

IN BOARD OF SELECTMEN  
MONDAY, FEBRUARY 1, 1982

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 by Chairman Anne W. Donald at 7:30 p.m.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the Regular and Executive Sessions and the Town Fathers Forum of January 25, 1982, all as drafted.

Street Layouts - 1982 Annual Town Meeting

It was on motion unanimously

VOTED: That the Board intends to lay out the following ways, as described in Articles 8 and 9 for the 1982 Annual Town Meeting, at its regular meeting of March 22, 1982; that proper notice of the Board's intention to lay out those ways be given to the owners of the properties in question not less than seven days before such date; and that the proposed layouts be referred, by February 4, 1982, to the Planning Board for its report thereon:

Bishop Lane	Philemon Whale Lane
Buckmaster Drive	Thompson Drive
Field Road	Willow Road
Munnings Drive	Dudley Road

Off-Street Parking

Regarding a communication dated January 22, 1982, from Town Engineer and Planning Board Agent James V. Merloni suggesting consideration be given to revise and upgrade engineering and safety standards within the Town's current Off-Street Parking Bylaw (Art. IX, Sec. V, parts B & C), the Executive Secretary was directed to schedule a joint meeting with the Town Engineer to discuss the same.

Long-Term Disability Insurance

The Board acknowledged receipt of a communication, dated January 21, 1982, from the Insurance Advisory Committee, responding to the Board's request for information on the subject of long-term disability insurance.

Following discussion the Board directed the Executive Secretary to confirm the number of Town non-union employees who would be covered under such a policy, and to contact Hall's Insurance Company for some specifics, such as, the cost and the eligibility requirements of this coverage.

Actuarial Study

Executive Secretary Richard E. Thompson reviewed with the Board, proposals which had been received from firms interested in performing a financial and actuarial study of the Town's future pension costs, which was authorized under Article 25 of the 1981 Annual Town Meeting. Mr. Thompson stated that Town Counsel's office had reviewed the proposals.

It was agreed that the Executive Secretary should interview the firms of William M. Mercer, Inc., Boston; The Wyatt Co., Wellesley; and Martin E. Segal Company, Boston; he is to report back to the Board with his final recommendation.

Shick Property

Present: Judith Mack and Eric F. Menoyo, Sudbury Valley Trustees.

Executive Secretary Richard E. Thompson reviewed information regarding the financial package put together by the Conservation Commission, the Sudbury Valley Trustees and the Massachusetts Farm and Conservation Lands Trust hoping to match a \$152,000 bid for the purchase of the Shick property on Lincoln Road. Mr. Thompson informed the Board that the Conservation Commission's fund at present has an estimated unencumbered balance of \$51,892. Mr. Thompson stated that the Commission had voted over the weekend to use \$27,000 from that balance to meet the amount needed to complete the total bid price.

Mr. Thompson stated that, if the Town should decide to exercise its option to purchase the land within the February 16th deadline, the Commission suggests that it be subject to Town Meeting approval of use of monies from the Conservation fund.

Town Counsel Paul L. Kenny stated that, from information he had received from the Farmer's Home Administration, it appears they would not accept an offer from the Town unless there is a firm commitment of funds. In other words, he did not feel that they would hold the land on an offer from the Town which was contingent upon Town Meeting approval, but would most likely hold the land if money had been appropriated and was available by a time certain.

Mr. Thompson suggested that the land conveyance would require two transactions: the purchase by the Town, and a subsequent transfer of land to a farmer with an Agricultural Preservation Restriction for a price of \$30,000.

Mr. Thompson further suggested that the Conservation Commission could appropriate an additional \$15,000; then it would not be necessary for the Sudbury Valley Trustees to contribute this amount, and therefore, not necessary for the Town to appropriate and repay SVT at a later date. Town Counsel stated that, if the land is purchased with Conservation money, then the Town would be under the restriction of the constitutional amendment (Article 97), which means the Town would need a 2/3 vote of the State Legislature to transfer the parcel of land to the farmer, who is currently offering to contribute \$30,000 toward the purchase package.

Mr. Thompson stated that a Town Meeting article would be required to deal with the constitutional amendment requirement, plus an article approving the transfer of conservation fund monies to complete this purchase.

Regarding the use of a portion of the land under the Agricultural Preservation Restriction, Mr. Kenny stated that there may be a chance that the farmer would allow Town use for trails, etc., of the same if it did not interfere with the agricultural use.

Regarding the possibility that the prospective buyer, the high bidder, purchases the land, Town Counsel stated that there is possibly a maximum of 10 acres which can be developed and perhaps it would be possible that the remaining land would be donated to the Town by the developer for conservation purposes.

Mr. Thompson stated that Mr. Ward (MFCLT) indicated publicly that the prospective private purchaser (Mr. Watt) had indicated his willingness to discuss conservation restrictions.

Judith Mack of the Sudbury Valley Trustees said that the SVT were concerned that the frontage not be developed so that the appearance of the land would remain unchanged and stated that this would be the portion of the land which would be developed if the prospective buyer did purchase it.

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

VOTED: To table until February 8, 1982, any further discussion and action on the above subject; and directed the Executive Secretary to request that Mr. Ward inquire of Mr. Watt (the current bid holder of the so-called Shick Land) his willingness to work with the Town on possible conservation restrictions for certain portions of the land.

Site Plan #81-240 Gold Star Nurseries, Codjer Lane

Present: Arthur Gaklis, Gregory Gaklis, General Manager David Wright, Engineer Carlton B. Colburn, Jr., Atty. John C. Powers and Horticulturist Kevin Miles, Gold Star Nurseries; Building Inspector Joseph E. Scammon; Atty. Robert Dionisi, representing abutter, Jill Holden; and approximately ten abutters.

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered Site Plan Application 81-240 of Gold Star Nurseries, for property located in the Industrial Park on Codjer Lane, owned by Melgrove Realty Trust, approximately 19 acres to be used for a wholesale nursery business.

Executive Secretary Richard E. Thompson stated that all appropriate Town officials and abutters had been notified, and that the following communications had been received:

- from the Building Inspector, dated January 29, 1982, noting several comments/concerns;
- from the Town Engineer, dated January 18, 1982, recommending conditional approval;

- from the Planning Board, dated January 19, 1982, recommending conditional approval;
- from the Conservation Commission, dated January 14, 1982, stating that a Wetlands Protection Act hearing is necessary and expressing concern regarding fertilizer to be used on the site with relation to its effect on Hop Brook;
- from the Board of Health, dated January 25, 1982, recommending conditional approval; and
- a telephone message on January 21, 1982, from abutter Jill Holden asking that the hearing be postponed and agreeing with Mr. Thompson's suggestion that any decision be held for her input. She and her husband are currently out of state.

The Building Inspector was present and had the Gold Star Nursery site plan entitled, "Proposed Site Plan in Sudbury, Mass.", dated December 11, 1981, revised December 14, 1981.

Atty. Dionisi speaking on behalf of his client, petitioned the Selectmen to postpone its decision until the Holdens have had an opportunity to provide input to the Board.

Selectman Cossart expressed his opinion, and the other Board members agreed, that the hearing should proceed tonight with the intention of resolving it (Atty. Dionisi is present on behalf of the Holdens), and, if for any reason the site plan hearing is continued, Mrs. Holden would then have an opportunity to give her input.

Town Counsel Paul L. Kenny stated that either option is available to the Board.

Atty. Powers, for Gold Star Nurseries, explained the plans are for a wholesale business and include supplying garden centers and landscape architects only - there would be no retail sales. Further, the site will house an office building, which would be the home base for the business owned by Mr. Gaklis with other locations in Massachusetts and New Hampshire, and an area for the assembly of plant materials.

Atty. Powers explained why Mr. Gaklis feels this location in the Industrial Park is an ideal one for the proposed use, and, at the same time, pointed out it would be in line with the horticultural traditions of the Town. Atty. Powers stated his opinion that the proposed use would not in any way be prohibited under the Town Bylaw IX (III,C,3), Industrial Park Districts.

Atty. Powers addressed the concerns of Town Boards, departments and committees, as follows:

- He understands that a Wetlands Protection Act hearing is necessary. Horticulturist Kevin Miles, also the grower for Gold Star, later stated that only over-the-counter, no restricted, pesticides would be used by means of a small hand sprayer. Any fertilizer used would be applied directly to the plant soil inside containers.

- Regarding Board of Health concerns, Mr. Powers stated that Town water will be extended from the Horse Pond Road location with the approval of the Water District; also, he will provide an engineering plan for subsurface sewage disposal and will file a report regarding the use and disposal for potentially hazardous chemicals, pesticides and herbicides (none used).

- Atty. Powers stated that they are prepared to meet the Town Engineer's recommendation to pave that portion of Codjer Lane from Horse Pond Road to the proposed entrance into Gold Star Nurseries, 24 feet wide, three inches thick and conform to Town standards - a gravel roadway would not be adequate or in the best interest of the Town - although Codjer Lane is a public way and the actual legal obligations may be another matter.

- Regarding the Planning Board's concern that a determination be made whether the portion of Codjer Lane which extends into the Residential District can be used to service the Industrial District, Atty. Powers pointed out that Codjer Lane served as a roadway for business and commercial use since its inception, including the more recent trucking of sand and gravel. It is the only road serving the Industrial Park, a matter well known at the time of zoning. The residential use on Horse Pond Road came long after that road was used for business and commercial purposes.

- Atty. Powers stated that the proper wording would be placed on the site plan incorporating the Building Inspector's concern that the spot lights mounted at the west end corner of the proposed building should not be directed toward the residences on Horse Pond Road. Also, regarding the Building Inspector's concern that some plant beds are less than the required two hundred foot buffer from the road (Bylaw III,C,d), Atty. Powers stated his opinion that the plant beds in question are not structures, therefore, does not apply. Mr. Powers stated it will not be necessary to clear trees within the two hundred foot buffer zone. Mr. Powers stated that there will be no commercial vehicles garaged on site, therefore, the requirement of an enclosed building is inapplicable. Mr. Gaklis confirmed that no tractor-trailer trucks would remain on site.

Regarding outside storage, a concern of the Building Inspector, under Bylaw E,7 which provides that the same shall not exceed in ground area a space equal to the number of square feet occupied by the building, Engineer Carlton Colburn confirmed that the outside storage would be approximately half (34,000 square feet) of the structure area (62,000 square feet more or less).

Atty. Powers requested that the Board approve the site plan subject to approval from the Board of Health, the Town Engineer, the Conservation Commission and the Sign Review Board. Mr. Powers expressed his opinion that no other approvals would be necessary.

Mr. and Mrs. Lawrence F. Smith were present and expressed concern that the easement adjacent to their property to Horse Pond Road would not be used as an access/egress to the Industrial Park. They were assured that at this time there were no plans to use the easement for that purpose and that future use of the same would be restricted to approval by the various Town boards/committees/departments. The Board asked that the plan show the easement will not be used for access to the site.

Atty. Dionisi stated that he felt he was at a disadvantage this evening to present his case, being that he had just seen the site plan briefly today.

Mr. Dionisi stated that he would like to address the following points further at a subsequent meeting; if possible:

- the validity of Codjer Lane being a public way;
- whether the proposed use is applicable under the Zoning Bylaw.

Town Counsel responded that Codjer Lane was laid out as a private way open to the public.

Regarding zoning, Mr. Kenny stated that it is not absolutely clear. While a State zoning act allows for agricultural/horticultural use, under the local Bylaw, it is not clear if the proposed use is permitted.

Relative to Codjer Lane being accessible to the public, Atty. Powers pointed out the following: Town Counsel's opinion of 1976 regarding Codjer Lane and the Town Meeting record and history of Codjer Lane going back 150 years; and the fact that Codjer Lane appears on the official map of the Town, adopted by the Town Meeting at the request of the Planning Board. Regarding use, the Earth Removal Board and others have approved the removal of sand and gravel off that site via access on to Horse Pond Road for a number of years.

Atty. Powers went on to say that when you are dealing with a Town bylaw you look at uses and uses change as time goes by. Under the Industrial Park Bylaw, uses include processing, fabrication, assembly and storage, and Gold Star plans to do all of those.

At the conclusion of discussion Selectman Murray suggested that the matter be taken under advisement, and it was on motion by Selectman Cossart unanimously

VOTED: To table any action on Site Plan 81-240 of Gold Star Nurseries for one week to February 8 in order to confer with Town Counsel.

Town Counsel referred both Attys. Powers and Dionisi to the Massachusetts Appeals Court decision in D'Orlando vs. Board of Appeals of Danvers, 5 Massachusetts Appeals Court, 824, (1977), relative to interpretation of the bylaw.

Selectman Cossart asked the applicants to be prepared to respond to the possible restriction by the Selectmen of the secondary access/egress to the site via Horse Pond Road. Atty. Powers responded in the affirmative.

Appointments: Cable Advisory Committee

Present: Joseph D. Bausk and Roger Allan Bump, Cable Advisory Committee; and Anthony Kreisel, Michael J. Shapanka, Kenneth Brown, Peggie Anne Ward, William H. Eburn, Jr., and P. Jeremy Smith, candidates.

Chairman Donald welcomed applicants to the Cable Advisory Committee for interviews.

Following questions and discussion regarding qualifications and interest concerning cable television with the various candidates, Chairman Donald asked if any of the applicants had any financial interest, personally or by any family member, in cable television franchises. A negative response was received from all candidates.

Upon agreeing that an eight-member committee, rather than a five-member committee as previously decided would be acceptable, it was on motion unanimously

VOTED: To appoint the following persons to the Cable Advisory Committee:

- William H. Eburn, Jr., 506 Dutton Road;
- Kenneth E. Brown, 5 Homestead Road;
- Michael J. Shapanka, 170 Wayside Inn Road;
- P. Jeremy Smith, 294 Old Lancaster Road;
- Margaret Anne Ward, 210 Horse Pond Road; and
- Anthony I. Kreisel, 79 Firecut Lane.

The newly appointed Cable Advisory Committee met briefly to organize, and later in the evening came back to the Board with the following information: they tentatively plan to meet on the first and third Monday monthly at 7:30 p.m. at the Loring Parsonage; the Chairman is Roger Bump, the Co-Chairman, P. Jeremy Smith, and the Secretary, William Eburn.

#### Sudbury House - License Violation Hearing

Present: Mr. and Mrs. Gerald W. Brogna, Sudbury House; Police Sergeants Peter B. Lembo and Peter G. Sullivan and Police Officer Thomas S. Miller.

Chairman Donald convened a public hearing on the question of whether or not the terms of the Common Victualler All-Alcoholic Beverages License, issued to Gerald W. Brogna, Manager of the Sudbury House, Inc., 410 Boston Post Road, had been violated; said hearing was precipitated by Police Chief Nicholas Lombardi, by request dated January 18, 1982, enclosing two reports concerning after hours operation of the said license on January 16th and 17th and recommending suspension.

Sergeant Peter Lembo stated that a total of five police reports had been submitted by various police officers regarding license violations at said location on the following dates: May 16, September 16 and September 26, 1981, and January 16 and 17, 1982.

Sergeant Peter G. Sullivan introduced himself and stated that he was the shift commander for the midnight to 8:00 a.m. shift. One of his duties is to be in charge of three additional patrolmen who are on the road at all times, and one officer who remains at the station. One of the duties of the patrolmen is to see that the liquor licensed establishments adhere to the laws.

Sergeant Sullivan stated that the police had noticed, over a period of time, that this did not appear to be the case at the Sudbury House. Contrary to the hours of operation allowed under their Common Victualler All-Alcoholic Beverages License, they have been remaining open after 1:00 a.m.

Sergeant Sullivan reported that on May 16, 1981, at 1:34 a.m. he and two back-up officers observed the following at the Sudbury House:

there were twenty-four vehicles parked in the front and rear parking lots, and through the windows they could see that it was quite crowded inside. The three officers walked into The Sudbury House and noticed twenty-two people were standing or sitting at the bar - half of them had full drinks in their hands; fifteen to twenty more people were standing around away from the bar and many of them had drinks in their hands. Sergeant Sullivan and Officer Earle D. Ryder went behind the bar and asked the gentleman behind the bar to identify himself (asked him for identification) and whether he was in charge. The man identified himself as Kerri P. Hefferman, 52 Davison Road, Framingham, who stated he was in charge. Sergeant Sullivan informed him that it was 1:40 a.m. and that the customers should be off the premises. Mr. Hefferman reported that he could not handle the crowd, and Sergeant Sullivan stated that he should not be in charge in that case. Sergeant Sullivan stated that, although Mr. Hefferman stated he had served the drinks before 1:00 a.m., it was obvious to him that the drinks had been served after 1:00 a.m. because half of the people had full drinks. (There was a young lady behind the bar who claimed to be the assistant bartender.) Sergeant Sullivan stated that, as a result of this incident, he filed a report with the Chief of Police and requested a hearing with the Board of Selectmen. He and the Chief later conferred and decided that, in fairness to Mr. Brogna, who had always been cooperative in the past, it would be best to call him in and advise him of the situation. Mr. Brogna met with the Police Chief at the Police Station and was given a verbal reprimand. He told the Chief that he would correct the problem at the establishment. Sergeant Sullivan expressed his opinion that things have not changed.

Sergeant Peter Lembo reported that in approximately February or March of 1981, Officer Peter S. Langmaid and himself, while looking for a burglary suspect, went into The Sudbury House and found the suspect at the bar; he was a nineteen-year-old boy being served by Mr. Brogna's son Gerald. The officers took the boy into custody and gave Gerald Brogna a verbal reprimand at that time. Sergeant Lembo said that the senior Mr. Brogna had always been cooperative in the past.

On September 16, 1981, Sergeant Lembo reported that Officer Raymond J. Spinelli, Sr., saw lights on (after 1:00 a.m.) at The Sudbury House, five vehicles in the parking lot, and heard music coming from inside the building. Through the window, Officer Spinelli observed drinks being served and beer on the bar. When Officer Spinelli knocked on the door, Mr. Brogna's son, Richard Brogna answered and stated that they were just leaving. Officer Spinelli stated that it was time to get everyone out and the place was cleared.

The police Incident Reports of January 16 and 17, 1982, involving The Sudbury House, were read by Officer Thomas S. Miller, as follows:

- 1) "On January 16, 1982 at approximately 2:30 a.m. while on patrol checking buildings Officer Miller observed people entering and leaving The Sudbury House through the rear door.

Officer Miller notified the station that he was going in to check on this activity as closing time is 1:00 a.m. Friday nights. Officers Flynn and Harris were assigned to backup.



Officers Miller, Flynn and Harris entered The Sudbury House and were met by a man who identified himself as the owner's son, Richard Brogna, Trapelo Road, Lincoln. Brogna stated that he was in charge.

Officer Miller observed four people at the bar with drinks in front of them. Upon inquiry by Officer Miller, Brogna stated that the people at the bar were friends of his who had arrived while he was cleaning up. Officer Miller inquired if any of these people were employees and Brogna indicated that one of the two girls seated at the bar was an employee.

Officer Miller then asked her for identification and when she went to hand it to Miller, Brogna took the ID away from her and said that the officers would not and could not see her ID.

Brogna began yelling at the officers stating that he had never been so insultingly treated in the 12 years he had been in Sudbury. Brogna stated that the officers had no right to hassle him or the people in his place by asking them for ID's. Officer Miller informed Brogna that his liquor license entitled the officers to enter the premises and check ID.

During this conversation Officer Miller observed that Brogna had a strong odor of alcohol on his breath, his eyes were glassy and red, and that his speech was slurred.

At this time the girl took her ID back and handed it to Officer Miller and identified herself as Regan M. Sheridan, 45 Harness Lane, Sudbury.

Brogna then stated that Sheridan was not working that night and that she was just hanging around with the others.

Officer Miller informed Brogna that the time was now 2:36 a.m. and that everyone should be out of the establishment and the bar cleared of liquor and drinks.

Officers Miller, Harris and Flynn then left the premises and returned to normal patrol duties.

NOTE:

On several occasions Sergeant Sullivan, Officers Flynn, Miller and Harris have been flagged down and asked directions to the private party at The Sudbury House. These occasions were over a period of time of two or three months."

Officer Miller stated that the above-noted inquiries took place at 2:00-3:00 a.m., and that he was usually too busy with other police duties to check into them further. Officer Miller noted that on one occasion he covered an accident of a 19-year-old who stated he had just left The Sudbury House at approximately 1:30 a.m.

- 2) "On January 17, 1982 at approximately 2:56 a.m. while on patrol Officer Miller observed several vehicles parked in the parking lot of The Sudbury House. Officer Miller observed through the front window a large group of people at the bar drinking.

Officer Miller called his patrol supervisor Sergeant Sullivan by radio and informed him of this activity. Sergeant Sullivan requested that Officers Miller and Harris meet him in the parking lot of The Sudbury House.

The officers found the rear door locked. The officers then went to the front door and knocked. They did not receive an answer. The officers continued knocking and observed through the window that the persons seated at the bar were placing drinks and bottles of beer behind the bar, on the floor and concealed between their legs.

After a period of time, 2 or 3 minutes, the officers received a reply from the interior asking who was there, and what did they want. Officer Miller announced that they were police officers and that the door be opened. A reply from the interior asked what the police officers wanted and did they have a search warrant.

Sergeant Sullivan identified himself as Sergeant Sullivan of the Sudbury Police Department and stated he wanted the door opened to check the premises.

The front door was opened and Gerald Brogna stood in the open doorway asking what the officers wanted. Officer Miller observed that Gerald Brogna had a drink in his hand, had a strong odor of alcohol on his breath. Sergeant Sullivan then stated that it was now 3:07 a.m. and asked why they were still open. The officers entered the establishment at this time.

Officer Miller observed that there were drinks and bottles of beer on tables away from the bar and a couple of patrons had bottles of beer between their legs. The top of the bar was clear.

Gerald Brogna then began yelling at the police officers and stated that the officers needed a search warrant. Brogna further stated that there were no drinks on the bar and there was nothing the officers could do.

Officer Miller observed eleven (11) patrons, male and female, sitting at the bar.

Brogna was asked to have his patrons leave as it was now 3:12 a.m. and over two (2) hours after closing time. The officers then left.

Officer Miller observed that it was 3:37 a.m. when the patrons started to leave the establishment."

Mr. Gerald Brogna, Manager of The Sudbury House, responded to Chairman Donald that he did not realize this was happening to the extent that it was, and that when he spoke to the Chief on a couple of occasions, the Chief did not give him complete information. Mr. Brogna stated he would try to correct the situation; that he works every night until 10:00-11:00 p.m.; and that after the incident on May 16, 1981, he had fired Mr. Hefferman.

Responding to Selectman Murray, Mr. Brogna stated that one way he could correct the situation would be not to have his sons in charge at closing time.

Sergeant Sullivan commented that over the years Mr. Brogna has been a gentleman, but that there was a real attitude problem with his two sons. Sergeant Sullivan continued to say that he recalls occasion in the past when police officers had to go into The Sudbury House because people had lingered after closing, but that they left immediately when they saw the police. Sergeant Sullivan stated that this is not the case today, and on the May 16, 1981, occasion when he and Officer Ryder, who is six feet seven inches tall and two hundred and eighty pounds, entered and asked people to leave, they were laughed at. Sergeant Sullivan expressed concern for the safety of Officer Miller who is assigned to patrol that location on a regular basis 2-3 nights a week.

Sergeant Sullivan stated that there are several places in Marlborough, some just over the Sudbury line, which are open until 2:00 a.m., with crowds from Sudbury, Framingham, Wayland and many other surrounding towns, lingering until 3:00 a.m., and that the situation of drinking and driving has gotten completely out of control. He stated that on Thursday, Friday and Saturday nights they could easily arrest twenty people for liquor-related violations; that in his twenty years as a police officer, he has never seen so many drinking-related accidents after 1:30-2:00 a.m.

Sergeant Sullivan expressed his opinion that a policy should be drawn up, as is already established in Framingham, as to when "last call" should be, with no exceptions, in an attempt to alleviate this after hours drinking and lack of respect for police officers.

Executive Secretary Richard E. Thompson suggested that a written policy be drawn up by Town Counsel.

Selectman Cossart agreed and, regarding the situation at The Sudbury House, expressed the following opinion: that Mr. Brogna admittedly acknowledged violations of his license - serving to minors and after-hours operation. Selectman Cossart stated that he interprets these violations as very serious ones. On behalf of the Board, Selectman Cossart expressed that the Board has always maintained its intention to seriously enforce restrictions placed on all holders of liquor licenses in Town - that the person to whom a liquor license is issued can never be absolved of the responsibilities of that license.

After expressing the above opinion, Selectman Cossart

MOVED: To suspend the Common Victualler All-Alcoholic Beverages License, in the name of Gerald W. Brogna, Manager of The Sudbury House, Inc., 410 Boston Post Road, for a period of two weeks beginning, Monday, February 5, 1982.

Chairman Donald seconded the motion for the purpose of discussion and suggested that she would be in favor of a lesser suspension with the proviso that Mr. Brogna's sons would not be in charge at closing time. Mr. Brogna assured the Board that they would not.

Town Counsel Paul L. Kenny pointed out that in the past establishments had to be emptied of employees by one hour after closing, but that, at the present time, for the purpose of food preparation and/or cleaning, etc., people can be inside anytime, but not for private parties after licensed operating hours. A common Victualler All-Alcoholic Beverages License relates to the whole premises as well as the individual, and it is within the scope of the police department to investigate, as required, Mr. Kenny added.

The motion was then defeated.

Following comment by Selectman Murray that a more sensitive approach be taken, based on the fact that this is Mr. Brogna's livelihood, and because of his past personal cooperativeness, it was on motion By Selectman Murray unanimously

VOTED: To suspend the All-Alcoholic Beverage License in the name of Gerald W. Brogna, Manager, The Sudbury House, Inc., 410 Boston Post Road, for a period of fourteen days, beginning on Monday, February 8, 1982, and continuing on succeeding Mondays, Tuesdays and Wednesdays, only, for a total of fourteen days, inclusive of March 9, 1982, for the repeated violations, under section 12 of Chapter 138 of the General Laws, of serving alcoholic beverages outside of the authorized hours of operation, as specified in the Sudbury Police Incident Reports #82-83 and 82-77, both dated January 18, 1982.

On the recommendation of Sergeant Sullivan, the Executive Secretary was directed to request Town Counsel to draft a written policy for all holders of common victualler beverages licenses in the Town of Sudbury, with respect to a more stringent enforcement of a "last call" for drinks, sometime prior to the 1:00 a.m. closing - perhaps 12:45, and clearing drinking establishments of patrons within the 1:00 a.m. closing time.

#### 1982 Annual Town Meeting

##### Warrant Reports

It was on motion unanimously

VOTED: To approve the Warrant reports for the following 1982 Annual Town Meeting articles:

Article 16, Town Meeting Quorum

Article 17, Town Meeting - Order of Articles.

##### Position on Remaining Articles

During discussion of the 1982 Annual Town Meeting articles, it was on motion unanimously

VOTED: To support the following articles:

#22 Art. IX, IV & III, E - Flood Plains

25 Art. IX, IV - Cluster Development

6 Unpaid Bills

11 Ambulance and Equipment

And it was further

VOTED: To speak as individuals on the following articles:

#15 Gypsy Moth Control

16 Town Meeting Quorum

17 Town Meeting - Order of Articles.

Chairman Donald stated that Virginia Howard, Library Trustee, had accepted the Board's invitation to present the first article at the 1982 Annual Town Meeting as honorary speaker.

Selectman Cossart asked the Executive Secretary to provide the Board with a copy of their Performance Review Policy for department heads.

The Board directed Mr. Thompson to schedule a meeting with the Fire Chief to discuss his article - Smoke/Heat Detectors in Apartments/Motels.

#### Current Items of Interest

##### 1982 Retirements from Police Department

The Board acknowledged receipt of a communication dated January 29, 1982, from Police Chief Nicholas Lombardi regarding three 1982 retirements from the Police Department and directed the Executive Secretary to request information from the Chief regarding the specific dates of those retirements and the estimated recommended appropriations required for sick leave buyback.

##### Massachusetts Municipal Association Legislative Conference

Chairman Donald stated that she planned to attend the MMA Legislative Conference, scheduled for Saturday, March 27 at 9:00 a.m. Selectman Cossart informed Mr. Thompson that he would not be able to attend; Selectman Murray was not sure if he could attend, and stated he would let Mr. Thompson know.

##### Outdoor Trading Post

The Board acknowledged receipt of a communication dated January 26, 1982 from Atty. John C. Powers regarding resolution of the zoning legitimacy of the sales stand located at 593 Boston Post Road, currently being used by The Outdoor Trading Post.

The Board directed the Executive Secretary to request Town Counsel's reply to Atty. Powers' letter as soon as possible.

##### Communication to Dr. Sewall

Regarding a communication sent to Dr. Steven H. Sewall dated January 27, 1982, regarding the Town's request for a physical examination of Officer Vincent J. Patrino, in conjunction with a grievance dated December 15, 1981, relative to medical expense/sick time benefits, the Board directed the Executive Secretary to clarify his letter to Dr. Sewall by informing him that any medical information received from him would be used as evidence at the grievance hearings, and, therefore, not totally confidential.

Town Meeting Procedures

The Board directed the Executive Secretary to express the Board's appreciation in a note to Mr. William Reed of the Insurance Advisory Committee, for responding to the Board's request to all Boards and Committees, for recommendations/comments relative to Town Meeting Procedures.

Resolution

The Board signed a Resolution designating February 12, 1982, Helen G. Conroy Day in the Town of Sudbury, to coincide with the reception being held in her honor at Ephraim's of Sudbury. Ms. Conroy will retire from the Sudbury School System after eighteen years.

Donation - Council on Aging

It was on motion unanimously

VOTED: To accept, on behalf of the Town, \$42.80 in miscellaneous donations for the Council on Aging to be used for the operation and maintenance of the Council's van.

Notice of Intent to Lease Public Land

At the request of the Board, the Executive Secretary prepared and submitted for its approval a notice of the intent to lease public land. This was done in conjunction with the Board's approval on January 25, 1982, to rent a portion of the Parkinson Land to Mr. Cutting of Sudbury Nurseries, in an attempt to be equitable to everyone. The Board approved the notice with the suggested change by Selectman Cossart.

Police Station Addition Project

Regarding concerns expressed by the Selectmen at their meeting of January 24, Mr. Thompson stated that he had received a copy of a memorandum dated January 14, 1982, from Kubitz & Pepi to the Permanent Building Committee reporting on the water pipes freeze-up. Following a review of the same, the Board agreed that it did not entirely respond to its concerns regarding the freeze-up of pipes and that they still had concerns relative to the completion of the television monitoring system. The Executive Secretary was directed to contact the Permanent Building Committee and report back to the Board. (Selectman Murray stated he planned to call Mr. Melnick of the PBC.)

Patruno Grievance

The Board acknowledged receipt of a communication, dated January 28, 1982, from the Police Chief regarding a grievance concerning court-time pay, filed with the Personnel Board by Officer Vincent P. Patruno suggesting that his action violates the grievance procedure since Officer Patruno grieved directly to the Selectmen before discussing his problem with either the Department Head (Police Chief) or the Personnel Board.

Senator Atkins

Mr. Thompson informed the Board of an invitation to attend a meeting with Senator Atkins to be held at the Wayside Inn, March 3, at 8:00 a.m.

Sudbury Water District Business

The Board directed the Executive Secretary to send a note of appreciation to the Sudbury Water District, on behalf of the Board, for the expeditious emergency installation of Town water on Greenwood Road.

Position of Town Accountant

Mr. Thompson informed the Board that he had received and had reviewed all of the applications for the position of Town Accountant, and that following reference checks he would schedule interviews accordingly with the Board.

Executive Session

At 11:20 p.m. it was on motion by roll call

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

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

Chairman Donald 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 11:55 p.m.

Attest: \_\_\_\_\_

Richard E. Thompson  
Executive Secretary-Clerk