

IN BOARD OF SELECTMEN  
MONDAY, MAY 4, 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 7:45 p.m. by Chairman Anne W. Donald.

Colonial Spirits - Change in Location

Present: Stephen P. Steinberg and Edward L. Morrill, Colonial Spirits.

Chairman Donald welcomed Mr. Steinberg and Mr. Morrill of The Colonial Spirits for a preliminary meeting to discuss procedure and scheduling relative to their petition for a change in location, dated April 22, 1981, in conjunction with their all alcoholic beverages package store license.

Mr. Steinberg showed the Board a plan entitled, "Proposed Site Plan for The Colonial Spirits, 474 Boston Post Rd., Sudbury, Mass. 01776", drawing and layout by E.L. Morrill, scale 1"=20'.

Mr. Steinberg told the Board that the primary reasons for their petition were: 1) their present 20-year lease is coming to an end in a few years; and 2) their current store is lacking in storage, and in anticipation of the passage of the Bottle Bill, further storage problems are expected.

Mr. Steinberg stated that they have purchased the piece of land where Cumberland Farms is presently located, and that it is their intention to demolish the present structure and construct a new building. The present structure is inadequate for many reasons, especially because of old heating units, the building being too close to the road, inadequate parking, and inappropriate access and egress. Mr. Steinberg stated that if the Selectmen accept their petition tonight, they will proceed with the site plan process, adding his opinion that the plan he showed the Board tonight probably meets most of the site plan requirements.

Answering Selectman Murray, Mr. Steinberg stated that it is not their intention to move into the present structure on the property before the new construction takes place.

Selectman Cossart questioned how we would prevent licensing two simultaneous operations. Executive Secretary Richard E. Thompson stated that, if the Board is in favor, tonight's vote would indicate only its willingness to allow the application procedure for the change in location to go forward. After notice publication and notification to abutters, a public hearing would be held for the transfer of this liquor license from one location to another, under G.L. Chapter 138, s.23 and s.15A, at which time any vote of the Board would be conditioned so that the license would not be issued until completion of the building and when the owners of The Colonial Spirits are ready to move into their new location/store.

Responding to Chairman Donald's question regarding whether there are any time restraints, Mr. Steinberg answered that they were anxious to have the Board's acceptance so that they could meet with their surveyors and engineers and present a complete site plan to the Board.

Mr. Thompson asked about the businesses located in the five stores in the Cumberland Farms complex. Mr. Steinberg stated that all but one are tenants-at-will; the restaurant has two years left on its lease and The Colonial Spirits plans to wait until the restaurant's lease has terminated. Mr. Steinberg also stated that the proprietor of that restaurant is of retirement age.

Mr. Steinberg added that he felt the new construction would be a real asset to the area - plans include standard curb cuts, which will also improve the traffic situation, and innovative solar heating.

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

VOTED: To accept the petition of DuRobtrater, Inc., d/b/a/ The Colonial Spirits, by Stephen P. Steinberg, Treasurer, for a change of location from 513 Boston Post Road to 472-480 Boston Post Road, dated April 22, 1981, in conjunction with their all alcoholic beverages package store license, and to schedule a public hearing accordingly.

#### Tax Possession Parcel - Surrey Lane

Present: Chairman Joan C. Irish and Richard O. Bell, Conservation Commission.

The Board was in receipt of a communication dated April 22, 1981, from Assistant Town Counsel Thomas M. French, informing the Board of a newly acquired Tax Possession parcel at the end of Surrey Lane, to be held, sold, or transferred by the Selectmen.

Conservation Commission member Richard O. Bell stated that the Commission's primary intent in having jurisdiction over that particular piece of land is that it would serve as an access to Hop Brook.

It was on motion by Chairman Donald unanimously

VOTED: To assign the management of approximately 1.45 acres of land located at the end of Surrey Lane, shown on Assessors Map H03 as parcel 625, for a five-year period commencing immediately to the Conservation Commission.

#### Reserve Fund Transfers

##### Account 320-51 - Police Equipment

Present: Police Chief Nicholas Lombardi.

On the recommendation of the Police Chief, dated April 24, 1981, and following a brief explanation by the Chief, it was on motion by Selectman Murray unanimously

VOTED: To approve Request for Transfer No. 1009, dated May 4, 1981, from the Reserve Fund to Police Equipment Account No. 320-51, in the amount of \$1,200.00, to replace four electronic siren units which are no longer cost efficient to repair.

Account 350-21 - Dog Officer General Expense

Present: Dog Officer Betsy M. DeWallace.

Following a brief discussion during which the Dog Officer explained that her monthly expenses average approximately \$340, and that her current balance with two months remaining in the fiscal year is \$180, it was on motion by Selectman Cossart unanimously

VOTED: To approve Request for Transfer No. 1008, dated April 16, 1981, from the Reserve Fund to Dog Officer General Expense Account No. 350-21, in the amount of \$650, for the care of dogs, through the end of the Fiscal Year, June 30, 1981.

Utility Petitions 81-7a & b - Griffin Lane

Present: Joseph Bausk, New England Telephone and Telegraph Company.

In conformity with General Laws, Chapter 166, Sections 21 and 22, the Board considered Utility Petitions 81-7a & b of the New England Telephone and Telegraph Company for:

7a. permission to place and maintain buried cable, manholes, handholes, with the wires and cables therein, markers and other fixtures on or under the surface of Griffin Lane, southeasterly side from existing buried cable:

approximately 154 feet southwest of Crown Point Road approximately 175 feet of buried cable; and

7b. permission to maintain under the surface of the public way or ways named below, buried cables, manholes, handholes, with the wires and cables therein, markers and other fixtures, which were being maintained in and under such private way or ways at the time of its or their acceptance as a public way or ways:

Griffin Lane, northwesterly side from existing cable at Crown Point Road extending southwesterly approximately 170 feet of buried cable and one (1) pedestal;

Griffin Lane, northwesterly side from existing cable approximately 154 feet southwest of Crown Point Road extending southeasterly across Griffin Lane approximately 50 feet of buried cable.

Executive Secretary Richard E. Thompson reported that all appropriate Town officials and abutters had been notified and that favorable reports had been received from both the Wiring and Building Inspectors, dated April 17 and April 30, respectively.

It was on motion by Selectman Murray unanimously

VOTED: To approve Utility Petitions 81-7a & b, both as described above and as shown on the following plans:

7a. entitled "Plan for Proposed Buried Cable Location, To Accompany Petition of New England Telephone and Telegraph Company", dated April 3, 1981; and

7b. entitled "Plan for Buried Cable Location - Former Private Way, To Accompany Petition of New England Telephone and Telegraph Company, dated April 3, 1981.

Gravel for Landfill Operation

The Board acknowledged receipt of a communication dated April 27, 1981, from the Department of Environmental Quality Engineering to the Sudbury Water District, furnishing recommendations and requirements relative to the removal of gravel from Water District land on Route 117 for the Landfill operation.

Executive Secretary Richard E. Thompson stated that Town Counsel's office is in the process of drawing up an agreement to be consummated by the Selectmen and the Water District relative to the same.

Middlesex County Spending and Budgeting

The Board acknowledged receipt of a communication dated April 27, 1981, from Representative Lucile Hicks furnishing information and requesting publicity relative to Middlesex County spending and budgeting.

Executive Secretary Richard E. Thompson stated that Chairman Donald, as she indicated last week, had attended the meeting of the Middlesex Advisory Board, at which time their budget had been adopted. This material is a supplement to that meeting.

Sunday Entertainment License Renewal - 99 West, Inc.

It was on motion by Selectman Murray unanimously

VOTED: To renew the License for Public Entertainment on the Lord's Day of the 99 Restaurant, 698 Boston Post Road, for a maximum of two folk singers with guitar(s), for a period of April 12, 1981, through April 4, 1982, from 7:30 p.m. to 11:30 p.m., subject to approval by the Department of Public Safety.

License Renewals - Sudbury Bowladrome, Inc.

It was on motion by Selectman Cossart unanimously

VOTED: To renew the following licenses of Sudbury Bowladrome, Inc., 136 Boston Post Road:

a. License to operate twenty-four bowling alleys on weekdays from 8:00 a.m. to 12:00 midnight and on Sundays from 9:00 a.m. to 11:00 p.m.; and six pocket billiard tables on weekdays from 8:00 a.m. to 12:00 midnight for the year commencing May 1, 1981;

b. license for Public Entertainment on Sunday to operate pocket billiard tables from 1:00 p.m. to 11:00 p.m. commencing May 24, 1981, through May 16, 1982, subject to approval by the Department of Public Safety;

c. license for Public Entertainment on Sundays to operate Automatic Amusement Devices (pinball machines) from 1:00 p.m. to 11:00 p.m. commencing June 28, 1981, through June 20, 1982, subject to approval by the Department of Public Safety.

#### Special Police Officers

Present: Police Chief Nicholas Lombardi; and John A. and Carol A. Stearns, applicants.

Relative to the Police Chief's recommendation of April 13, 1981, to appoint Mr. and Mrs. John A. Stearns as Special Police officers, Executive Secretary Richard E. Thompson explained that the Stearnses' request to be Special Police specifically for the 99 Restaurant had been withdrawn once they understood the Chief's procedure of using Special Police on a rotating basis, as needed, rather than appointing them to a specific assignment. Mr. Thompson noted for the record a letter received April 15, 1981, from the 99 Restaurant requesting the Stearnses as Special Police Officers for that establishment.

Selectman Murray explained to the Stearnses that the whole matter of Special Police Officers and Auxiliary Police is being reconsidered, and that the matter of appointing any Special Police Officers, at this time, including renewing annual appointments of current Special Police officers, has been taken under advisement. Following brief interviews of Mr. and Mrs. Stearns, Selectman Cossart pointed out that the Board is very glad the Stearnses are interested in serving and repeated that, until the matter is resolved, all appointments relative to Special Police officers are being held.

#### Vacancy - Sudbury Housing Authority

Present: Fire Chief Josiah F. Frost.

Following review of a list (compiled from the Talent Search List and other names suggested by the SHA) of possible candidates for contact relative to filling the vacancy on the Sudbury Housing Authority, the Board directed the Executive Secretary to send an application to everyone on the list - approximately 20 people.

Mr. Thompson stated that the Fire Chief had been mentioned as a candidate, but on the advise of Town Counsel that there could be a conflict of interest, the Selectmen and the Fire Chief agreed that he should not be considered.

Auctioneer License

It was on motion by Selectman Cossart unanimously

VOTED: To grant a one-day Auctioneer License to Thomas Herried of Collier Art Corporation, Los Angeles, for the purpose of accommodating the Lincoln-Sudbury Student Exchange Committee's Art Auction on May 16, 1981, in the Sudbury Town Hall, and to waive the customary license fee, as requested by Anne Strauss, Function Chairman of the Student Exchange Committee.

Fort Devens' Armed Forces Day

The Board acknowledged receipt of a communication dated April 23, 1981, from Colonel Richard J. Kattar, U. S. Army Commanding Officer, Fort Devens, relative to Fort Devens' Armed Forces Day observances on May 16, and May 17, 1981.

Executive Secretary Richard E. Thompson noted that Chairman Donald had received a separate invitation to attend the same and plans to attend. Selectman Donald stated that, in accordance with her invitation, she would like to extend this invitation to the Townspeople and hoped to do so through the local newspapers.

Multi-Group Health Plan Agreement

Executive Secretary Richard E. Thompson stated that the Board had held taking any action relative to an agreement with Multi-Group Health Plan at the April 27th meeting due to reservations by Town Counsel.

Town Counsel Paul L. Kenny stated that he had attempted to communicate his concerns to the Multi-Group regarding certain ambiguities, and, although there have not been any changes to the agreement to date, it was his opinion that the Board could sign the agreement; that by endorsing any group health plan agreements, the Board is not necessarily responsible for the benefits provided to members --- rather, it is the responsibility of eligible employees who elect to subscribe to a specific health plan to understand which benefits are and are not available.

Following discussion, it was on motion by Selectman Murray unanimously

VOTED: To authorize the Chairman of the Board of Selectmen to sign an agreement with Multi-Group Health Plan for the period May 10, 1981, through May 9, 1982, as approved by the Board April 1, 1981, making said plan available to eligible Town employees.

Responding to Selectman Cossart's concern regarding notification of the same to employees, Mr. Thompson stated that employees have received notification that group health plans are now available to them and have met with group representatives and further stated that he would send a copy of the notification letter to Selectman Cossart.

Minutes

It was on motion by Selectman Murray unanimously

VOTED: To approve the minutes of the Regular Session of April 27, 1981, as drafted.

Current Items of Interest

Property Tax Revaluation

Selectman Cossart requested the Executive Secretary to obtain the information from the Assessors relative to the inquiries made through him by Judy Mack on the revaluation figures for certain properties in Town so that he could respond to her as soon as possible. Mr. Thompson responded that he would try again to get that information from the Assessors.

Sperry Rand - Town Swim Program

Selectman Murray informed the Board of the progress in negotiating with Sperry Rand for the use of White Pond for the Town swim program.

Chief Frost was present and added that there is a history of the Town's use of that pond for its swim program.

Blue Cross-Blue Shield Optional Benefits Contract

It was on motion by Selectman Cossart unanimously

VOTED: To authorize the Chairman of the Board of Selectmen to sign the Blue Cross - Blue Shield Optional Medicare Extended Contract for the Town of Sudbury, dated April 24, 1981, for the period May 10, 1981, to May 9, 1982.

Massachusetts Municipal Association

Mr. Thompson referenced an "Alert on County Budgets" and related material from the MMA, received on May 1, and stated that the Board is on record in support of level funding for fiscal 1981-82.

Proposition 2 1/2

The Board authorized the Executive Secretary to send the prepared letter of May 4, 1981, from him, on behalf of the Board, to Mr. Robert Boyer of Lavanthol & Horwath responding to their communication of April 1, 1981, that their services will not be required in dealing with Proposition 2 1/2.

Chapter 705

Mr. Thompson called the Board's attention to a communication from the Board of Assessors written to the Sudbury Housing Authority, under date of April 23, 1981, relative to the Assessors' support for the concept of Chapter 705, and that they would abide by the April 17, 1974 Town Meeting action/direction if additional units were approved under the program for Sudbury.

Chairman Donald recessed the meeting at 8:55 p.m.; the meeting was called back to order at 9:05 p.m.

License Application - Automatic Amusement Devices - Sudbury Variety

Present: Richard J. Rogers, Sudbury Variety; Building Inspector Joseph E. Scammon; Police Chief Nicholas Lombardi; and Fire Chief Josiah F. Frost.

In consideration of an application of Richard J. Rogers, Sudbury Variety, 621C Boston Post Road, for a license to operate two automatic amusement devices at said location, Executive Secretary Richard E. Thompson noted receipt of the following communications:

- from the Fire Chief, dated May 1, 1981, stating no objection to the above-requested application;
- from the Board of Health, dated May 4, 1981, stating that the existing business is operating satisfactorily and no further comments; and
- from the Building Inspector, dated May 1, 1981, recommending conditional approval.

Applicant Richard J. Rogers of Sudbury Variety stated that he had copies of all the above-mentioned communications, and further, that he had scheduled an electrician to come in and do the work suggested by the Building Inspector

The Fire Chief commented that he had made an on-site inspection, and the area where the pinball machines have been installed was very orderly in that the establishment had placed a sign by the machines stating that no more than two players could use each machine at a time (for a total of four), and that there is a rear exit in that immediate area.

Selectman Cossart pointed out that the Building Inspector suggests a maximum of six players using the two machines.

Chief Lombardi indicated that he was generally not in favor of the use of these machines. Mr. Rogers stated that the pinball machines attract adults and older children.

Selectman Cossart expressed some concern regarding the compatibility of a variety store with pinball machines.

At the request of Selectman Cossart, who also expressed some apprehension relative to the amount of space in the immediate area of the pinball machines, it was on motion by Selectman Murray unanimously

VOTED: To postpone taking any action on the above-mentioned application until Selectman Cossart has had an opportunity to inspect the premises; consideration of the license application will be continued on May 11 at 7:45 p.m.



Automatic Amusement Device License Application - 416 Boston Post Road

Present: Building Inspector Joseph E. Scammon; Fire Chief Josiah F. Frost; Police Chief Nicholas Lombardi; and Antonio M. Giovane and Rodney DeMille, applicants.

In consideration of an application of Antonio M. Giovane, Rodney DeMille, and Mario Giovane for a license to operate automatic amusement devices in a new establishment to be known as "The Game Room", to be located at 416 Boston Post Road, Executive Secretary Richard E. Thompson noted receipt of the appropriate accompanying plans and the following communications:

- from the Building Inspector dated April 28, 1981, indicating that the above use is not one permitted or similar to one permitted, under the Town's zoning bylaw, noting that the Board of Appeals could grant a special permit if it found similarity with a permitted use; from the Building Inspector dated May 4, 1981, which he read, dealing with a special permit from the Board of Appeals for the proposed use and site plan requirements stating that the State building code would not permit such a change of use for a two-story building.

- from the Fire Chief, dated May 1, 1981, indicating that the present building does not meet the safety requirements of his Department; therefore, recommending that the application be denied at this time;

- from the Police Chief, dated April 30, 1981, stating opposition based on the "type" of person attracted by an amusement center and related area juvenile problems such as drug exchange, drinking in the parking area, and house breaks;

- from the Board of Health, dated May 4, 1981, with recommendations.

Building Inspector Joseph E. Scammon stated that he interpreted the State Building Code to mean that it would not allow the proposed operation if it were to be conducted in a two-story building.

Mr. Rodney DeMille stated that, upon further consideration, they had decided not to use the top floor of the building and to substantially reduce the activities of the amusement center, and asked if this would exempt them from the State Building Code. Mr. Scammon stated that he would look into it further.

Additionally, Mr. DeMille stated that they plan to only be open after school until 9:00 p.m. Mr. DeMille stated that the owner of the building has allowed them \$1,000 for rewiring, as required. Mr. DeMille commented that, as a Sudbury resident and father of young children, he is concerned with our youth and stated that the center will be properly supervised, adding that the Police Station is located directly across the street. Mr. DeMille asked that the Selectmen act favorably on his application.

Replying to the Executive Secretary relative to time restraints, Mr. DeMille stated that they are presently tenants-at-will and that they have made a deposit for two months rent, which is being held, pending action of the Board.

Following further discussion it was on motion by Selectman Cossart  
unanimously

VOTED: To table taking any action on the application of Antonio M. Giovane,  
et als for a license to operate automatic amusement devices in a new  
establishment to be known as "The Game Room", until May 11, 1981, at 8:00 p.m.  
to allow the Building Inspector to advise in accordance with tonight's  
discussion.

Selectman Murray suggested to the petitioners that they contact the Zoning  
Board of Appeals regarding the ramifications of a Special Permit or a variance  
since this is not an accepted use. Town Counsel stated that presently it  
appears that a variance, which is harder to obtain, would be required.

Change Order(s) - Police Station Addition

Present: Michael E. Melnick, Permanent Building Committee.

Following a brief explanation by Permanent Building Committee member  
Michael E. Melnick it was on motion by Selectman Cossart unanimously

VOTED: To authorize the Chairman of the Board of Selectmen to sign Change  
Order No. 5 for an addition of \$947 - a change in hardware, ceramic tile and  
the addition of an air conditioning unit in the Construction Contract dated  
October 6, 1980, with Hugh Construction Co., Inc., for alterations and additions  
to the Police Station; said Change Order was signed by representatives of  
Kubitz & Pepi Architects, Inc., and Hugo Construction Co., Inc., April 14 and  
April 20, respectively;

and it was further

VOTED: To authorize the Chairman of the Board of Selectmen to sign Change Order  
No. 6 for an addition of \$13,332 - a change of \$8,511 for a television monitoring  
system and a change of \$4,821 for air conditioning in the Construction Contract  
dated October 6, 1980, with Hugo Construction Co., Inc., for alterations and  
additions to the Police Station, contingent upon receiving the other change  
order for the fire alarm system totaling \$3,300; said Change Order was signed  
by a representative of Kubitz & Pepi Architects, Inc., May 4, 1981.

There being no further business to come before the Board, the meeting was  
adjourned at 9:45 p.m.

Attest:

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Richard E. Thompson  
Executive Secretary-Clerk