

IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 2, 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 Donald.

Appointments - Insurance Advisory Committee

Present: William P. Reed, Insurance Advisory Committee; Rita C. Cobb and Richard P. Stitt, applicants.

Following a brief interview and discussion, it was on motion by Selectman Murray unanimously

VOTED: To appoint Rita C. Cobb, 106 Willard Grant Road, and Richard P. Stitt, 29 Stone Root Lane, to the Insurance Advisory Committee, both for terms to expire April 30, 1982.

Town Counsel Paul L. Kenny swore in Mrs. Cobb and Mr. Stitt and notarized the appointment forms.

Massachusetts Selectmen's Association Warrant Articles

The Board reviewed the Massachusetts Selectmen's Association (MSA) Annual Statewide Town Meeting Warrant and expressed support of the recommendations of the MSA's Executive Board.

The Board spoke to, and strongly expressed its position on, Article 6 and 11, concurring with the Executive Board's opposition to the same.

Chairman Donald was authorized to represent the Board at the MSA's Annual Meeting commencing November 14, 1981, at the Dunfey Hyannis Hotel, Barnstable.

The Board acknowledged receipt of a communication dated October 19, 1981, from John C. Powers inquiring as to the Board's position on Article 11.

MBTA Advisory Board - Assessment to Sudbury

The Selectmen reviewed a communication dated October 20, 1981, from the MBTA Advisory Board requesting payment for an assessment to the Town of Sudbury in the amount of \$200 for the calendar year 1981.

Executive Secretary Richard E. Thompson responded to the Board that MBTA Designee Clifford Hughes had indicated to him, during a telephone conversation, that he did not have a definite recommendation for the Board on this subject.

Following a brief discussion, it was on motion by Chairman Donald unanimously

VOTED: To authorize an expenditure of \$200 from Account 501-81, Surveys and Studies, for the 1981 MBTA Advisory Board assessment.

Resolution - Returnable-Container Legislation

Following a brief discussion, it was on motion by Selectman Cossart

VOTED: To sign a proclamation supporting the passage of returnable-container legislation, and to forward copies to Governor Edward King, both Houses of the State Legislature, as well as to the Town of Dunstable in response to their communication received October 27, 1981.

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

Selectman Murray expressed his opposition to pursuing the passage of "The Bottle Bill" in this way based on his feeling that, unless legislation is passed on the national level, it would be inappropriate and ineffective.

Use of Community Sign

It was on motion unanimously

VOTED: To confirm the Board's telephone vote of October 29, 1981, approving a request from Lorraine Gandolphi, dated October 28, 1981 to use the Route 20 Community Sign, October 29-November 1, 1981, to publicize the Lincoln-Sudbury Regional High School flea market and craft fair to be held November 1.

Transfer - Building Department Overtime, Account #340-12

Following discussion, it was on motion by Selectman Murray unanimously

VOTED: To approve Request for Transfer No. 1024, dated October 30, 1981, from the Reserve Fund, to Account #340-12 Building Department Overtime and Extra Hire, in the amount of \$1,700 for temporary secretarial help through December 30, 1981, as explained in the numbered transfer.

At the suggestion of Selectman Cossart, Executive Secretary Richard E. Thompson stated that he would ask the Insurance Advisory Committee to explore the possibility of the Town purchasing non-union employee long-term disability insurance.

Application for Retail Package Goods License to Sell Wines and Malt Beverages - Sudbury Farms, 439 Boston Post Road

Present: Kevin E. Dolan, Manager, and Atty. Joesph F. Lyons, Roche Bros. Supermarkets, Inc., d/b/a Sudbury Farms; and Fire Chief Josiah F. Frost.

Chairman Donald convened a public hearing on the application of Kevin E. Dolan, Manager, Roche Bros. Supermarkets, Inc., d/b/a Sudbury Farms, for a retail package goods license to sell wines and malt beverages, to be exercised at 439 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 Chief of Police, dated October 27, 1981, stating no objection to the application;

- from the Fire Chief, dated October 26, 1981, stating no objection to the granting of this license;

- from the Board of Health, dated October 29, 1981, stating that a recent health inspection showed Sudbury Farms to be in compliance with the sanitary standards relative to retail food establishments; and

- from the Building Inspector, dated October 30, 1981, conditioning approval on the following: 1) padlocks on the west side emergency exit to be removed; 2) the east side emergency exit is to be operable without the use of a key; and 3) the description of the premises to delete, "Three exits, south side", since these are receiving or freight doors, not exits.

Mr. Thompson also noted receipt of the following documentation, required by the Board:

- Retail package goods store license application for the sale of wines and malt beverages, dated September 25, 1981;

- a Statement (under Chapter 652, Acts of 1955) of persons having beneficial interest in said license, dated September 25, 1981;

- the Roche Bros. Supermarket, Inc., Certificate of Vote, dated September 25, 1981, naming Kevin E. Dolan, Manager, and authorizing the application; and

- a certification dated September 28, 1981, from the Office of the Secretary of State stating the legal name and existence of said Corporation.

Responding to Selectman Murray, Manager Kevin E. Dolan stated that he was aware of the Building Inspector's recommendations and stated that the padlocks on the west side emergency exit are used during weekends and when the store is otherwise closed, and that the east side emergency exit, which he always considered a receiving dock, will require a different lock. Responding to Selectman Cossart, Mr. Dolan stated he would take care of complying with the Building Inspector's requests right away.

Responding to Selectman Murray's question, Mr. Dolan stated that the mechanics of selling the beer and wine have not been worked out yet, since they have to take into consideration the age of the cashier. This poses a problem for them in the afternoon, since this is when all of the cashiers are teenagers. Mr. Dolan added that some considerations may be to man one of the cash registers accordingly, or use a separate cash register entirely for the beer and wine sales.

During discussion relative to restrictions on the sale of certain grocery items on Sundays, Mr. Dolan stated that they have roped off these areas, and that it has been very effective, especially more recently because of some improvements in the way the aisles are roped off.

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

VOTED: To grant a retail package goods store license to sell wines and malt beverages only, to Kevin E. Dolan, Manager, Roche Bros. Supermarkets, Inc., d/b/a Sudbury Farms, to be exercised at property located at 439 Boston Post Road, subject to approval by the Massachusetts Alcoholic Beverages Control Commission and compliance with the recommendations of the Building Inspector in his report of October 30, 1981.

It was noted for the record that there were no abutters present.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular Session and the Town Fathers Forum of October 26, 1981, both as amended; and the Executive Session minutes of that date as drafted.

Chairman Donald abstained as she was not present at the above meetings.

Proclamations

It was on motion by Selectman Murray unanimously

VOTED: To sign the following proclamations:

a. to congratulate Roger Allan Bump for his twenty-five years in the field of broadcasting and community service; and

b. to express appreciation to the Sudbury Rochambeau group for its participation in the recent Yorktown Battle re-enactment.

Current Items of Interest

Revenue Sharing

Chairman Donald referenced an article in the October, 1981, publication of The Beacon, and at her request, the Board directed the Executive Secretary to send a letter to Congressman Barney Frank urging the retention of the revenue sharing program at its current funding levels.

Park and Recreation Meeting

Selectman Murray reported on a recent meeting of the Park and Recreation Commission during which there was lengthy discussion on: 1) the possibility of the Park and Recreation Commissioners assuming the responsibilities for the Teen

Center; and 2) the possibility of their hiring a permanent Recreation Director. Additionally, Selectman Murray reported that at the meeting, there was a Concord resident present who explained how the Teen Center had been handled in Concord. Selectman Murray stated that he would like to meet with this person again, along with the Executive Secretary, with the idea that possibly Sudbury could instigate a similar program in Sudbury through the Park and Recreation Commission.

Baptist Convention

At the telephone request of David Dean, Minister of the Baptist Church on Landham Road, Selectman Murray expressed his willingness to say a few words of welcome to approximately 200 convention delegates at the Southern Baptist Convention, Friday, November 6, at 1:00 p.m.

Lincoln-Sudbury Exchange Student Open House

Mr. Thompson informed the Board of an open house to meet and talk with Lincoln-Sudbury exchange students, to be held at the Goodnow Library, November 8th between 3:00-5:00 p.m.

Department of Revenue Certification

Mr. Thompson reported that all appropriate Town Officials have been diligently working with the State Department of Revenue in an effort to reach certification of our tax rates as soon as possible.

Noyes Property

Earlier in the evening, Town Counsel confirmed that it would be appropriate for the Town Engineer to assume all of the responsibilities for inspection and review of plans, normally the duty of the Highway Surveyor, in conjunction with the subdivision of the Noyes family property on Peakham Road, as requested by Highway Surveyor Robert A. Noyes, to avoid any conflict of interest on his part. Mr. Thompson stated that the Town Engineer is willing to accept these added responsibilities.

Articles for Selectmen Submission

The Board approved, at its October 19th meeting, a list of articles, prepared under the date of October 15, 1981, for the 1982 Annual Town Meeting.

Following discussion, the Board concurred to include two additional articles to that list dealing with insurance for surviving spouses and an inflammables storage bylaw.

Chairman Donald suggested that the Insurance Advisory Committee be requested to advise the Board regarding the preparation and inclusion of the insurance article. Mr. Thompson stated he would follow through on that.

Selectmen's Submission - Capital Improvement Program

Present: Frederick P. Armstrong, III, Long Range Capital Expenditures Committee;
Fire Chief Josiah F. Frost.

Relative to Capital Improvement projects related to the Fire Department, the Fire Chief commented, as follows:

1) He feels the aerial ladder is necessary particularly because of the minimal manning which the Fire Department is faced with in FY82-83, and should be included in the Capital Improvement projects for FY82-83. Selectman Murray expressed his opinion that the Chief's explanation of the need for an aerial ladder is directly affected by his request for four additional civilian dispatchers, which would, in turn, free up firefighters. The Chief stated that the civilian dispatchers would only free up firefighters to cut down on the overtime and bring the Department back to where it was two years ago. Selectman Murray questioned where the aerial ladder would be housed. The Chief stated that this would not be a problem, as he would shift around some of the Department's vehicles.

Selectman Cossart added his opinion that the Town could not afford an aerial ladder at this time unless there is some pay back. The Chief stated that the Town will not save money by purchasing an aerial ladder but that property value would be saved. The Chief further stated that he would not submit this project for the Capital Improvement Report without the support of the Selectmen.

Selectman Murray said that he would like to spend some more time with the Chief and review the subject in terms of the Department's budget, manpower, etc. The Chief agreed to meet with Selectman Murray at his convenience.

2) He feels submission of the new Fire Station project is not feasible at this time, as much as he would like to see progress here. This would be a Selectmen's submission.

3) The Fire Engine Service Life Extension project would be an on-going program, the Chief stated, and would not end in FY82-83. The Selectmen agreed with the Chief that they would like to see this project continue.

During discussion of the Selectmen's submission of Capital Improvement projects - Town Hall Renovations, Fire Station Headquarters, and Hosmer House Preservation - Executive Secretary Richard E. Thompson reminded the Board that they will meet with the Town Facilities Committee on November 9th, at which time, there may be some further development of plans for the excessed Town Buildings in relation to Fire Station Headquarters and Town Hall renovations. Mr. Thompson said that it may be difficult to meet the November deadline for submittal to the Long Range Capital Expenditures Committee (LRCEC), requested by that Committee, for these items, but recommended that they, and the aerial ladder, be included in the Capital Improvement Report explaining that a future need for these items still remains.

Selectman Cossart recommended that the Town Hall renovations and Fire Station construction projects and the aerial ladder not be included in projected capital outlay schedules of this year's CIP, and that the Hosmer House report be held pending a meeting with the Historical Commission. The Board agreed, with the stipulation that those items not included be mentioned as part of the narrative report for future planning purposes. Selectman Cossart also expressed concern that the Historical Commission was not progressing as well as it had anticipated they would in terms of raising money for the restoration of the Hosmer House, and directed the Executive Secretary to schedule a meeting with the Commission to discuss the same in conjunction with a report for inclusion in the Long Range report.

Responding to the Selectmen, LRCEC Chairman Frederick P. Armstrong stated that the Committee is requesting that the Capital Improvement projects be submitted by the individual departments/boards by the middle of November. The Committee will then meet with those individual departments for a complete understanding of the project(s). In January, the LRCEC will begin drafting the Capital Improvement Program Report so that it can be printed by the end of February.

Automatic Amusement Devices - Sudbury Variety, 621C Boston Post Road

Present: Richard J. Rogers, applicant; James McCarthy of Colonial Hutch, abutter; Wolfgang Bursh, President of New England Games, Inc.; 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 additional automatic amusement devices at said location, Executive Secretary Richard E. Thompson noted receipt of the following communications:

- from the Fire Chief, dated October 19, 1981, conditioning approval on the installation of a minimum five pound fire extinguisher of Class C capability and the use of a "no smoking" sign posted in the machine area, as recommended in a report, dated October 16, 1981, from Michael Dunne, Fire Prevention Officer;

- from the Police Chief, dated October 23, 1981, stating no objections to the application;

- from the Board of Health, dated October 30, 1981, stating sanitary inspection was satisfactory; and

- from the Building Inspector, dated October 30, 1981, approving the application and setting a limit of a six person capacity in the area of the total of 4 machines/devices.

Mr. Wolfgang Bursh, President of New England Games, Inc., spoke on behalf of the applicant for the installation of two additional devices based on past experience, allowed use under Town zoning, and petition, dated September 1, 1981, signed by approximately one hundred Sudbury residents, favoring the application.

Abutter James McCarthy of the Colonial Hutch stated that, to his knowledge, no abutters had been officially notified of tonight's hearing. Mr. Thompson confirmed that was true and not required by statute. Mr. McCarthy expressed opposition to the application based on the incompatibility of their adjacent businesses, and the "hanging out" of young people in a package store!

Mr. McCarthy continued, citing two examples of the types of problems associated with these young children in Sudbury Variety because of the video games.

One night a 13-year old boy was loitering on the front porch asking everyone who approached the complex to buy him a six-pack.

Another time, because of the location of the machines by the rear door, children had stolen alcoholic beverages.

Mr. McCarthy stated that he and Mr. Rogers have had a good relationship in the past, noting that he had spoken in favor of the initial application by Mr. Rogers for automatic amusement devices last May.

Mr. Rogers stated that he appreciates Mr. McCarthy's honesty. Additionally, he stated his awareness of the problems he cited, and that the children involved are not allowed back in his store. Mr. Rogers stated that his main objective is to make a living, but also in the spirit of a neighborhood store, he wants to give these kids some place to go. Mr. Rogers explained that for personal reasons he has not been in the store as frequently as he had been in the past or would like to be, and that he will deal with that problem immediately.

Mr. Rogers stated that he had been taken to the Sudbury Police Station on three occasions for selling to minors, and that in each case, was able to confirm that identity cards had been used illegally.

Responding to Selectman Donald, Mr. Rogers stated that he usually fluctuates between one and two employees in the store at one time, as required, stating again that the children are well supervised when in the store.

Mr. Bursh suggested approval conditioned on the removal of the machines if the situation becomes unsatisfactory, or a trial period of sixty-ninety (60-90) days.

Mr. McCarthy stated that it was his understanding that the landlord did not approve of the application. Mr. Rogers stated that the landlord did not necessarily object but only indicated that if he had to depend on video machines to pay his bills he should not be there.

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

VOTED: To disapprove an application of Richard J. Rogers, Sudbury Variety, 621C Boston Post Road, for a license to operate two additional automatic amusement devices at said location.

Performance Review - Richard E. Thompson, Executive Secretary

In accordance with the Selectmen's Performance Review Policy, the Board met with Executive Secretary Richard E. Thompson.

The Board acknowledged receipt of the Executive Secretary's report, dated October 26, 1981, outlining the major activities and accomplishments of the Selectmen's office over the past year, and reviewed the same.

Mr. Thompson stated that the office is doing a superb job keeping up with the hectic weekly pace; additionally, assisting other departments, coordinating excessed school building matters, performing collective bargaining work, solving assessing valuation problems, and keeping up with the Proposition 2 1/2 legislation.

Mr. Thompson further stated that the Board was kept constantly informed of Proposition 2 1/2 legislation and its local impact. Proof of this is that the final position of the Finance Committee and the April Annual and June Special Town Meeting was that espoused and supported by the Selectmen in the Executive Secretary's communication of March 4, 1981, to the then Finance Committee Chairman Joseph Slomski.

Mr. Thompson stated that the most important goal for next year, as he sees it, would be for the Selectmen's office to take a leadership role in the determination of allocation of scarce local resources. Sudbury's Town government runs very efficiently. There is no fat and are no frills in the budgets. Mr. Thompson stated we have amalgamated, centralized, studied cost benefits, made innovations and will continue to do more, but there is no more latitude after last year's 2 1/2 cuts to do much more budget cutting. Mr. Thompson further stated that we must maintain current levels of budgets plus salary increases...to do otherwise the long-range effects will be to the detriment of the Town. Mr. Thompson noted that it will be a difficult chore, but challenging, and the Selectmen's office and he will provide whatever staff support and time to accomplish the task.

Mr. Thompson reported that he has asked Management Improvement Corporation of America (MICA) to do a feasibility study of the Town communications network. No close attention has been given to this area of personal concern for several years. The need is immediate and so is the payback; with the location change of the school administration and possibly that of some Town departments, the task must be performed. In summary on this point, Mr. Thompson stated he intends to use MICA to the Town's fullest advantage.

Selectman Murray suggested that the Executive Secretary and the Selectmen's office job was going to become more difficult in the years ahead and asked that the Selectmen be advised of any way they could help relieve the pressure or workload.

Selectman Cossart strongly suggested that last year's objectives were "of an on-going nature", and should be worked on in the ensuing year; adding that this was meant to be a positive and not a critical statement.

Selectman Cossart commended Mr. Thompson for the preciseness of his work and stated that he was one of the outstanding Executive Secretaries in the State.

Selectman Murray stated that Mr. Thompson has done a superb job this past year; Chairman Donald recognized Mr. Thompson's assistance in her role as Chairman of the Board.

The Board concurred with and supported Mr. Thompson's plans concerning his upcoming vacation next summer as mentioned in his October 26, 1981, annual report.

Executive Session

At 10:00 p.m. it was on motion by roll call

VOTED: To enter into Executive Session for the purpose of discussing the reputation and character, physical condition or mental health rather than the professional competence of a single individual.

(Roll call vote: Chairman Donald, In favor; Selectman Cossart, in favor; Selectman Murray, in favor.)

Chairman Donald announced that Open Session would not reconvene following the Executive Session.

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

Attest: _____

Richard E. Thompson
Executive Secretary-Clerk