

IN BOARD OF SELECTMEN
MONDAY, NOVEMBER 8, 1982

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

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

Tax Anticipation Notes

Present: Town Clerk Betsey M. Powers; and Town Treasurer Chester Hamilton.

Following a brief discussion with Town Treasurer Chester Hamilton, it was on motion unanimously

VOTED: To sign Tax Anticipation Notes in the amount of \$500,000, effective November 16, 1982, due December 28, 1982, in accordance with the Selectmen's authorization of November 1, 1982, and the recommendation of the Town Treasurer dated November 3, 1982, as follows:

Boston Safe Deposit & Trust Co. - 4.03% - 500M.

Minutes

It was on motion by Selectman Donald unanimously

VOTED: To approve the minutes of the Regular Session of November 1, 1982, as drafted.

Accept Donations - Council on Aging

It was on motion by Selectman Donald unanimously

VOTED: To accept, on behalf of the Town, \$56 in donations to be used by the Council on Aging for van transportation.

Questionnaire - Lincoln League of Women Voters

It was on motion by Selectman Donald unanimously

VOTED: To approve a final response, which is a composite of the Selectmen's responses, to a questionnaire from the Lincoln League of Women Voters relative to a study of Finance Committees, and to direct the Executive Secretary to forward the same to the League.

Proclamation - Captain Howard C. Kelley

It was on motion by Selectman Murray unanimously

VOTED: To sign a proclamation honoring service to the Town by Fire Department retiree Captain Howard C. Kelley.

Proclamation - Captain Richard R. Hawes

It was on motion by Selectman Murray unanimously

VOTED: To sign a proclamation honoring service to the Town by Fire Department retiree Captain Richard R. Hawes.

Proclamation - United Way Month

It was on motion by Selectman Donald unanimously

VOTED: To sign a proclamation designating the month of November United Way Month in the Town of Sudbury.

Handicapped Parking

The Board was in receipt of a communication dated November 1, 1982, from Parking Clerk Thomas M. French relative to the limitations of handicapped parking and the public's lack of understanding of the same: for example, the degree of handicap before a handicapped space can be legally used and/or a special plate can be issued, and the situation of a temporarily handicapped person using a so designated space, such as a person with a broken leg.

Assistant Town Counsel Thomas M. French, Parking Clerk, suggested that, to deal with this problem, first, the public should be educated as to those restrictions; second, a sticker for temporary or permanent use could be issued to Sudbury residents who otherwise are ineligible for a handicapped license plate. This bumper sticker would have no bearing at all outside of Sudbury; it would be obtained through the Parking Clerk upon an appropriate doctor's recommendation.

Relative to unclear markings of handicapped areas, Executive Secretary Richard E. Thompson recommended that he be directed to talk with some of the local business managers regarding clearly marking the required handicapped spaces which is especially a problem in the wintertime when pavement markings are covered over. Mr. Thompson also commented that there are questionable areas in issuing local stickers for use by Sudbury's temporarily handicapped - that of policing doctors' recommendations and expiration dates on temporary stickers.

Additionally, Mr. French stated that the Town's parking rules and regulations may have to be amended accordingly, and the incorporation of this change would have to be advertised.

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

VOTED: To ask the Parking Clerk, Thomas M. French, to proceed in the direction suggested, after review by Town Counsel, and as outlined in his communication of November 1, 1982, and to report back to the Board as required. The Executive Secretary was directed to contact local businesses regarding designating and clearly marking handicapped parking areas.

Appointments - Long Range Capital Expenditures Committee

At the request of the Long Range Capital Expenditures Committee, it was on motion by Selectman Donald unanimously

VOTED: To appoint to the Long Range Capital Expenditures Committee the following people:

- Jack Koenig, 12 Dunster Road, and Richard J. Maloney, 62 Stock Farm Road, replacing Beverly F. Brenner and James A. Warner, Jr., effective immediately, both for terms to expire April 30, 1985; and
- Fritz Steudel, 14 Tanbark Road, effective upon receipt of James R. Becker's letter of resignation, for a term to expire April 30, 1984.

Appointment - Special Police Officer

On the recommendation of Police Administrative Assistant Peter B. Lembo, dated November 4, 1982, it was on motion unanimously

VOTED: To appoint David P. Frost, 43 Taylor Road, Maynard, as a Special Police Officer, effective immediately, for a term to expire April 30, 1983.

Resignation - Park and Recreation Commission

It was on motion by Selectman Murray unanimously

VOTED: To accept the letter of resignation dated November 4, 1982, from Park and Recreation Commissioner, Russell E. Gessner, effective November 20, 1982, and to direct the Executive Secretary to forward a letter of appreciation to Mr. Gessner for the work he has done over the past years. Mr. Thompson will also advise the remaining Park and Recreation Commissioners of the procedures involved in filling the vacancy.

Chapter 90 Project - Union Avenue

It was on motion by Selectman Donald unanimously

VOTED: To confirm the Board's signing on November 3, 1982, of an amended Chapter 90 Project Request form for Union Avenue under Agreement #30592 and a related Environmental Punch List.

Cable Television

The Board acknowledged receipt of a communication dated October 28, 1982, from David F. Tarantino of the Massachusetts Community Antenna Television Commission granting an extension to April 15, 1983, for the Town to complete the award of a cable television license.

Auctioneer's License

It was on motion by Selectman Murray unanimously

VOTED: To approve the issuance of a one-day Auctioneer's License to Roger Bump, 9 Wilson Road, Sudbury, to conduct the Sudbury Co-operative Pre-school annual auction on November 19, 1982, at Ames Hall, Memorial Congregational Church, Concord Road, as requested by Lynn Walker, Fundraising Chairperson, Sudbury Co-operative Pre-School, Inc., and to waive the customary license fee.

Site Plan 82-248 and Common Victualler License Application - Papa Gino's of America, Inc., 104 Boston Post Road

Present: Atty. Robert Dionisi and Susan Cleary, representing applicant; Building Inspector Joseph E. Scammon; and Theodore P. Theodores, Planning Board.

a. Continued Site Plan Hearing from October 25, 1982.

The above-noted site plan was continued from October 25, 1982, in order for the applicant to work with the Planning Board on design plans for the proposed building and in order for the Executive Secretary, at the direction of the Board, to confirm with the Town Engineer and the Building Inspector that their concerns have been addressed by the modified site plan.

Executive Secretary Richard E. Thompson noted receipt of the following communications subsequent to that hearing:

- dated November 5, 1982, from the Building Inspector, indicating that he had reviewed the revised site plan and the revised landscape plan and recommends approval of both plans;
- dated October 29, 1982, from the Town Engineer, stating that the Papa Gino site plan, revised on October 25, 1982, conforms to the recommendations made in his October 18, 1982, report and recommending approval.

Atty. Dionisi, on behalf of Papa Gino's, stated that the meeting between Papa Gino's representatives and the Planning Board had taken place and all were satisfied with the revised plan drawn by Architect Otis Hoffman, insofar as the aesthetics and the facade of the building were concerned. Atty. Dionisi and Mr. Theodores showed the Selectmen the revised plan, and Ms. Susan Cleary of Papa Gino showed samples of the building materials they planned to use. Mr. Theodores stated that the Planning Board agreed with the use of awnings over the front and side entrances only.

Relative to the traffic study which was submitted to the Board at the initial hearing, Chairman Cossart stated that it was inconclusive and raises many concerns. He suggested that it be withdrawn, and that the Selectmen proceed on the basis of a pre-existing business activity at that site.

Atty. Dionisi stated that he would be willing to withdraw the traffic study on behalf of the applicant. He explained that it had been submitted to show that, because this is a restaurant and not an ice cream spot which lends itself to people stopping in at all hours, it would actually lessen the existing traffic congestion at peak hours. The traffic study was withdrawn.

The Building Inspector showed the landscape plan and listed the types of trees noted on the plan, Mr. Theodores stated that this is a revised landscape plan, and that a favorable report would be forthcoming from the Planning Board.

It was on motion by Selectman Donald unanimously

VOTED: To approve Site Plan 82-248 of Papa Gino's of America, Inc., for property located at 104 Boston Post Road, Business District #1, for the addition to, and renovation of, an existing building, as shown on a plan entitled, "Plan of Land in Sudbury, Mass.", dated September 7, 1982, revised September 15, October 1, and October 25, 1982;

and it was further

VOTED: To direct the Executive Secretary to request that the Building Inspector include an additional note on the site plan referencing a separate approved landscape plan entitled, "proposed papa gino's, route 20, sudbury, ma., planting plan", by Ron Boucher Associates, October 29, 1982 revision.

b. Common Victualler License

In consideration of the application for a common victualler license, dated October 18, 1982 (received November 3, 1982), from Papa Gino's of America, Inc., to be exercised at 104 Boston Post Road, Executive Secretary Richard E. Thompson noted for the record receipt of the following documents:

- an attested copy of the corporate officers of Papa Gino's of America, Inc., signed by Assistant Secretary Joseph Salerno;
- a certificate of legal existence of the corporation, dated November 28, 1977, from the office of the Secretary of State;
- plans showing the location of counters, tables, ranges, toilets, and the proposed set-up of the premises (specifically "A-2, First Floor Plan", and "A-7, Equipment Plan & Schedule", drawn by Julian Borowka & Associates, dated September 17, 1982) together with a list of "estimated equipment needs and costs for the proposed Papa Gino's Restaurant" in Sudbury, as required for common victualler licensing under G. L. c. 140, s.6.

It was on motion by Selectman Murray unanimously

VOTED: To approve issuance of a Common Victualler License application, dated October 18, 1982, by Papa Gino's of America, Inc., to be exercised at 104 Boston Post Road, upon the condition that such license shall issue upon completion of the premises according to the plans.

Salary Adjustment - Police Administrative Assistant

At the suggestion of Selectman Murray and following discussion, during which Executive Secretary Richard E. Thompson responded to Chairman Cossart that Sergeant Peter Lembo receives a \$1,000 stipend yearly for his duties as Administrative Assistant, it was on motion by Chairman Cossart unanimously

VOTED: To authorize a temporary pay increase to Administrative Assistant Sergeant Peter Lembo, for the additional duties performed by him in the absence of Police Chief Nicholas Lombardi, at the rate of 10% of his current base salary of \$22,276 for the duration that he remains in that capacity, retroactive to July 1, 1982.

Cable Television

Selectman Donald stated that two communications had been received in response to the solicitation of input relative to cable television requirements. She indicated that she would be willing to prepare a short questionnaire for the Lincoln-Sudbury Parents' Organization, as requested by its president, to make the response from the group a less time-consuming task; the same would be attached to their newsletter and would reach approximately 350 Townspeople.

Selectman Donald stated that she had made contact with both the Peter Noyes and Curtis Middle Schools and received indications from both that there was a definite interest in pursuing cable television for the Town.

Sudbury River Diversion

Selectman Cossart stated that he had reviewed the data which Selectman Donald had given him from Dr. Chiang and from meetings which she attended relative to the Sudbury River Diversion project, and that he had some specific concerns regarding the data contained in the IEP "Water/Sediment Quality Sampling Program. Results - May, September, 1982" as it relates to specific well tests in and abutting Sudbury.

Chairman Cossart directed the Executive Secretary to pass along the data to the Board of Health for comment and to contact Dr. Chiang to be sure he has a copy of the IEP Report.

Review Medical Prognosis - Officer Vincent J. Patruno

The Board acknowledged receipt of a November 4, 1982, communication from Dr. Benjamin Matzilevich, Officer Vincent Patruno's personal physician, recommending that Officer Patruno be retired as he is unable to perform all his duties as a Police Officer as a result of aggravation of his previous job-related injury.

It was on motion by Selectman Murray unanimously

VOTED: To file for involuntary retirement under M.G.L. c. 32, s. 16, for Vincent J. Patruno, accidental disability, subject to confirmation by the Town Physician of the medical prognosis as stated by Officer Patruno's personal physician; and to direct Town Counsel's office to prepare the necessary papers for said filing.

Fort Devens

Mr. Thompson informed the Board that he had been in touch with Congressman Shannon's office, as directed by the Board at its last meeting, relative to the issues of concern at the Sudbury Annex of Fort Devens discussed at that meeting, and that Mr. David McGinn, an aide to Congressman Shannon indicated his intention to review the information with Representative Shannon and get back to the Selectmen's office this week. Mr. Thompson stated that, at the direction of the Board, he will also contact the new commander at Fort Devens and, at the suggestion of Chairman Cossart, with the consensus of the Board, stated he would try to schedule a mutually agreeable meeting time for them to meet with the Board.

Chairman Cossart suggested that an invitation to attend that meeting should be extended to Representative Lucile Hicks, who has had some involvement in the matter and pointed out that Mr. Sugarman has also expressed a great deal of interest/concern in the activities at Fort Devens. Mr. Thompson stated that the office has on file the names of a number of concerned residents, and since the meeting would be public, it would most likely be well attended.

Recruiting Station at Town Hall

Following information from the Executive Secretary, as requested by the Board at its meeting of November 1, 1982, and a lengthy discussion of the same, it was a consensus of the Board that an Army recruiting station area in the Town Hall would not be appropriate. The Executive Secretary was directed to so inform Sergeant Godfrey of the U. S. Army, from whom the request had been received.

Use of Town Hall by Sudbury Players

Executive Secretary Richard E. Thompson notified the Board that he had been contacted by Mr. Ron Adolph of the Sudbury Players regarding the Board's request to meet with them, and Mr. Adolph asked for an hour on the agenda rather than the half hour scheduled. It was a consensus of the Board that one half hour would be sufficient.

Selectman Donald asked for copies of any recent minutes of meeting with the Sudbury Players on this subject.

Longfellow Glen

Chairman Cossart referenced a communication dated September 29, 1982, from the U. S. Department of Housing and Urban Development, to Alexander McNeil of McNeil and Associates, Inc., relative to notification of final proposal, Longfellow Glen, project #MA06-0021-003, Sudbury, and questioned the rental figures.

American Legion Post 191

The Board acknowledged receipt of a communication dated November 1, 1982, from Town Counsel's office to the American Legion Post #191 requesting that they file a report which lists the names and residences of its officers and compensation

paid to them for selling alcoholic beverages for each year the club has been licensed through 1981, in accordance with Section 1 of the Liquor Control Act, as requested by The Alcoholic Beverages Control Commission by letter dated September 27, 1982, with a copy of those reports to be filed with the Board of Selectmen.

Medical History - Nicholas Lombardi

The Board noted receipt of a communication to Town Counsel from Atty. William M. Keiley, Jr., dated November 5, 1982, enclosing medical records from the Framingham Orthopedic Associates, Inc., from July 19, 1962 to October 1, 1982, and a statement of former Chief of Police John F. McGovern, the Chief at the time of Chief Lombardi's injury in 1962, relative to the records of the injury. Atty. Keiley states that pending confirmation in December by Chief Lombardi's physician, he will recommend that Chief Lombardi file for accidental disability retirement with the Middlesex County Retirement System in January, 1983.

The Board directed the Executive Secretary to forward the information to Town Counsel for comment.

"Dial, Don't Drive"

The Executive Secretary was directed to follow up with Police Administrative Assistant Peter Lembo the ICMA November 1, 1982, newsletter - article, "Dial, Don't Drive", a program involving local transportation by the Police Department of intoxicated persons.

There being no further business to come before the Board, the Meeting was adjourned at 9:40 p.m.

Attest: _____
Richard E. Thompson
Executive Secretary-Clerk