

IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 3, 1980

Present: Chairman John E. Murray, Anne W. Donald and William J. Cossart.

The statutory requirements as to notice having been fulfilled, the meeting was called to order at 7:00 p.m. by Chairman John E. Murray.

Donations - Edwin Barrett Hosmer Memorial Fund

It was on motion by Selectman Donald unanimously

VOTED: To accept, on behalf of the Town, seven checks totaling \$615, listed in a communication from the Town Treasurer, dated October 31, 1980, to be deposited to the Edwin Barrett Hosmer Memorial Fund.

Tax Anticipation Notes

It was on motion by Chairman Murray unanimously

VOTED: To sign Tax Anticipation Notes in the amount of \$1,500,000 dated November 12, 1980, and due January 15, 1981, as follows:

Guaranty First Trust Co.	5.75%	100M
Bay Bank Middlesex	5.92%	500M
Boston Safe Deposit & Trust Co.	6.44%	200M
Shawmut Community Bank, N.A.	6.44%	100M
Guaranty First Trust Co.	6.45%	400M
State Street Bank & Trust Co.	6.79%	200M

Building Permit Fee for Construction of Police Station

It was on motion by Selectman Donald unanimously

VOTED: To confirm the Selectmen's vote of October 30, 1980, to waive the building permit fee for construction of the Police Station additions/alterations, subject to receipt of a contract change order crediting \$1,000+ to the Town from the architect.

License and Permit Fees Under Selectmen

Following review of a Survey of Licenses and Permits of the Town of Sudbury, prepared by student intern Larry Goldstein, under the direction of the Executive Secretary, dated May, 1980, it was on motion unanimously

VOTED: To approve certain license fee changes, thus amending the fee schedule in the Selectmen's Policies and Procedures, to be effective July 1, 1981, as follows:

- Taxi/Limousine driver	\$10.00
- Taxi/Limousine business	20.00
- Transient Vendor	20.00
- Hawkers & Peddlers	20.00

- Storage of Inflammables (license)	\$ 40.00
- Storage of Inflammables (application)	10.00
- Auctioneer/non-resident	15.00
- Motor Vehicle	
Class I	20.00
Class II	20.00
Class III	20.00
- Alcoholic Beverages (Voted later in the evening)	
Package Store WM	350.00
Restaurant AA	1,000.00
Restaurant WM	350.00

License Application - Something Simple, 385 Boston Post Road

Present: Deborah A. Getrost and Tracey L. Harrington, Applicants; James H. and Ruth A. Green, Edith L. Hull, Judith A. Finerty, abutters.

Chairman Murray convened a public hearing on the application of Deborah Ann Getrost and Tracey Lee Harringorn, d/b/a Something Simple, for a Wine and Malt Beverages Restaurant License at 385 Boston Post Road.

Executive Secretary Richard E. Thompson stated that all appropriate abutters and Town officials had been notified and noted receipt of the following reports:

- from the Building Inspector dated October 31, 1980, recommending approval;
- from the Fire Chief dated October 30, 1980, indicating no objections to the issuance of this license;
- from the Board of Health dated October 28, 1980, noting a high standard of cleanliness at Something Simple, and that they are in full compliance with the Food Service Sanitary Code;
- from the Police Chief dated November 3, 1980, stating opposition to the issuance of a pouring license at this location; and
- from an abutter (hand-delivered at the public hearing by Mr. Green) dated November 3, 1980, expressing opposition.

Both Ms. Getrost and Ms. Harrington indicated that there have been customer requests for alcoholic drinks with their meals - usually lunch or light suppers. Responding to Mrs. Edith L. Hull of 15 Maple Avenue, Ms. Harrington stated that they were planning to exercise their pouring license during the hours of 11:00 a.m. to 9:00 p.m. two nights a week, although under their Common Victualler's License, they are allowed to remain open six days a week until 9:00 p.m. Ms. Harrington also said that they had received customer requests to remain open on Friday and Saturday evenings rather than Thursday and Friday. Responding to the Selectmen, the owners indicated that they may remain open on additional evenings during the Christmas season. Selectman Cossart commented that there is no change in hours being requested at tonight's hearing; their Common Victualler's License permits Something Simple to remain open from 11:00 a.m. to 9:00 p.m. six days a week.

Ms. Judith Finerty of 28 Maple Avenue, stated that she has seen a lot of turn-over in the various stores in the building where Something Simple is located and expressed her concern of the possibility that Something Simple might expand into one of the abutting stores in the future and consequently request a change in hours and a full alcoholic license. Ms. Finerty expressed her opinion that there are already too many liquor license holders on a short span of Route 20 just beyond the Mill Village.

Mrs. Hull commented that she could not understand how the Selectmen could even consider the issuance of another liquor license in Town, while, at the same time, they are supporting, and involved with, the newly formed citizens' group for a fatality free Sudbury. Mrs. Hull asked if the license would remain for that location if Something Simple went out of business. Chairman Murray said it would not. Mrs. Hull commented that, although she was sure the Selectmen had fulfilled their obligation in properly advertising this hearing (and posting the Selectmen's agenda), on such a moral issue, she said, there should be a total obligation to the community; she said that she was unaware of tonight's hearing until a neighbor called her who was an abutter and had been notified of the public hearing. Mr. Thompson confirmed the publication of the notice of hearing in the Town Crier on October 23; Selectman Cossart asked if Mrs. Hull was suggesting further publicity, through local newspapers, would fulfill a community obligation. Mrs. Hull said it would.

Responding to Ruth Green of 22 Maple Avenue, Town Counsel explained that abutters are notified and if in attendance have input into the Selectmen's decision on the license application; in addition, there is an appeals process to the State Alcoholic Beverages Control Commission.

Mr. Forrest Bradshaw of 10 Maple Avenue stated that Maple Avenue residents have experienced several undesirable incidents in the neighborhood (especially last summer) and are reluctant to have any further liquor licenses granted in the area. Mr. Bradshaw asked if it was compulsory that this license be issued.

Selectman Cossart responded that it is more a question of the reasonability of the request. Selectman Cossart commented that the incidents Mr. Bradshaw referenced should have no bearing on the hearing. Mrs. Hull reiterated that they were alcohol related. Mr. Bradshaw commented further that there are 5-7 liquor licenses within $\frac{1}{2}$ mile of his neighborhood and cautioned the Selectmen about issuing another one in the area.

Ms. Harrington stated that their restaurant is patronized by mostly women and professional men, as Ms. Getrost had pointed out earlier; it is not a bar or hang-out type of place, and it was her hope that the problems in Town were not so much in the foreground that they would prejudice her request tonight.

Selectman Cossart pointed out that wine/malt pouring licenses are not sought after too aggressively; the last time he checked there were still eight available for Sudbury. With the exception of the Police Chief, there are no Town official objections to the granting of this license; also, we must look at the performance of the owners, and, with this in mind, Selectman Cossart further stated he did not see this as even a marginal situation/question.

It was on motion by Selectman Cossart unanimously

VOTED: To grant a license to sell wine and malt beverages only, as a common victualler, to Deborah Ann Getrost and Tracey Lee Harrington, Partners, d/b/a Something Simple, for property located at 385 Boston Post Road, to be restricted to the hours and days of 11:00 a.m. - 9:00 p.m., Monday through Saturday, (in accordance with the closing hours approved for their Common Victualler License), and further subject to approval by the Massachusetts Alcoholic Beverages Control Commission.

It was further explained to Mrs. Hull that in no way would it be possible for anyone to take liquor from the premises; a customer of Something Simple will only be served liquor while seated in the restaurant.

Police Station Addition/Renovations

Present: Fire Chief Josiah F. Frost; Highway Surveyor Robert A. Noyes; Michael E. Melnick, James F. Goodman and Franklin B. Davis, Permanent Building Subcommittee for Police Station Construction.

Chairman Murray opened a joint meeting with the Permanent Building Committee subcommittee relative to the Police Station addition/alterations. Selectman Murray informed them that earlier this evening the Selectmen had voted to waive the building permit fee for the construction.

Mr. Melnick updated the Board as follows:

- construction had started; excavation is partially completed; steel has been ordered and delivered; footings for retaining wall were poured today.
- shrubs have been relocated to be transplanted in the spring.
- exterior masonry will be done in the spring.

Mr. Melnick said that one difficulty that they have run up against is the Fire Chief's request for certain fire alarm requirements within the building.

Chairman Murray referenced the Fire Chief's letter of October 31, 1980, indicating protest to the issuance of a building permit without the installation of an interior fire alarm system. Mr. Melnick pointed out that the PBC had always planned to build an interior fire alarm system into the Police Station although they did not feel it was a requirement. Later he explained, that with the tightness of money, one of the things temporarily eliminated was the interior fire alarm; this will be included again, money permitting.

Responding to Selectman Cossart, Mr. Melnick explained the scheduling of the construction. He said that the foundation of the addition is to be placed over the existing leaching field; therefore, a new leaching field had to be completed first, following which the excavation can be completed. Mr. Melnick stated that every Wednesday morning a meeting is held to discuss progress, problems, etc. and that, under the circumstances, things are working out nicely even without a Clerk of the Works. Mr. Melnick stated that he had submitted the cash flow requirements to the Town Treasurer this morning, and explained that we are obligated to pay by the 15th of every month all requisitions submitted by the 1st. During discussion, and at the concern of Selectman Cossart, the PBC subcommittee assured the Board that they were very carefully monitoring the delivery of materials and the completion of work for which they are making payment. Responding to Mr. Thompson's comment that it will take more local effort without a Clerk of the Works, Mr. Melnick encouraged anyone who has any concerns, such as the Building Inspector, the Town Engineer, etc., to speak directly with the architect and not the contractor. Mr. Melnick commented that the greatest concern is the day-to-day operation of the construction.

Mr. Thompson referenced copies of the minutes of the September 25 and October 15 PBC meetings and stated that it would be helpful to the Selectmen if the PBC would continue to keep them informed of the progress of the construction project.

Mr. Melnick informed the Board that the Police Chief had requested a communications console (approximately \$19,000), which was not included in the original specifications, and that the PBC had informed the Chief that there were insufficient funds at this time to include this item.

Fire Chief Josiah F. Frost stated that the interior fire alarm system should be installed, as it was designed and as he had approved it, regardless of the official interpretation of the State Building Code he requested from the State Building Code Commission.

At the conclusion of discussion, Chairman Murray thanked the PBC, the Highway Surveyor and the Fire Chief for attending.

Chairman Murray recessed the meeting at 8:30 p.m.; the meeting was called back to order at 8:40 p.m.

Excess of Certain Elementary Schools

Present: Jonathan J. Sirota, Sudbury School Committee.

The Board met with School Committee member Jonathan J. Sirota and discussed and reviewed a discussion paper, dated October 31, 1980, prepared by the Executive Secretary, recommending courses of action by the Selectmen relative to the School Committee's anticipated final vote to excess certain elementary schools.

Executive Secretary Richard E. Thompson suggested that, either a group made up of Town officials to prepare written procedures and establish a time schedule for the ultimate disposition of the excessed elementary schools in question be formed; and/or an Advisory Group to the Board of Selectmen should be formed to consider and recommend the ultimate disposition of the excessed schools in question, and further that each excessed building should be dealt with according to a suggested list of "Needs Criteria" (see page 2 of the above-mentioned discussion paper).

Selectman Donald stated her concurrence with the criteria, but suggested further that the Selectmen set some priorities regarding the criteria. Following discussion, it was a consensus that the Selectmen should meet with the School Committee to discuss ideas and concerns for the use of these school building(s).

Mr. Sirota stated that the Superintendent of Schools has suggested several alternatives for the utilization of the buildings but nothing specific has been decided. Mr. Sirota said that the School Committee is trying to be flexible in its suggestions.

The School Committee will meet on the 5th of November with the intention of making a final decision as to whether or not it is necessary to excess a school, or schools. Mr. Sirota stated that the School Committee would like to

coordinate this process with the Selectmen. There was a general consensus that excessing schools would be a difficult job; also, the Selectmen will not be able to take any action until the School Committee takes its final vote.

Regarding legal access to the schools, Town Counsel confirmed that the schools would remain under the jurisdiction of the School Committee until such time as there is a determination by Town Meeting as to what should be done with the buildings. If the Town Meeting takes no action, the school(s) can be used by the School Committee again, if needed. Following discussion, the consensus was that it would be very difficult to determine whether there would be need again in the future for the school buildings, but current projections are that they would not.

There was some discussion regarding the formation of a Building Facilities Group and a decision that this group should be formed as soon as possible, and that it may be prudent to re-evaluate activating the Building Services Group.

Responding to Selectman Donald, Mr. Sirota stated that the School Committee would probably submit two separate articles, one for the maintenance and heating of these excess buildings, and the other for transferring the buildings over to the Selectmen, in which case the monied article would also be transferred from the School Committee account to the Selectmen's account.

At the conclusion of discussion, Chairman Murray thanked Mr. Sirota for attending this evening, and reaffirmed that the Selectmen would like to work closely with the School Committee on this matter.

Fire Station 2 - Bid for Re-roofing

Present: Fire Chief Josiah F. Frost and Peter Killelea of Briggs Engineering and Testing Company, Inc.

Executive Secretary Richard E. Thompson referenced a communication of October 31, 1980, from the Fire Chief indicating that eight bids had been received and opened on October 31, 1980, for roofing the South Fire Station, ranging from \$8,116 to \$11,700 and recommending the bid be awarded to the low bidder, G. Brouillette. The Fire Chief introduced Mr. Peter Killelea of Briggs Engineering - the company which prepared the specifications for the Fire Department. The Chief stated that on the recommendation of Mr. Killelea, Mr. Brouillette was requested to make one change in his bid involving the name of a product he was planning to use to meet the specifications, following which the bid had been approved by the Briggs Company.

The Chief responded to the Selectmen that he had sufficient money in his budget to accommodate this expenditure.

Mr. Killelea stated that the Briggs Engineering Company had verified the qualifications of the low bidder and would supervise the job and inspect it upon completion.

It was on motion unanimously

VOTED: To accept the bid from G. Brouillette & Son, Inc., 437 Whittenton Street, Taunton, Massachusetts, in the amount of \$8,116 for reroofing and related work at the South Fire Station, in accordance with specifications prepared for the Sudbury Fire Department by, and under the supervision of, Briggs Engineering and Testing Company, Inc.

1981-86 Capital Improvement Program

Present: Fire Chief Josiah F. Frost; and James A. Pitts, Chairman of Long Range Capital Expenditures Committee.

During review of a January 4, 1980, communication from the Executive Secretary to the Long Range Capital Expenditures Committee (LRCEC) Chairman James A. Pitts, regarding Board of Selectmen Submission of 1980-1985 Sudbury Capital Improvement Program, the following areas were discussed:

- Hosmer House Preservation. It was a consensus that the Selectmen should submit, in conjunction with the Historical Commission, a capital improvement report, including dollar amounts, to the LRCEC.
- Town Hall Renovations. During discussion, the Executive Secretary suggested that this item remain withdrawn, expressing his opinion that Townspeople would not be receptive to putting any money into Town Hall renovations when there is a possibility in the near future of excess school buildings which may be adaptable to office space. Mr. Thompson suggested that it might be misleading to update previous figures on Town Hall building renovations, which showed the need at that time, but that he would be willing to do so if the Board so desires. Selectman Cossart expressed his opinion that maintenance items, alone would be of the magnitude of the \$20,000 CIP criteria. Mr. Pitts explained that not all maintenance items are allowable under the CIP submission requirements. It was a consensus that the Executive Secretary should draft a report dealing with future major Town Hall renovations, noting that this item may change as a result of the possible excessing of school buildings, which will, in turn, affect the availability of office space for Town departments.
- Police Station. There will be a report by the LRCEC in terms of an update of the present Police Station addition/alteration.
- Fire Station. The Selectmen discussed with the Fire Chief his position favoring submission of a 1981 Annual Town Meeting article for a fire facility, and, although the Chief indicated no change since last year regarding the necessity for a centralized fire station on the Oliver land, it was a consensus that it should be looked into in conjunction with possible usage of excess Town buildings. The Board directed the Executive Secretary to draft a report with the Chief and bring it back to the Board for further discussion. Mr. Pitts expressed his opinion that looking at capital costs, it might be more realistic to renovate the Town Hall according to the square footage required by the Fire Department for apparatus floor space, etc., while Town Hall offices could be moved to one of the schools which will be closed next fall, such as Nixon.

Mr. Thompson referenced a communication and Capital Improvement Report from the Fire Chief dated October 28, 1980. Mr. Pitts stated that the LRCEC would accept the chief's report as written but would only print the one expenditure which is over \$20,000 (requirement for submission) - the aerial ladder - in the 1981-86 Sudbury Capital Improvement Program.

At the conclusion of the meeting, Mr. Pitts showed the Board the certificate of merit received from the Massachusetts Association of Finance Committees by the LRCEC for their last Capital Improvement Program.

Sudbury Supervisory Association Salary Grid

Following discussion, on the placement on the salary grid of those members of the Sudbury Supervisory Association under the Selectmen, it was on motion unanimously

VOTED: To place the new Building Inspector, Joseph E. Scammon, in Step 4, setting his salary at \$22,899 per annum, for the Fiscal Year July 1, 1980 - June 30, 1981;

and it was further

VOTED: To place the Town Engineer, James V. Merloni, in Step 4, setting his salary at \$27,526 per annum, for the Fiscal Year July 1, 1980 - June 30, 1981.

Use of Energy Signs

The Board was in receipt of a request from the Memorial Congregational Church dated October 24, 1980, for the use of the energy sign on Route 20 to publicize the Seventh Annual Messiah Sing.

Executive Secretary Richard E. Thompson said that he would contact Officer Carroll regarding the possibility of using the two energy signs in Town urging speed control.

Selectman Cossart stated that he had no objections to using these signs continuously as long as they were done well. Chairman Murray suggested that Mr. Leslie Johnson, a local commercial artist, be contacted about doing the signs.

The Selectmen were not sure if the Memorial Congregational Church wanted to use both of the energy signs, since their request only mentioned the one on Route 20, and directed the Executive Secretary to confirm their request.

It was on motion by Selectman Donald unanimously

VOTED: To approve a request from the Memorial Congregational Church dated October 24, 1980, for the use of energy sign(s) from November 29 - December 15, 1980, to publicize the Seventh Annual Messiah Sing, and to refer the same to the Sign Review Board.

Resignations

The Board accepted the following resignations:

- Edward W. Connors, Jr., dated September 26, 1980, from the Planning Board, effective November 1, 1980;
- Barry Marc Real, dated October 19, 1980, from the Auxiliary Police force, effective immediately; and
- Dolores W. Mealey, dated October 28, 1980, effective November 1, 1980, from the Personnel Board.

Mr. Thompson explained the procedure for filling the vacancy on the Planning Board.

The Board directed the Executive Secretary to forward a letter of appreciation to Mr. Connors, Mr. Real and Mrs. Mealey for their service on the respective boards.

Remaining Appointments

Responding to questions raised by the Board last week, Mr. Thompson commented as follows:

- the term of office on the Board of Appeals is five years by statute.
- Town Counsel confirmed that it was not necessary to appoint a Public Weigher until his services are required.

The Board reviewed two applications, one from Roberta Cerul for the Town Report Committee, and the other from Roland Capone for the Insurance Advisory Committee, and directed Mr. Thompson to schedule interviews.

It was on motion by Selectman Cossart

VOTED: To reappoint Ronald G. Adolph to the Board of Appeals for a term to expire April 30, 1985,

(Chairman Murray abstained.)

Personnel Board Matters

The Board acknowledged receipt of a communication dated October 30, 1980, from the Executive Secretary regarding matters discussed at the Personnel Board meeting of October 28.

Donation from Digital Equipment Corporation of Maynard

It was on motion by Selectman Donald unanimously

VOTED: To accept, on behalf of the Town, a donation of \$300 from the Digital Equipment Corporation of Maynard, to be used for the installation of lighting at Featherland Park.

At Selectman Donald's request, the Executive Secretary stated that he would up-date the Selectmen next week relative to total costs for the lighting installation at Featherland.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular Session of October 27, 1980, as amended and the Town Fathers Forum transcript of that date, as drafted.

Current Items of Interest

Insurance Coverage - Police Station Construction

Selectman Cossart called the Board's attention to a communication from Town Counsel dated October 28, 1980, to the Permanent Building Committee relative to Insurance Coverage for Hugo Construction Co., in conjunction with work by them at the Police Station. The Board asked to be kept informed of the status of this matter.

Clerical Reclassification

The Board unanimously supported a request for reclassification for Elaine L. Jones, as requested in a communication by the Administrative Secretary and approved by the Executive Secretary under date of November 4, 1980.

Request for Reports from Police Chief

Selectman Cossart asked the Executive Secretary to request two reports from the Police Department:

- a detailed analysis of incidents over the past four weekends, since the Town's initiation of the Citizens for a Fatality Free Sudbury group was formed and began working to curtail Sudbury's youth problems, especially drinking, driving and related problems during the weekends; including specifics regarding individual police officers - continuity in handling specific circumstances and/or specific areas in which individual police officers are most efficiently placed.
- a report from Officer Carroll regarding the Juvenile Restitution Program with substantial information regarding the manner in which the Committee will submit reports on individuals participating in the program.

Auxiliary Police

Selectman Cossart directed the Executive Secretary to consult with the Police Chief regarding appointing Auxiliary Policemen as Specials and report back to the Board; in addition, to ask the Police Chief for a recommendation for a liaison between the Police Department and the Auxiliary Police Officers.

Sudbury's Cost for Police Court Time

Selectman Donald asked that the Board receive a copy of the Executive Secretary's response to the Town of Blackstone regarding Sudbury's cost for Police court time.

Middlesex County Selectmen's Association Annual Meeting

Mr. Thompson informed the Board of the Annual Meeting of the Middlesex County Selectmen's Association to be held on Wednesday, November 19, 1980. Selectman Donald indicated her intention to attend; Selectmen Murray and Cossart stated that they would confirm with the Executive Secretary as soon as possible.

Communication from Atty. Frank R. Cote

The Board acknowledged receipt of a communication dated October 27, 1980, from Frank R. Cote, Atty., and directed the Executive Secretary to respond to Mr. Cote and thank him for his interest in the position of Labor Relations Counsel.

Dog Pound

Selectman Cossart updated the Board on the lack of progress in reaching a lease agreement for use of the DeWallace property at 56 Dakin Road for a dog pound, reporting that we seem to be in a "status quo" situation.

Executive Session

At 10:45 p.m. it was on motion by roll call

VOTED: To enter into Executive Session for the purpose of discussing strategy for collective bargaining or litigation where open discussion of the same may have a detrimental effect.

(Chairman Murray, in favor; Selectman Donald, in favor; and Selectman Cossart, in favor.)

Chairman Murray announced that Public Session would not reconvene following the Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 11:20 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk