

IN BOARD OF SELECTMEN
TUESDAY, NOVEMBER 21, 1978

Present: John E. Murray and Robert J. Hotch.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:30 P.M. by Acting Chairman John E. Murray.

1974 Police/Fire Headquarters Contract Documents

Present: John L. Reutlinger, Chairman of the Permanent Building Committee;
Fire Chief Josiah F. Frost.

The Board reviewed a communication dated November 10, 1978, to John L. Reutlinger, Chairman of the Permanent Building Committee, from Architect John T. Hughes, Jr., itemizing changes which may be necessary to be made to the 1974 Police Fire/Headquarters contract documents (prepared by him at that time), and a project cost estimate for construction.

Permanent Building Committee Chairman John L. Reutlinger said that he spoke to Mr. Hughes after receiving his communication, at which time Mr. Hughes said that other than the state Building Code changes, which became effective on January 1, 1975, he was not sure exactly what else was necessary to bring the 1974 contract documents up to date. Mr. Reutlinger said Mr. Hughes recommended that the Town should not spend any money revising the plans and specifications at this time unless the Town definitely plans to construct this Police/Fire facility because construction costs have almost doubled since 1974.

Mr. Reutlinger indicated that the Permanent Building Committee agrees with Mr. Hughes' recommendation and disagrees completely with the total suggested figure presented by Mr. Hughes in said communication of November 10th which shows that \$30,000 would be necessary for appropriation at the 1979 Annual Town Meeting to update the 1974 contract documents for the bidding process.

Mr. Reutlinger suggested on behalf of the Committee that a small amount of money (approximately \$2,500 - \$3,000) could be appropriated to determine the construction cost of the Police/Fire facility at this point in time.

Selectman Robert J. Hotch stated that the Permanent Building Committee's reasoning is very logical and suggested approaching the Finance Committee for their comments. Selectman Hotch agreed that the \$30,000 figure seemed high and stated that the figure bothered him more than the \$1,100,000 plus figure suggested in the project cost estimate.

Selectman Murray concurred with Selectman Hotch's concerns; he emphasized that the Town's need, however, for such a facility still exists.

Mr. Reutlinger stated that the Committee had discussed using the 1974 contract documents and attaching an addenda (of not more than two pages) as a means to update said plans; this would reduce substantially the \$16,000 figure quoted in Mr. Hughes' project cost estimate for maximum upset fee for document revision.

Mr. Reutlinger responded to the Board that the plans (1974 contract documents) belong to the Town, and that with a release from Mr. Hughes stating that he is not under any obligations to the Town, they could be revised by another architect.

Mr. Reutlinger also emphasized the fact that the specifications should be updated to recognize modern day energy savings.

The Board was in concurrence with the Permanent Building Committee relative to their concerns, options and/or alternatives to supporting the suggested \$1,100,000 project cost estimate presented in Mr. Hughes' November 10th communication; the Board further agreed to tour the Town's Police and Fire headquarters with the Permanent Building Committee, the Long Range Capital Expenditures Committee, the Fire and Police Chiefs, and Finance Committee liaisons, following which the Board will further address the question of submitting a monied article for the 1979 Annual Town Meeting.

Selectman Hotch further expressed his desire to the Permanent Building Committee that all Town buildings should be reviewed routinely by the Permanent Building Committee as a means of preventative maintenance by long-range planning to avoid major deterioration of Town buildings.

The Executive Secretary stated that the Board of Selectmen had received a letter from the State Energy Office requesting that the Town appoint an Energy Co-ordinator. Mr. Thompson stated that he had asked Building Inspector Francis E. White for his comments regarding the same, and also suggested that consideration be given to the possibility of forming a new committee/task force consisting of a nucleus of those people in charge of various Town buildings, such as: Mr. Hennessy representing the schools; Mr. White, Town buildings; and Mr. Santella, representing the regional school; along with two or three members of the Permanent Building Committee, to meet actively on this behalf. Those present agreed that the proposal had merit, but directed the Executive Secretary to submit a written report and recommendation on the same.

There being no further discussion, Selectman Murray thanked Mr. Reutlinger for attending tonight's meeting.

Youth Employment Restitution Program

Executive Secretary Richard E. Thompson referenced a letter dated November 3, 1978, from Robert J. Wasserman, Administrative Assistant from the Massachusetts Department of Youth Services describing the Youth Employment Restitution Program, as requested by the Board of Selectmen.

The Board directed the Executive Secretary to forward the communication to the Chief of Police with the recommendation that the Juvenile Officer contact the Massachusetts Department of Youth Services indicating a desire to serve as a community panelist under their Restitution Program. This was a recommended course of action to join the program, as indicated in said letter of November 3rd.

Reorganization of the Board

Acting Chairman John E. Murray announced that William F. Toomey has resigned from the Board of Selectmen due to prolonged illness as indicated in his letter of resignation dated and filed in the Town Clerk's office November 20, 1978.

Selectman Murray stated that Mr. Toomey will certainly be missed as he has been a valuable asset to the Board of Selectmen and to the Town of Sudbury and noted his accomplishments which encompassed nearly sixteen years of service in various capacities to the Town.

Selectman Robert J. Hotch stated that Sudbury has been very fortunate to have Bill Toomey and is personally very upset that he will no longer be on the Board.

Following the nomination of John E. Murray by Selectman Robert J. Hotch, it was on motion unanimously

VOTED: To elect John E. Murray Chairman of the Board of Selectmen for the balance of the year.

The Board reaffirmed that the time and place of the meetings should remain the same; and Richard E. Thompson should continue to serve as Clerk to the Board of Selectmen.

The Selectmen agreed to discuss the possibility of changing the time and/or the place of the Selectmen's meeting when there is a full Board of Selectmen.

Special Town Election - January 22, 1979

Following discussion it was on motion unanimously

VOTED: To call a Special Town Election, to be held on January 22, 1979, from 7:00 a.m. to 8:00 p.m. in the Peter Noyes School gymnasium, for all four precincts in Sudbury, to elect one member to the Board of Selectmen to fill the vacancy occasioned by the resignation of William F. Toomey dated November 20, 1978, and effective November 20, 1978, for a term to expire at the 1980 annual election, completing Mr. Toomey's unexpired term.

The January 22, 1979, Special Town Election date will mean the following deadlines for filing, as presented by Town Counsel in conjunction with the Town Clerk:

- December 14 - Deadline for filing intentions and taking out papers.
- December 18 - Submit papers to Registrars.
- December 26 - File papers with Town Clerk.
- January 2 - Registration closes.

Accounting Machine Performance, Status of Programs and Town Audit

Present: John H. Wilson, Town Accountant.

Chairman John E. Murray stated that tonight's meeting with Town Accountant John H. Wilson concerns the accounting machine performance and the status of programs, and the Town audit.

Town Accountant John H. Wilson summarized his report dated November 17, 1978, to the Board of Selectmen. Mr. Wilson stated that his department is up to date on the payroll and appropriation accounting, and that the next step will be to program personal property tax bills (hopefully by spring) and the real estate tax bills (by fall, 1979). Mr. Wilson said that he is looking forward to smoothing out the new system as soon as possible.

In answer to Selectman Robert J. Hotch, Mr. Wilson stated that Program Budgeting should not affect the standard line item budget that will be presented to Annual Town Meeting.

Concerning the Town audit, the Town Accountant stated that a complete Town audit of all Town records must be completed by December 31, 1979, to comply with Federal Revenue Sharing Office regulations requiring a Federal Reserve Sharing Audit, in conjunction with the Town audit.

Selectman Hotch suggested to the Town Accountant that he audit, on a regular basis, the various Town Departments.

Mr. Wilson said that he usually completes audits of three of the eight to nine Town departments per year and audits the Health Department each year as requested by the Health Director.

Mr. Wilson stated that he would consult the Executive Secretary as to the preparation of an article for Annual Town Meeting for appropriation of money for the Town audit, and that it would be a good idea to get an informal commitment from an auditor prior to Annual Town Meeting so that a formal commitment can be obtained immediately thereafter.

There was no further discussion; Chairman Murray thanked Mr. Wilson for his report and attending tonight's meeting.

Continued Hearing, Common Victualler License - Cobra Enterprises, Inc.

Present: Roger D. Bray and David A. Coughlin, co-managers Cobra Enterprises, Inc., d/b/a Soup-wich Deli; several abutters from Maple Avenue; Charles Hall, owner; Building Inspector, Francis E. White.

Chairman John E. Murray announced a continuance of a public hearing from November 6, 1978 for consideration of an application for a Common Victualler License requested by Cobra Enterprises, Inc., d/b/a Soup-wich Deli, Roger D. Bray and David A. Coughlin, Co-Managers, to be exercised at 385 Boston Post Road, Building G, Store 2, Mill Village.

Executive Secretary Richard E. Thompson reported that a report dated November 17, 1978, had been received from the Board of Health listing several conditions upon which the above-mentioned license could be approved.

Mr. Thompson reviewed the concerns expressed and questions raised by abutters at the last hearing. (See minutes of November 6, 1978.)

Gary T. Finerty, 28 Maple Avenue, again raised the question on inadequate trash receptacles in the back of the buildings and expressed his concern regarding a solution to sufficient rubbish storage.

Owner Charles Hall addressed the abutters' concerns by saying that a dumpster is provided for the tenants, and that if the need for larger storage is necessary, the size of the dumpster will increase; also, there are provisions in the area to add a second dumpster to be used co-operatively by all the tenants. Mr. Hall continued to say that any additional removal of trash should be arranged between the tenant(s) and a private trash removal company.

Selectman Hotch suggested that a solid, concrete enclosure be built around the disposal area to insure against windswept debris and unauthorized use. Mr. Hall responded

that it was a possibility to fence in and lock the disposal area, providing each tenant with a key.

Mr. Hall stated that he would be glad to meet at his office with any abutters who may have a better solution to this problem stated by the abutters and would welcome further discussion of the situation.

The applicants, Roger D. Bray and David A. Coughlin, expressed their willingness to cooperate in view of the many concerns expressed on the part of the abutters present concerning the additional trash which will be generated from Soup-wich Deli due to their restriction to the use of paper products; the co-managers stated that they will make provisions to have the trash removed on a daily basis - twice a day, if necessary - and that they have ample storage area within their building for trash during the day.

There was some discussion concerning the hours of operation of the Soup-wich Deli, and one abutter expressed concern regarding late night hours. The co-managers said that their hours of operation would not exceed 9:00 p.m., if so voted by the Board. Selectmen Murray suggested it would only be reasonable that the evening hours of operation not exceed other business hours in the shopping center.

Mr. Hall addressed this concern by stating that most of the shop owners tailor their hours of operation to meet the needs of their clientele, but that the latest any one of them remains open is usually 9:30 p.m.

Mrs. Ruth A. Green, 22 Maple Avenue, requested a review of the original recommendations/conditions expressed by the Board of Health.

The Executive Secretary reviewed the conditions (of the vote) as set forth in the Board of Health's communication of November 17, 1978. Mr. Thompson also stated that common victualler licenses are reviewed 2-3 times a year by the Board of Health on a "spot check basis" and reviewed by the Board of Selectmen once a year, at which time, the Selectmen have the right to deny the license if license requirements are not being met and added that appeal rights are very limited.

Following further discussion it was on motion unanimously

VOTED: To approve a Common Victualler license application requested by Cobra Enterprises, Inc., d/b/a Soup-wich Deli, Roger D. Bray and David A. Coughlin, Co-Managers, 385 Boston Post Road, Building G, Store 2, Mill Village, subject to the conditions listed in a communication dated November 17, 1978, from the Board of Health; and, by mutual agreement, that the hours of operation will be 7:00 a.m. - 9:00 p.m., Monday through Saturday; and in addition, that every effort will be made on the part of the co-managers to remove trash daily to the appropriate landfill area.

Joint Meeting with Council on Aging

Present: Paul J. Leahy, Chairman, Albert S. Feinberg, Marion D. Letteney, June Grace, Director of SPHNA, ex-officio member, Council on Aging.

Selectman Murray welcomed the members of the Council on Aging and stated, on behalf of the Selectmen, the desire to meet with them on a yearly basis and offered the Board's

assistance concerning any of the Council's future plans and programs.

Paul J. Leahy, Chairman, introduced the members of the Council on Aging who were present. He stated that the Council's biggest concern for the past 2-3 years is an adequate facility to be used as a "drop-in" center. Col. Leahy said that the Memorial Congregational Church on Concord Road has been used since 1973, and that although the Church is centrally located, there are many inadequacies surrounding its use.

Col. Leahy indicated his frustration because hot meals for the elderly cannot be programmed or offered because the Council on Aging does not have an adequate facility to do so. With this in mind, the Council applied for partial use of the Horse Pond School, which did not work out; Col. Leahy stated their interest now in obtaining use of the South School Annex on Massasoit Avenue which is presently being used for book storage by the School Dept; Col. Leahy further stated that Federal money is available for renovations of such a facility.

Selectman Robert J. Hotch questioned the maintenance of this type of facility, and Col. Leahy said that in Wayland the drop-in center facility employs a person to unlock and lock the doors for approximately \$400 a year, and that general maintenance is done by the members who are willing and able to perform these tasks during the regular drop-in hours.

Chairman Leahy also expressed the Council's interest in using the present police or fire quarters if a new police/fire headquarters facility is built.

In answer to Selectman John E. Murray, Chairman Leahy said that if the Council on Aging had its own facility for a drop-in center, they would plan to use it daily from 11 a.m. to 3 p.m., rather than 11 a.m. to 3 p.m. on Friday only as they are presently using the church.

Selectman Murray said that he could think of several possibilities and mentioned the Featherland Park building, although he said that it probably was not adequately heated.

Col. Leahy said that location is important since many of the elderly shop before coming to the drop-in center; he said, too, that he would like to be able to set up a pool table for the men to encourage their attendance.

In answer to Selectman Hotch, Col. Leahy said that about 30-35 people drop in each Friday, and that about the same number use the bus service to the stores provided for them free of charge on a weekly basis.

Leahy stated that volunteers from FISH provide "Meals on Wheels" and transportation to the elderly regularly.

The Board directed the Executive Secretary to further investigate any possibilities regarding a facility for the Council on Aging to be used in place of the church as a "drop-in" center, and to report back to the Board and Chairman Leahy.

Council member Marion D. Letteney thanked the Board of Selectmen for their interest in the Council's plans and programs. Mrs. Letteney said that it was very encouraging and important to be backed by the Town/Board of Selectmen in their current and possible future programs.

The Executive Secretary commended Col. Leahy for his work on behalf of the elderly citizens.

Col. Leahy stated that an anonymous donation of \$500 has been received by the Council on Aging to be used for their annual Christmas party to be held on December 13, 1978, from 2:00 - 4:00 p.m. at the Wayside Inn, to which he invited the Selectmen.

Classification Amendment

The Board acknowledged receipt of a communication dated November 10, 1978, from John C. Powers, Esq., recommending the Board take action to insure the implementation of 100% valuation, due to the vote to approve the Classification Amendment.

Chairman John E. Murray asked the Executive Secretary to refer the above-mentioned communication to Town Counsel and ask him to comment on the same to the Board at a later date.

Town Dog Pound

Chairman John E. Murray stated that the Board had received a report dated November 13, 1978, from the Town Engineer relative to soil tests taken at the Route 20 Boston Edison property and the Nobscot Road Tree Nursery for suitability as a construction site for a Town dog pound.

Executive Secretary Richard E. Thompson stated that due to Board of Health restrictions the above-mentioned areas cannot be used as a result of the soil tests taken, but that Building Inspector Francis E. White is looking into other areas and will report back to the Board with his proposal for a new site next week.

School Aid, Chapter 70, Funding - Mayor Theodore D. Mann of Newton

Following a brief discussion it was on motion unanimously

VOTED: To direct the Executive Secretary to forward a copy of the communication dated November 10, 1978, from Mayor Theodore D. Mann of Newton requesting signature of a petition to support legislation to provide for the addition of an inflation factor to insure that school aid (Chapter 70) funding levels to cities and towns retain their intended value, to all School Committees, the Finance Committee, the Town Accountant and Town Counsel for their comments relative to the same.

Easements

It was on motion unanimously

VOTED: To sign and accept on behalf of the Town of Sudbury, the following walkway easements:

- a. Morse Road Walkway Easement from Nicholas J. and Rosalie J. Johnson dated October 23, 1978.
- b. Morse Road Walkway Easement from William H. and Mary E. Ganey dated October 5, 1978.
- c. Morse Road Walkway Easement from Robert E. and Linda J. Verville dated October 10, 1978.

Dog Complaint Review - Melley/Mitchell

Executive Secretary Richard E. Thompson stated that at a Public Hearing held May 22, 1978, on the Dog Complaint dated May 3, 1978, of Mr. and Mrs. Robert A. Melley, 110 Prides Crossing Road, against two dogs owned by Mr. and Mrs. Neal Mitchell, Jr., 122 Prides Crossing Road, the Board voted to restrict and confine one of the dogs owned by the Mitchells and to review the complaint in six months.

Mr. Thompson stated that a report dated November 16, 1978, from the Dog Officer indicated that the dog had been reported loose once, but promptly contained with no further nuisance to the Melleys.

The Board agreed that the Mitchells' dog Rascal should continue to be confined and restrained in accordance with the Board's vote of May 22, 1978.

Awarding Bids

Following a brief discussion and a review of the various bids submitted for printing the 1978 Town Report and the 1978 Town Meeting Proceedings, and in accordance with a communication dated November 17, 1978, from Nadine Wallack, Town Report Preparation Committee Chairman, it was on motion by Selectman John E. Murray unanimously

VOTED: To accept the bid dated October 16, 1978, submitted by the Rene Press, Inc., of Fitchburg, Massachusetts, for printing the 1978 Town Report at a cost of \$17.25 per page for camera-ready pages and \$25.00 per page for typeset and paste-up pages, including perfect binding;

and it was further

VOTED: To accept the bid dated October 16, 1978, submitted by the Rene Press, Inc., of Fitchburg, Massachusetts, for printing the 1978 Town Meeting Proceedings at a cost of \$4.75 per page.

Distinguished Service Award to UN Day Chairman

The Board issued a Distinguished Service Award to UN Day Chairman Joanne Garfinkle in appreciation of public service in promoting the national observance of United Nations Day 1978, and directed the Executive Secretary to forward the same to Mrs. Garfinkle.

Rescinding the Board's Vote of November 13, 1978 - Jurors

The Executive Secretary stated that because the drawing of jurors on November 13, 1978, by the Board of Selectmen, was done in error in reliance on duplicate slips received from the Deputy Sheriff's office, his recommendation would be for the Board to rescind their vote of November 13, 1978, and that the names as drawn be returned to the Town Clerk's juror box.

It was on motion by Selectman John E. Murray unanimously

VOTED: To rescind the action of the Board of November 13, 1978, of drawing jurors and to return the names as drawn to the juror box.

Communication from Fire Chief Frost Concerning Master Planning

Executive Secretary Richard E. Thompson suggested that the Board review the communication dated November 16, 1978, received from Fire Chief Josiah F. Frost prior to his presentation at the Town Fathers Forum scheduled for November 27th concerning the master planning of fire prevention and control activities and emergency medical services for the Town.

Minutes

It was on motion by Selectman Robert J. Hotch unanimously

VOTED: To accept the minutes of the regular session of November 13, 1978, as drafted.

State Assumption of Educational Operating Costs

The Board acknowledged receipt of a communication dated November 14, 1978, from the Minuteman Regional Vocational Technical School District and directed the Executive Secretary to forward said communication to the Mayor of Marlborough, in addition to the communication received last week from the Sudbury School Department and minutes of the Board of Selectmen of November 13.

Annual License Renewals

The Board reviewed a list of business establishments within the Town, which have applied for renewal of licenses for 1979, and inspection reports from the following: 1) the Board of Health dated November 17, 1978, indicating non-compliance to the Sanitary Code by Ephraim's of Sudbury (plumbing not complete in the lounge) and by Pacific Gate Restaurant (cleanliness of equipment and utensils unsatisfactory) and approval of all other establishments; 2) the Fire Chief dated November 13 and November 20, 1978, recommending approval since their final inspection; and 3) the Building Inspector dated October 10 and November 20, 1978, recommending approval of all license renewals with the exception of a partial Certificate of Occupancy being issued to Ephraim's restaurant until completion of the lounge area, and further recommended denial of all Ephraim's licenses if a full occupancy permit is not issued by December 31, 1978.

The Executive Secretary notified the Board as to changes in the following licenses: 1) The Sudbury House, which now includes dancing; 2) the American Legion #191, which now includes a provision for a disc jockey; and 3) the Sudbury Bowladrome, which now includes an additional pin ball machine.

It was on motion unanimously

VOTED: To renew the following licenses, subject to completion of the lounge by Ephraim's of Sudbury in accordance with the Building Inspector's communication dated November 20, 1978 and the Board of Health's communication of November 17, 1978, and compliance of Pacific Gate Restaurant with Board of Health requirements as indicated in its communication dated November 17, 1978, before licenses are issued to these two establishments, and to forward the appropriate renewal forms to the Alcoholic Beverages Control Commission, where applicable:

Package Store - All Alcoholic Beverages

The Colonial Spirits
MacKinnon's Liquors
Wayside Package Store, Inc.

Restaurant - All Alcoholic Beverages

Ephraim's of Sudbury
J. T. Steak House
Svensk Kaffe Stuga
"99" (99 West, Inc.)

Pacific Gate Restaurant
The Sudbury House
Ye Olde 117 House, Inc.
Pizza Alla Pietra

Innholder - All Alcoholic Beverages

Longfellow's Wayside Inn

Club - All Alcoholic Beverages

American Legion Post #191, Inc.

Package Store - Wine and Malt Beverages

Northern Farms Farmstand & Country Store

Common Victualler

Ephraim's of Sudbury
J. T. Steak House
Svensk Kaffe Stuga, Inc.
"99" (99 West, Inc.)
Pacific Gate Restaurant
Pizza Alla Pietra
The Sudbury House
Longfellow's Wayside Inn
Sudbury Drug Store
Sudbury Pizza

Ye Olde 117 House, Inc.
American Legion Post #191, Inc.
Brigham's
Colonial House of Pancakes
Friendly Ice Cream Shop
Marrone's Bake Shop
Paul Joseph's Restaurant
Sudbury Bowladrome, Inc.
Sudbury Dairy Queen

Weekday Entertainment

Ephraim's of Sudbury
Svensk Kaffe Stuga, Inc.
"99" (99 West, Inc.)
Pacific Gate Restaurant
Pizza Alla Pietra
The Sudbury House
Longfellow's Wayside Inn

Ye Olde 117 House, Inc.
American Legion Post #191, Inc.
Brigham's
Colonial House of Pancakes
Friendly Ice Cream Shop
Sudbury Bowladrome, Inc.

Weekday Automatic Amusement Devices

The Sudbury House
American Legion Post #191, Inc.
Sudbury Bowladrome, Inc.

And it was further

VOTED: To issue the following renewal Used Car Dealer's Class II licenses, subject to payment of fees as required:

Colonial Auto Body of Sudbury
Steve's Auto Body

And it was further

VOTED: To issue the following renewal Class III Motor Vehicle Junk licenses, subject to payment of fees as required:

Mosher Auto Body
Robert E. Lohnes

And it was further

VOTED: To approve issuance by the Town Clerk of an annual auctioneer license, subject to the payment of fees required, to Mitchell Bistany, 21 Old Meadow Road, Sudbury, Massachusetts.

There being no further business to come before the Board the meeting was adjourned at 10:45 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk