on motion unanimously

VOTED: To issue a one-day auctioneer's license to William H. Smith, Co-chairman, Auction Committee, Sudbury Co-operative Preschool, in connection with its Annual Tag Sale and Flea Market at the school on Saturday, May 7, 1977;

and it was further

VOTED: To waive the customary fee and to advise the Sudbury Co-operative Preschool of their need to register their activity with the Police Chief if tag day activities occur off the premises.

Hearing--MBTA Assessment--Nickinello Bill

The Executive Secretary reported that the Board had received a communication dated April 29, 1977 from Representative Andrew J. Rogers, Jr., which announced that the House and Senate Transportation Committee would hold a hearing on Monday, May 9, 1977, at 7:30 p.m. in Nevins Hall, Framingham, to discuss filed legislation which would decrease the Town's MBTA Cherry Sheet assessment by approximately 90%.

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

VOTED: To advise Clifford Hughes, Sudbury's representative to the MBTA Advisory Board, of the above-referenced hearing and to request that he attend to represent the Board.

Senate Bill No. 608

Executive Secretary Richard E. Thompson reported that Senate Bill No. 608, an act regulating the selection and management of jurors for Middlesex County, had been redrafted to Senate Bill No. 1481 and that the Senate Committee on Third Readings had asked that the bill be discharged. Mr. Thompson reported that Representative Gannett would send a copy of Senate Bill No. 1481 to the Board.

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

VOTED: To take a position in opposition to S. 608 and to advise the local legislators accordingly.

Executive Session

At 8:35 p.m., following a roll call vote, it was unanimously

VOTED: To enter into executive session to discuss collective bargaining matters.

Chairman Powers announced that the public session would resume after the executive session.

The executive session ended at 8:50 p.m.

Clean-Up Day - Town of Sudbury

The Executive Secretary reported that the Town organizations and citizens had held a very successful Clean-up Day on Saturday, April 30.

Grievance - Allan P. Snow - Accounting Procedures

Present: Tree Foreman Allan P. Snow; Town Accountant John H. Wilson

The Board, on April 13 and again on April 25, voted to continue the hearing relative to a grievance dated February 3, 1977, filed in the Office of the Board of Selectmen on April 7, 1977 by Allan P. Snow, Tree Foreman with the Highway Department, member of Local 1156, Laborers' International Union of America, in accordance with Step 4 of the grievance procedure, until the Selectmen's regular meetings of April 25 and May 2, respectively, to allow receipt of additional information.

Chairman Powers now stated that the Board had since received a letter dated April 28, 1977 from Mr. Snow in response to Mr. Wilson's April 25, 1977 report relative to past payments received by Mr. Snow.

In response to a question from Chairman Powers, Town Accountant John Wilson stated that his April 25, 1977 report still stood, and he commented that he had reviewed his payroll records for each of the years Mr. Snow has worked for the Town and had determined that, with the possible exception of \$39 when Mr. Snow converted from an hourly to an annual rate, he had received each annual amount due him.

Tree Foreman Allan Snow stated that, in his opinion, he does not contract for an annual rate, but for a step rate, and that salary amounts and step rate amounts do not coincide with the contract dates or the fiscal year of the Town.

Finance Committee member Alan Grathwohl, who was attending the Selectmen's meeting as liaison from that Committee, stated that the Finance Committee had reviewed Mr. Wilson's report and concurred with his method of calculating Mr. Snow's salary.

Chairman Powers assured Mr. Snow that he was not suffering in his step rate or from the Town Accountant's method of calculation and that he was receiving all the money due him.

Executive Secretary Richard E. Thompson stated that the proper grievance procedure has been followed in accordance with the contract in effect.

The Board advised Mr. Snow that, if still in disagreement with the Board's finding, he could proceed in accordance with Step 5 of the grievance procedure.

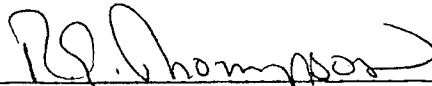
After further discussion, it was on motion by Selectman Toomey unanimously  
VOTED: To uphold the decision made by the Personnel Board on March 30, 1977  
that full salary payments had been made to Mr. Snow which is in accord with the  
Town Accountant's method of payment.

The Executive Secretary read Step 5 of the grievance procedure for Mr. Snow's  
information.

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

VOTED: To adjourn the meeting at 9:15 p.m.

Attest:

  
Richard E. Thompson  
Executive Secretary-Clerk