

IN BOARD OF SELECTMEN
MONDAY, DECEMBER 14, 1981

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

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

Selectmen's Submission - 1982 Annual Town Meeting Articles

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

VOTED: To approve and sign the following articles to be submitted under the December 31 deadline for the 1982 Annual Town Meeting; these articles are not necessarily supported by the Selectmen at this time:

- Town Audit
- Accept G. L. Chapter 90, s. 20A 1/2, parking fines administration
- Accept G. L. Chapter 32B, s. 17, insurance coverage
- Accept G. L. Chapter 44, s. 53E, user fee budget offsets
- Insurance for Surviving Spouse
- Hear Reports
- Temporary Borrowing

Extending Serving Hours on New Year's Eve

It was on motion by Selectman Cossart unanimously

VOTED: To grant permission to extend the serving hours on December 31, 1981, New Year's Eve, to 2:00 a.m. on January 1, 1982, to all holders of alcoholic beverages pouring licenses in Sudbury.

Final Report of Town Facilities Committee

During a brief discussion of the final report of the Town Facilities Committee, dated November 24, 1981, relative to disposition of excessed school facilities, Selectman Cossart pointed out a couple of questionable areas; therefore, the Board directed the Executive Secretary to reschedule this subject in the immediate future to discuss those questions further.

It was on motion unanimously

VOTED: To accept the above-noted Town Facilities Committee report, not denoting any position on its content by the Board.

Resignation - Conservation Commission

It was on motion by Chairman Donald unanimously

VOTED: To accept with regret a letter of resignation, dated November 23, 1981, from Richard M. Passalacqua of the Conservation Commission.

The Board directed the Executive Secretary to send a letter of appreciation, on its behalf, to Mr. Passalacqua for his services on that Commission.

Adopting Section 20A½ - Parking Violations

Following review of a communication from the Massachusetts Municipal Association, dated December 8, 1981, and following discussion on the matter of adopting either Section 20A or Section 20A½ of M. G. L., Chapter 90, as authorized under Chapter 605 of the Acts of 1981, relative to parking violations, the matter was tabled for clarification from Town Counsel

Later in the evening when Town Counsel was present, he recommended that the Board accept 20A½, explaining that this would allow the Town to continue its present method of setting parking fines and attaching tickets to cars. One additional requirement would be the appointment of a Parking Clerk. The acceptance of 20A would change our present system and require ticket notifications for parking violations to be mailed to the violator.

Following discussion, it was on motion unanimously

VOTED: To adopt Section 20A½ of M. G. L., Chapter 90, as authorized under Chapter 605 of the Acts of 1981, relative to parking violations;

and it was further

VOTED: To reaffirm the Board's vote of December 7, 1981, appointing Assistant Town Counsel Thomas M. French as Temporary Parking Clerk, in accordance with Chapter 605 of the Acts of 1981.

Flood Elevation Determination for Sudbury

On the question of accepting notification of the final flood elevation determination for the Town of Sudbury - Flood Insurance Rate Maps, Flood Insurance Study report and management requirements - received from the Federal Emergency Management Agency under date of December 1, 1981, and recommendations from the Town Engineer, dated December 8, 1981, relative to conformance with zoning requirements of the National Flood Insurance Program, the Board directed the Executive Secretary to request a meeting with the Town Engineer for a better understanding of the subject.

The matter was tabled.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular and Executive Sessions of December 7, 1981, as amended, and the minutes of the Town Fathers Forum of November 23, 1981, as drafted.

Cable Television

Present: William C. Henchy, Adams - Russell Company.

Mr. William C. Henchy, Vice-President of Adams-Russell, an electronics company, introduced himself and explained that, contrary to past opinions that cable television would never come to Sudbury, changes in the density of homes and in Federal Communication Commission's rules, which now allow unlimited importation of distant signals, now make cable television more available to the Town of Sudbury.

Mr. Henchy stated that this meeting was precipitated by the recent awarding of franchises by the neighboring towns of Hudson and Maynard.

Mr. Henchy stated that his company has rented an area in Maynard for their tower, which is in a key position to offer cable service to Sudbury.

Mr. Henchy stated that a mono-cable today can deliver 40-50 channels. A head end (earth station - antenna tower - electronics equipment) to transmit such a local cable system costs approximately \$400,000, and that, because this facility is already located in Maynard, they are able to provide Sudbury with the service more easily.

Mr. Henchy requested that the Selectmen start the procedure to grant a franchise for cable television in Sudbury. Based on the Premier and Star Case antennas already on homes in Sudbury, Mr. Henchy stated, this indicates the Town's interest in cable television. Mr. Henchy further stated that, beyond the entertainment aspect, a cable television service can provide a community service to the Town (i.e. telecast of Town Meeting), and can provide an emergency service (i.e. civil defense).

Mr. Henchy stated that sixty percent of the population in larger communities is taking cable service, which substantiates the demand for it. Mr. Henchy later stated that he could not speculate on how many people would take it in Sudbury.

Selectman Murray asked Mr. Henchy to explain the two processes of establishing a cable television service in Sudbury.

Mr. Henchy stated that under Chapter 166A, establishing a cable television franchise is allowed. There are three ways to initiate the same:

- 1) a petition by voters;
- 2) the Selectmen announce it will consider granting a license and may appoint a citizen Cable Advisory Committee, which would explore the subject (submit a report, hold a public hearing, and review applications);

- 3) an application filed with the Selectmen and state commission for a license (\$100).

The basic procedure is as follows:

- notify the State Community Antenna Television Commission;
- advertise in the local newspaper;
- advertise in one or two national journals at least twice.

The entire process would take approximately one year.

Mr. Henchy explained that a franchise is usually granted for about fifteen years simply because of the enormous costs involved. The cost is about \$10,000 a mile for cable in the air; it costs \$120 per subscriber for installation.

Mr. Henchy stated that the basic service, 16 channels, would cost approximately \$8 a month.

Selectman Cossart expressed appreciation for Mr. Henchy's comprehensive review and stated his interest and his opinion that there is a general interest. Selectman Cossart thought there should be a Cable Advisory Committee established to further explore the subject.

Mr. Henchy explained some of the qualities a Cable Advisory Committee should look for in cable television companies, such as:

- their reputation;
- whether they are well financed (there are heavy selling and starting costs to be absorbed before revenues start coming in);
- organization;
- service record;
- picture quality.

Mr. Henchy stated that all cables are placed in the public way, mounted on telephone poles. This is the single most time-consuming element. Mr. Henchy explained the underground installation of cables - a cable plow is used in areas where no utility poles exist. He stressed the priority of his company to restore total landscaping after installations.

At the conclusion of discussion, it was on motion unanimously

VOTED: To consider the granting of a cable license or licenses,

and it was further

VOTED: To direct the Executive Secretary to solicit names for a Cable Advisory Committee to work with the Selectmen and help set up criteria for cable television for Sudbury.

Meeting with Town Moderator

Present: Town Moderator J. Owen Todd.

As noted in his communication of November 17, 1981, Mr. Todd explained to the Selectmen that he would like to share with them two ideas which came up at the annual meeting of the Massachusetts Moderators Association.

- The first addresses the problem of attendance, continued interest, and packing the hall at Town Meeting. Slips of paper with the numbers of the articles are placed in a drum and each Town Meeting night, the slips are pulled out of the drum and those articles are discussed in the order drawn.

During discussion the following consensus was reached:

- 1) If adopted it would not be necessary to Order the Warrant; articles would be listed at random;
- 2) related articles could be included as a unit;
- 3) there could be a scheduling problem for whomever is presenting the article;
- 4) this procedure probably could not be used on a trial basis. As Town Counsel pointed out the bylaw may have to be changed relative to the conduct of Town Meeting (Article II);
- 5) any clean-up articles would be held.

Following further discussion on whether or not the Town should adopt this idea, it was on motion unanimously

VOTED: To direct the Executive Secretary to have a warrant article drafted for the 1982 Annual Town Meeting, in conjunction with Town Counsel, dealing with a bylaw change to allow Annual Town Meeting articles to be taken up randomly, as suggested earlier by the Town Moderator, the intent being that the problem of attendance, continued interest, and packing the hall, would be diminished.

Note: If the procedure were adopted it would be used at the 1983 Annual Town Meeting.

- The second addresses delays in conducting the Town's business because of the lack of a quorum, by suggesting that the quorum requirement be eliminated all together.

Mr. Todd added that another alternative to this would be to offer a tax credit to those residents who attend Town Meeting, but expressed his opinion that this would be an impossibility under Proposition 2 1/2 restraints. Mr. Todd added that the sense of the Moderators' meeting was that the majority of towns do not have quorums.

Selectman Cossart questioned the wisdom of endorsing an article dealing with elimination of a quorum for Town Meetings, but would not object to its placement in the warrant for discussion at the 1982 Annual Town Meeting.

On the recommendation of the Town Moderator, and following further discussion, it was on motion by Selectman Murray unanimously

VOTED: To direct the Executive Secretary to have a warrant article drafted for the 1982 Annual Town Meeting, in conjunction with the Town Counsel dealing with the elimination of a quorum, with the further intent of dealing with attendance problems, and delay of Town business at Town Meetings.

Something Simple - Request to Extend Hours of Operation

Present: Deborah Ann Getrost and Tracey Lee Harrington, d/b/a Something Simple; approximately 10 abutters.

Chairman Donald convened a public hearing for the purpose of addressing the request of Deborah Ann Getrost and Tracey Lee Harrington, d/b/a Something Simple, at 385 Boston Post Road, Mill Village, to extend the restaurant's hours of operation.

Executive Secretary Richard E. Thompson stated that a public hearing was not required but that, in view of the concern and attendance of abutters at the initial hearing on the Wine and Malt Beverages Restaurant License application of Something Simple on November 30, 1980, the Board requested that a public hearing be held with abutters properly notified. Mr. Thompson stated that all abutters had been notified, and that the following communications had been received - some hand-delivered this evening:

- from Forrest D. Bradshaw, 10 Maple Avenue, dated December 10, 1981;
- from James and Ruth Green, 22 Maple Avenue, dated December 4, 1981;
- from Margaret Duane, 25 Maple Avenue;
- from Carole and John Hebb, 50 Maple Avenue, dated December 14, 1981;
- from Susan and Pierre LaTour, 7 Maple Avenue, dated December 14, 1981; and
- from Edith and Ethan Hull, 15 Maple Avenue, dated December 14, 1981.

All of the above communications expressed opposition to the application for an extension of operating hours based on concerns that:

- area late hour traffic problems would be increased by a late hour closing of a restaurant in the area, creating further disturbances in the neighborhood;
- a late hour restaurant remaining open after other businesses in the shopping center are closed would attract a drinking crowd rather than a shopping crowd. The general understanding was that the restaurant would have the same hours as the other stores in the shopping center for the accommodation of the shoppers;
- litter of beer cans and other litter on Maple Avenue would be increased.

Ms. Harrington explained that they have requested extended hours so that they can accommodate small private groups in the evenings - parties which usually run from 8:00 - midnight, stressing that it is hard to thrive on mainly

a luncheon business. She later stated that they may not choose to stay open six nights until midnight but at least would like to have that option available.

Ms. Harrington stated that it was difficult to respond to the letters referenced by the Executive Secretary but commented as follows:

- that they are not requesting to stay open later to serve only alcohol - wine is served with food; (Ms. Harrington later stated that they would not allow any alcohol to be brought in by private groups);
- that they have not experienced any disturbances from racing cars, even when they stay and work at the restaurant after hours (sometimes until early morning hours), and that they feel secure because the police are always visible;
- that their restaurant cannot be responsible for the beer can litter, or any litter, on Maple Avenue since they have no take-out service.

Mr. Gary Finerty of 28 Maple Avenue expressed his opposition, commenting that Something Simple's hours of operation have already been extended once - from 7:00 p.m. to 9:00 p.m. . Mr. Finerty expressed his opinion that, although he is not opposed to the added functions, and that most of the negative things happen after they are closed, extending the hours would give more reasons for more cars to be in the area, creating more problems.

Mr. James Watson of 14 Maple Avenue, expressed his opposition, stating that he is a new neighbor and has already experienced some nighttime disturbances on Maple Avenue. Mr. Watson further commented that it should be the responsibility of the owner of Mill Village to secure the shopping center by chaining entrances when all the shops are closed. Furthermore, if Something Simple's hours are extended, it would be more difficult for this procedure to take place.

Selectman Cossart expressed his opinion that the owners of Something Simple should not be penalized because of unassociated area problems.

Selectman Cossart went on to say that Something Simple has a flawless record in the management of their licenses; also, that this request is within the zoning regulations.

Selectman Murray commented on the gradual extension of Something Simple's hours, being a natural process after some time elapsed, allowing an experience and record in the operation of the business.

Mr. Michael Ladd of 121 Concord Road went on record as supporting this request.

Mr. Finerty again expressed his opinion that Something Simple's after hours would be conducive to the type of problems already existing in the area.

Responding to Mrs. Green, Ms. Harrington stated that they do not plan to have large groups of people using their facility - that their license restricts their seating capacity (28) in accordance with local fire, health and building regulations.

Mr. Watson referenced the Selectmen's logic in the way they are approaching the "problem", comparing the gradual unsatisfactory growth on Route 20 in Sudbury to the gradual extension of Something Simple's hours, stressing that this is changing the charm of Mill Village. Mr. Watson further stated that, once the license is issued, it is too late to change it.

Chairman Donald reminded Mr. Watson that the Board reviews all licenses for renewal on an annual basis.

Ms. Harrington stated that she feels Something Simple fits well into the Mill Village scheme, since it is also a "specialty" place. Also, their gradual extension of hours was intentional to prove first that they would be a good neighbor to the Maple Avenue residents and that they would not attract a wild crowd.

Mr. Bradshaw expressed his opinion that, if Friendly's is having problems with young crowds gathering (and the Selectmen confirmed that they were), Something Simple, being more secluded, is apt to have the same problem.

Mr. J. Owen Todd suggested that their operating hours be extended subject to hiring an off-duty police officer, assuming the cost would be absorbed by the private groups. There was a consensus that this would be too costly.

At the conclusion of discussion, it was on motion by Selectman Cossart unanimously

VOTED: To approve the request dated November 18, 1981, of Deborah Ann Getrost and Tracey Lee Harrington, d/b/a Something Simple, located at 385 Boston Post Road, Mill Village, to extend the restaurant's hours of operation to midnight, six nights a week, Monday through Saturday.

Gold Star Nurseries Site Plan

Present: Arthur Gaklis, General Manager David Wright, and Atty. John C. Powers, Gold Star Nurseries.

As a follow-up to a preliminary site plan discussion with representatives of Gold Star Nurseries, Mr. Arthur Gaklis stated that he had spoken to a member of the "other" Cavicchio family, and that they expressed no objections to Gold Star's proposed business on Codjer Lane - he was very friendly and agreeable. Mr. Gaklis stated that Mr. Cavicchio stated he would remove the barrier he now has on Codjer Lane, that he considers Codjer Lane to be a public way. Mr. Gaklis said he was not sure whether Mr. Cavicchio would want them to use the road in its present location because he mentioned the dust factor in connection with his vegetables and pigs.

Mr. Gaklis stated he also spoke with the Louis Cabot family on the corner of Horse Pond Road, who expressed a willingness to give up as much as ten feet or more of their property in order to have the road widened.

Mr. Gaklis corrected a misunderstanding of record - eighteen to twenty trailer trucks would be used by his proposed business on a weekly, not daily, basis. The Board agreed that this would be an important factor as far as the Town Engineer was concerned.

Mr. Gaklis reviewed with the Board the preliminary site plan on the question of road access.

At the conclusion of discussion, the Board requested Gold Star Nurseries to work with the Town Engineer in terms of establishing the most appropriate way to deal with the use and repair, and related costs, of Codjer Lane.

FY83 Budget Reviews

Concerning the 1982-83 Operating Budget Session held on Saturday, December 12, 1981, the Board received a communication dated December 14, 1981, from the Executive Secretary, setting forth recommendations for the Board. Following review of the same, the Board took the following positions:

Fire

- Delete Dispatchers - \$40,000.
- Delete Acting Assistant Chief - \$20,250.
- Add 7% to Overtime Account, based on '82 appropriation, plus \$18,000 for retirement buy-backs.
- Delete \$535 from Uniform Account, reflecting above position.
- Maintain 1981-82 level of service.

Police

- Lieutenant position - no recommendation at this time.
- Parking ticket revenues - analyze as possible offset for police budget.
- Court time - implement (through collective bargaining if necessary) a procedure whereby a minimum four-hour callback is for four hours...and assign miscellaneous station duties if necessary.
- Overtime budget should be increased to cover full manning of three-sector patrol by Chief prior to submission.

Engineering

- Approve as submitted. Support transfer of approximately \$11,000 from the 1978 ATM Article 10 to help defray cost of Equipment Account.

Building

- Approve as submitted. (Include under Personnel appropriation columns transfers from Unclassified Salary Adjustment line item.)
- Approve transfer of Engineering van to Building Services.

It was on motion unanimously

VOTED: To accept the Fire, Engineering, and Building budgets, with the above-mentioned changes, and to hold the Police budget for further consideration.

The following budgets were then taken up by the Board:

Dog Officer

Present: Dog Officer Betsy DeWallace.

The Board approved the Dog Officer's Budget, with changes made by the Dog Officer, which were read to the Board by the Executive Secretary.

Law

The Board approved the Law Budget as submitted.

Accounting

The Board approved the Accounting Budget as presented.

Unclassified

The Board approved the Unclassified Budget after discussion, with the understanding that all those items that cannot be firmed up, such as, salary adjustments, retirement and Blue Cross-Blue Shield, are only estimates; these numbers will be determined later in conjunction with the Finance Committee budget hearings.

Selectmen

Following a review of the variations from last year in the Selectmen's budget, the Board approved the same as presented.

The Executive Secretary was directed to forward a communication to Mr. William H. Maurhoff of the Finance Committee, who was present, setting forth the consensus of the Board regarding the budgets discussed this evening and at the December 12 budget session.

Current Items of Interest

Sudbury Farms

The Board reviewed and accepted for filing a plan showing the revised storage area for beer and wine and the revised check-out area, relative to the Sudbury Farms floor plan, in conjunction with its beer and wine package store license.

Letter to Department of Public Utilities

The Board approved a letter, prepared by the Executive Secretary under date of December 14, 1981, to the State Department of Public Works, in opposition at this time to a petition by the Boston & Maine Corporation, to discontinue the flashing light at the Horse Pond Road crossing.

School Committee Contract and Budget

Selectman Cossart informed the Board that he agreed to meet with the Regional School Budget Committee to discuss their teachers' contract and Fiscal '83 budget for a better understanding, and would report back to the Board on the same.

Sanitary Landfill

Mr. Thompson informed the Board that the Town Engineer had suggested the exchange of fill (gravel and clay) between the Town and contractor Stephen Doyle. The Board directed Mr. Thompson to confirm the justification for such an exchange, from the standpoint of costs, through the Town Engineer, and report back to the Board at its next meeting.

There being no further business to come before the Board, the meeting was adjourned at 11:30 p.m.

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk