

IB BOARD OF SELECTMEN  
MONDAY, OCTOBER 4, 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 Cossart.

National Business Women's Week

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

VOTED: To declare the week of October 17-23, 1982, as National Business Women's Week in concert with such designation by the National Federation of Business and Professional Women's Clubs, as requested by the Sudbury Chapter Public Relations Chairman, Ellen Jane Siegars, in a letter dated September 28, 1982, in conjunction with their activities honoring women of achievement in business and government service in Sudbury.

Appointment - Town Report Preparation Committee

On the recommendation of the Town Report Committee, it was on motion by Selectman Donald unanimously

VOTED: To reappoint Elizabeth Ann Gottberg to the Town Report Preparation Committee for a term to expire April 30, 1983.

Request for Excess Space

Following discussion and on the recommendation of Chairman Cossart, the Board directed the Executive Secretary to respond to a request dated September 30, 1982, from Mr. Eugene Trainor for the rental of classroom space for a special after-school educational program, that, because of a number of pending programs contingent upon the October 7 Special Town Meeting, the Board is unable to respond to his request in any timely manner.

The Board further suggested, however, that Fairbank School may be available sometime in the immediate future, or Mr. Trainor could contact the Lincoln-Sudbury Regional School, which seems to have space available for rental purposes.

Civil Service Examinations - Police Personnel

During the Board's September 27 meeting on the subject of State Promotional Examinations for Police Personnel, the Board discussed requisitioning the State Department of Personnel Administration for a departmental promotional examination, and, if fewer than the required number (4) applied for the examination, then to hold an open competitive examination. There was also some discussion regarding setting the criteria for the exams.

Chairman Cossart pointed out that, since that meeting, the Executive Secretary had learned, and informed the Board in his memorandum of September 29, 1982, of the criteria and eligibility for both open and promotional exams and, that the eligibility for promotional exams is set by statute, not the individual cities and towns.

- from the Conservation Commission, dated September 13, 1982, recommending conditional approval and stating that an Order of Conditions had been issued. (Their conditional approval was based on compliance with DEQE Title V of the proposed septic system.)

Mr. George Connors stated that the proposed building will contain approximately 7,055 square feet of land, that it is located on a 3-acre parcel of land on the north side of Route 20, opposite the intersection of Nobscot Road. Mr. Connors further stated that the site presently exists as somewhat of a wetland area with a small amount of fill. He pointed out that, during presentations before various local boards, it was established that, some time ago, there was a fuel distribution facility on this site, evidenced by the concrete structures which held the tanks. This use disputes any argument of the property being considered wetland. Their plans include building a parking lot and single building to contain Cumberland Farms and three office units and dredging the wetland for a water retention area. The septic system is also proposed to be built up with a pump chamber which has the capacity of a couple of days' storage in the event of a power failure. Construction is to begin upon final approval by local boards; a sales agreement for the ownership of the property had been signed.

Mr. Connors stated that permission had been approved by the State Department of Public Works relative to curb cuts. Relative to the conditional approval by the Planning Board, mutual consent of all present is as follows:

- 1) The applicant will resubmit renderings of the facade of the building in colonial-type architecture. In the meantime, Mr. Horton agreed to contact the Executive Secretary for names of local boards or residents who might be of assistance in determining an acceptable colonial facade. (The Historic Districts Commission and/or Mr. and Mrs. Desjardin were mentioned.)
- 2) A 10' portion of the shoulder along Route 20 in front of the property will be paved to allow for traffic bypass heading west. (Mr. Connors stated that the State will be coming to Sudbury on Friday, October 8, and hopefully will give their approval at that time.)
- 3) Mr. Connors expressed willingness to restrict traffic at the egress to right turns only during peak traffic hours.
- 4) All agreed that six months after completion of the building and occupancy, the Selectmen will hold a hearing to evaluate the impact of the complex on the traffic flow, and, if necessary, a traffic officer will be employed during peak traffic periods, or a traffic light will be required.

At the conclusion of discussion, it was on motion unanimously

VOTED: To continue by mutual consent to October 18, 1982, for the purposes of obtaining approval from the Planning Board of the colonial-type design plans for the facade of the proposed building, Site Plan #82-247 of V.S.H. Realty Corp., Lot 65 Boston Post Road.

Furthermore, Chairman Cossart expressed his opinion that, in the best interest of the Town, the examination be a statewide one - an open competitive exam, and that a departmental promotional exam not be given.

Following discussion, it was on motion by Selectman Donald unanimously

VOTED: To direct the Executive Secretary to notify the State Department of Personnel Administration that Sudbury is only interested in an open competitive examination for the position of Police Chief, and, therefore, amends its Municipal Civil Service Requisition Form 13, dated September 22, 1982, by deleting the request for a departmental promotional examination.

And it was further

VOTED: To direct the Executive Secretary to contact the Sudbury police sergeants individually and inform them of the Selectmen's foregoing action.

#### Minutes

It was on motion by Selectman Murray unanimously

VOTED: To approve the minutes of the Regular Session and the Town Fathers Forum transcript of September 27, 1982, both as amended.

#### Site Plan #82-247 - V.S.H. Realty Corp., Lot 65 Boston Post Road

Present: George Connors, Engineer, and Milton Horton, Construction Manager, V.S.H. Realty Corp.

In accordance with Article IX, Section V, Paragraph A of the Sudbury Bylaws, the Board considered site plan 82-247 of V.S.H. Realty Corp., for property located at Lot 65 Boston Post Road, Limited Industrial District #1 and Business District #5, for the construction of a building.

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

- from the Planning Board, dated September 30, 1982, recommending conditional approval;
- from the Board of Health, dated September 17, 1982, with provisions that: no fast food, restaurant service, or beauty salon would be allowed under the proposed septic system; and the septic system complies with the DEQE Title IV sanitary code and the Board of Health rules and regulations;
- from the Town Engineer, dated September 21, 1982, and on the revised plan, dated October 1, 1982, recommending conditional approval in conjunction with the Planning Board relative to traffic;
- from the Building Inspector, dated September 30, 1982, and on the revised plan, dated October 2, 1982, recommending approval; and

Joint Meeting - Board of Assessors

Present: Chairman Donald P. Peirce, David M. Collins and Stefanie Reponen, Board of Assessors.

The Selectmen met in joint session with the Board of Assessors for the purpose of being updated on the status of assessed valuation.

Assessor Chairman Peirce informed the Selectmen that he had received telephone confirmation today from McGee and Magane, and it is probable that the new FY83 assessed valuation figure, including personal property and new construction, would be approximately \$478,201,827.

Chairman Cossart pointed out that this is approximately a 1% increase and asked Mr. Peirce if this figure should not be higher - that it seemed low judging by his personal viewpoint and knowledge of inflation. Mr. Peirce responded that valuations were based upon local sales analysis; however, he confirmed the Executive Secretary's comment that the new assessed valuation does not include any factoring.

Mr. Peirce also agreed that the sales analysis showed that properties were within 93% of market value.

Chairman Cossart and the Board stated that they thought the values should have been higher.

Assessor Chairman Peirce pointed out that the Town's values must be certified by the State, and that they may make a judgment as to the appropriateness of the "no provision for factoring", but stressed that the statute states that the values must be within a 10% factor of 100% (90-110%).

Chairman Cossart asked the Executive Secretary to explain the ramifications of the Town's estimated assessed valuation that was received today as it pertains to the upcoming Special Town Meeting.

Mr. Thompson informed those present as follows:

- 1) that the total increase in assessed valuation was \$3,414,491;
- 2) based upon the new assessed valuation, the tax levy could only increase by \$85,531;
- 3) that the so-called windfall or surplus local aid that is available for use at this Special Town Meeting (the actual number was based on prior Selectmen's and Finance Committee's opinions - \$512,253) is now decreased by \$211,207 because of the new levy limit of \$11,955,046 compared to previous estimates of a levy limit of \$12,166,253;
- 4) that the Finance Committee's position on the articles for the Special Town Meeting would have to be changed because that now exceeds the levy limit. Mr. Thompson added that he so informed Mr. Pitts of these latest developments late this afternoon.

Mrs. Reponen responded to Mr. Thompson's comments that she was unaware of some of the figures being presented and would like to review the information in detail again. Mr. Collins concurred.

The Board of Selectmen took a recess in order that the Executive Secretary could adjourn with the Board of Assessors to their office to give them further detail of the subject under discussion.

Sunday License Request - Something Simple

Present: Deborah Ann Getrost and Tracey L. Harrington, owners, Something Simple; and approximately six abutters.

The Board was in receipt of a request dated September 17, 1982, from Deborah Ann Getrost and Tracey L. Harrington, owners of the restaurant Something Simple, to extend their hours of operation to Sunday from 9:00 a.m. to 12:00 midnight, thus involving their Common Victualler License from 9:00 a.m. to 12:00 midnight, and their Restaurant License for the Sale of Wines and Malt Beverages from 12:00 noon to 11:00 p.m.

Chairman Cossart read into the record a letter from Forrest D. and Katherine R. Bradshaw, who were unable to attend, opposing the request for extended hours on the basis that: 1) it appears to be a step towards selling the business; 2) there are enough midnight operations; 3) the location is obscure; and 4) there could be an effect on the value of nearby residential property. (The letter was hand delivered.)

Ms. Deborah Ann Getrost stated the reason for requesting an extension of hours is in order to serve a Sunday brunch and to accommodate various requests for private parties, i.e., bridal showers, on Sunday afternoon. Ms. Getrost added that they do not exercise their option to stay open until midnight under their current weekday Common Victualler (and All Alcoholic Beverages) Licenses - that they usually are open until only 9:00-9:30 p.m. on Friday and Saturday nights, and are never open at 9:00 a.m.

Mr. James P. Watterson of 14 Maple Avenue expressed opposition to the extension of hours based on:

- the precedent being set for another "night club"/nighttime - type business to move into that area;
- the gradual increase of scope to a point where it might be uncontrollable. (He asked that the Selectmen not repeat mistakes that were made along Route 20 -gradual increases of businesses, "small parts at a time", over a period of years. He later stated it would be difficult to go back on a precedent.)
- the increase in traffic generated from extended hours. (He mentioned the problem of drag racing in the parking lot at Mill Village still exists and has not been addressed.)
- the problem of litter and odor from the dumpster.

Mr. Watterson stated that the neighbors are against the growth of the restaurant, and that, if they were willing to limit its size, Something Simple could be a good neighbor. He pointed out that, since the restaurant opened, the hours of operation have been extended to later evening hours and a liquor license was granted.

Selectman Murray responded in part to Mr. Watterson by stating that Something Simple will always be restricted to 28 people by the Board of Health based on health and safety restrictions, stating further that when Something Simple had outside dining during the summer months, that amount of seating was reduced inside.

Responding to another abutter, Selectman Murray stated that Something Simple could not expand into an abutting store since the Board of Health has limited and restricted the building complex to the one restaurant (Something Simple) because of the septic system capacity.

Ms. Tracey L. Harrington assured the abutters that another late-night restaurant would not be able to replace Something Simple without going through the local licensing procedure - that Something Simple's licenses are not transferable. Town Counsel later confirmed that the Selectmen can transfer a license if they choose. Responding to Selectman Donald, who asked about the Selectmen's authority over hours of operations, Town Counsel stated that the State says what the hours are for liquor licenses (Weekdays 11:00 a.m. to 11:00 p.m., Sundays noon to 11:00 p.m.), but the Selectmen can extend them. The Selectmen control the hours of operation under a Common Victualler license, making the liquor license indirectly under their control.

Ms. Harrington went on to say that their licenses are not considered assets to the business for selling purposes, and that they are requesting the extension to be able to financially maintain a business and remain in Sudbury.

Regarding litter and odor from the dumpster, Ms. Harrington stated that Something Simple is not allowed to use it - that they carry out all of their rubbish.

Ms. Getrost expressed her feelings that Something Simple had been a good neighbor since they opened two years ago, and challenged the abutters present to state any difference of opinion. She stated she felt they have had very positive involvement with the residents, not only of Sudbury, but of Weston and Wayland. She further commented that it was their opinion that having a restaurant which served Sunday brunch would be an asset to the Town.

Mrs. Ruth A. Green of 22 Maple Avenue, stated that no one is saying that Something Simple has not been a good neighbor but that the abutters' concerns go beyond that, as stated earlier. Responding to Mrs. Green's question regarding the restriction that only disposable dishes be used at Something Simple, which is no longer being done, Selectman Murray explained that the Board of Health had changed that ruling, after a certain time frame, based on the number of gallons of water being used.

The applicants assured Mrs. Green that there could only be limited groups, no big conventions.

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

VOTED: To extend the licenses of Deborah Ann Getrost and Tracey L. Harrington, owners of the restaurant Something Simple on Sundays, as follows:

- a. Common Victualler License, 11:00 a.m. to 6:00 p.m.; and
- b. Restaurant License for the Sale of Wines and Malt Beverages, 12:00 noon to 11:00 p.m., provided that the kitchen remains open and that food is served.

Chairman Cossart informed those present that the record of Something Simple has been excellent, and asked those objecting to the extension of this license if they could give the Board any examples where this was not the case, and if so, the Board would welcome them to do so. He again stated, based on their performance, that he could not personally see any reasons to object to their request.

Selectman Murray added that the Selectmen's past action on licenses of this nature, particularly alcoholic beverages licenses, verifies that they do not take lightly the responsibilities that go along with such licenses.

Site Plan 81-234 Extension - Project Management, Inc., Lots 3 & 4 Powder Mill Road

Present: Brian Pettigrew, applicant; Atty. Laura Judith Goldin and approximately 36 abutters.

Chairman Cossart convened a public meeting on the question of granting a one-year extension for the completion of improvements on Lots 3 & 4, Powder Mill Road, under Site Plan #81-234, approved by the Board of Selectmen on September 28, 1981, and extended on September 20, 1982 to October 4, 1982, as requested by Brian Pettigrew of Project Management, Inc., dated August 20, 1982.

Responding to Chairman Cossart who asked the reason for the extension, Mr. Pettigrew stated that they have been unable to start construction but that now they have a number of interested tenants, and the financing to break ground this year, and are, therefore, requesting an extension on the site plan.

Atty. Goldin spoke on behalf of the citizens group in opposition of the extension, stating that it would be a grave and irreversible error, contrary to the best interest of the Town, the Town Bylaws, and the State Law, on the basis that: 1) implications by Project Management were that approval of the site plan was imperative for immediate construction (a one-year approval granted in September, 1981, with a 2-week extension to tonight.) The Selectmen now have the prerogative of allowing or disallowing an extension of the site plan based on "necessity" and "just cause", that right being one of the safeguards of the Town Bylaw pertaining to such extension, Atty. Goldin stated that the Selectmen should consider the present needs of the Town in conjunction with that requested extension; and 2) the area cannot handle the traffic flow which will be generated, not only from this one site plan but from the total development of the size proposed. Atty. Goldin stated that the entire project should be looked at, not addressed on a piecemeal basis.

Mr. Pettigrew pointed out that the Selectmen and other local Town boards had approved an earlier site plan by another owner and developer (which did not materialize) for this land; that Project Management is proposing a similar sized building having similar traffic impact, and that they are only asking for an extension of their site plan which was approved last September by the Board - there are no changes. He indicated that all the master planning had been done, and that obtaining local approvals and financing is difficult to do in a timely manner.

Mr. Pettigrew commented that as a developer he has tried to address the traffic problem, commenting that he did not necessarily agree with the figures presented by the citizens committee (by their traffic consultant, Hidell-Eyster and Associates), and he is not sure that there is a solution. He stated he feels it is somewhat the

Town's responsibility, but expressed his willingness to work with the Town in that respect. He further stated that traffic is a problem which exists whether or not Project Management exists or not, and that he would like to feel that because it exists it will be resolved.

Atty. Goldin reiterated the logic behind a one-year permit, the time limit being a Town restriction, which gives the Selectmen an opportunity to look at it again and decide whether this is what the Town really wants. She stated that she did not feel Project Management should have waited until now to plead financial difficulties and ask for an extension.

Chairman Cossart commented in part by stating the Selectmen's dilemma of what to do about a group of residents opposed to an extension of an approved site plan for a development rightfully proposed for a commercially-zoned piece of property.

Mr. Hal E. Kaplan, 10 Barnet Road, asked why the Selectmen would create a problem by approving the extension and then try to resolve the traffic problem, rather than eliminate the problem by not approving the extension. He also challenged Mr. Pettigrew's comments regarding the traffic study figures.

Atty. Goldin submitted two viable possibilities, as follows: 1) suggested that the site plan could be reduced in terms of commercial development - asked about a consolidated plan showing less density, less development; therefore, less traffic; and 2) suggested that the property be rezoned. She stated her understanding that the "zone freeze" on that parcel, by virtue of it being developed, ran out three years ago - that it was an April, 1979, "approval not required" subdivision plan.

Town Counsel Paul L. Kenny responded that, in the event it was an "approval not required" plan, (3-year freeze) it would have expired but the zoning has not changed, so the freeze would not apply.

Responding to Chairman Cossart who asked about a comprehensive plan that would encompass the entire area, Mr. Pettigrew responded that he was the only developer who did so, and stated his opinion that if he had come in like the other developer with one building, there probably would have been no objection. Mr. Pettigrew stated that a great deal of planning has taken place, and that they are only dealing with one parcel at this time - they are not asking for approval on all the buildings right now. He pointed out that the Selectmen have the same authority in the future to either approve or disapprove subsequent site plans.

Responding to Selectman Donald, who questioned the developer's rights if a zoning change took place and the Town's responsibility to that developer "in good faith", Mr. Kenny stated he would have to comply with the zoning change in the development of that property.

In terms of "good faith", Mr. Gerald B. Morse, 120 Powers Road, stated that to put things into perspective, he would like to point out that when Mr. Pettigrew first applied for the site plan, it was scheduled for September 28, 1981, Rosh Hashanah, and the abutters' request to postpone the hearing was denied. All indications at that time were that financing and construction were to be immediate. Mr. Morse stated he did not feel the Town owes Mr. Pettigrew, that adding up all the sums of fairness, it falls on the side of the citizens.

Selectman Murray felt that rezoning 38 acres to house lots did not solve the problem; the problem began when the property was zoned industrial years ago.

Mrs. Sally B. Zink, 19 Puffer Lane, expressed strong concern regarding traffic, and suggested that if a mistake was made by improper zoning, the Selectmen should not make more of a mistake by allowing it to be developed; it is their job to manage the Town and, although they have a certain obligation to the developer, she felt they had more obligation to the Town.

Chairman Cossart commented that it might be necessary to buy the land back from the developer if it were rezoned.

Mrs. Zink cited another similar incident along Route 117 of rezoning where the developer subdivided into house lots which resulted in a very profitable development never-the-less.

Chairman Cossart pointed out that the Selectmen are not enthusiastic about coming up with the money to purchase the land but asked Mr. Pettigrew if the land is for sale.

Mr. Pettigrew stated he frankly did not know what to do with the land if the 38 industrially-zoned acres of the 100 acres were re-zoned in terms of developing it. He talked about the inherent problem of the noise generated from the Maynard Rod and Gun Club, stating that it would not be a suitable neighbor to private homes, and about the potential of a traffic problem because of the tie-in of Powers and Powder Mill Roads with Routes 117 and 62.

Elaborating on the traffic problem, Mr. Pettigrew stated that it was not a problem which exists because of his property but because of other parcels of land which are not even located in Sudbury (he mentioned Concord Research and Digital in Maynard, both on Powder Mill Road). Mr. Pettigrew stated his opinion that the roads should be widened and probably should have been a long time ago, that all traffic should not end up on Powers Road or Route 117, and that he is amiable to the traffic from his property ending up on Route 62. He stated that these are the kinds of things which should be explored and that they should be discussed in an unselfish way. After comments from Mr. Morse regarding traffic on Powder Mill Road, Mr. Pettigrew stated further that he would have no objection to a "right turn only" sign directing traffic to Route 62.

Mr. Richard Grentzenberg of 125 Powers Road, reiterated that the initial approval was granted on Rosh Hashanah over their objections that traffic problems exist. Chairman Cossart agreed that the Selectmen have been aware of the traffic problems right along.

Mr. Russell Heinselman of 84 Cedar Creek Road suggested that the traffic problem should be solved before it is made worse by the approval of the extension.

Mrs. Martha Cubrilovic stated that the "right turn only" does not address the problem of traffic to the Industrial Park during morning hours when children are traveling to school.

Chairman Cossart stated that Mr. Pettigrew prepared four plans addressing traffic with some serious limitations built into them and questioned whether or not the State would allow them, i.e., right turn only, limiting direction of traffic, changing direction at different hours.

Town Counsel stated that those would have to be approved by the State and it is difficult to project that that approval will be forthcoming.

Selectman Donald stated she has not seen any of these plans but expressed her opinion that it seemed feasible that traffic could be limited by the use of signs restricting directions.

Mrs. Chiodo of 112 Powers Road stated that during winter months, when snow builds up on Powers Road, it is impossible for a school bus and a car to pass each other, and commented on the number of accidents by her house over the past ten years.

One abutter stated that a right turn sign would be difficult to enforce unless there is a guard present.

Ms. Debbie Calareso, Chairman of the Maynard Board of Appeals, informed the Town of an 86-unit housing development on Powder Mill Road, recently approved by the Town of Maynard. Regarding other development there, Ms. Calareso mentioned the Powder Mill Road Plaza, the other developments mentioned earlier tonight, and stated that there is land around Digital that is entirely owned by one person in Maynard and is industrially zoned. She expressed her opinion that there are a lot of options where this area could get out of hand. She suggested that the Town consult the State regarding a traffic engineer which she stated they found very helpful when the 86-units of housing was being proposed in Maynard.

Dr. Michael Robinson of 153 Powers Road recommended that the site plan decision be postponed until a time that some of these ideas can be worked out, rather than approve it first and try to get it solved later.

Mr. Pettigrew reiterated that the Board had already approved the plan, that this is only a question of approving an extension to a plan which remains the same; he stated he did not feel this was an unusual request and again stated his willingness to work out the traffic problems with the residents and the Town.

Chairman Cossart stated he came into the meeting feeling that way also, but he now believes there have been some new information and input and he now feels differently in terms of what the Selectmen really have on their hands from the standpoint of their obligations in this and questioned what a denial of this request would do.

Town Counsel stated that to deny the request does not preclude a new site plan request being submitted; also, the denial can be appealed to Superior Court.

Chairman Cossart stated particular concern regarding Ms. Calareso's information about surrounding towns.

Selectman Donald stated for the record that the people present tonight should understand that the Selectmen never officially appointed a citizens group from the Powers/Powder Mill Road area, but had suggested that the area residents form a committee and meet with Mr. Pettigrew, the Highway Surveyor, etc.

Selectman Donald commented that she has not seen much progress on the part of the citizens group and Mr. Pettigrew in terms of resolving the traffic issue since this site plan came before the Board one year ago and felt that an approval might force a more concentrated effort in this area.

Chairman Cossart expressed his opinion that it really is not the obligation of Mr. Pettigrew and the area residents to resolve this problem, but the Selectmen's, with their help.

Mr. Morse stated that the citizens committee has accomplished a great deal over the past year, i.e., have held several meetings, organized a steering committee to raise money, hired an attorney, have had a traffic study done by Hidell, reported to the Selectmen and Mr. Pettigrew.

Mr. Morse went on to say that if this site plan is postponed he personally would continue to look for solutions to the traffic problems and into the question of rezoning the area.

Mr. Bill Cooper of 11 Cedar Creek Road stated that there is an obvious problem now with traffic (i.e., the cut-through on Powers Road, and getting onto Route 117 from Powder Mill Road) whether or not Mr. Pettigrew's development goes through and he stressed that the Selectmen should deal with that issue, it being their problem. Mr. Pettigrew owns a parcel of property properly zoned for the proposed use and he could make an excellent case in court, which, in Mr. Cooper's opinion, the Town would lose.

Mr. Pettigrew agreed and commented that the Town is forcing him to sue, and indicated that he would like to work it out with the local boards and residents.

Ms. Calareso agreed with Mr. Cooper that the traffic is not under control and stated that, with further expansion in Sudbury, the Town would be paying for developing that road.

Mrs. Cubrilovic stated her opinion that, even without further development (construction), something should be done about Powers Road.

Responding to Chairman Cossart, Mr. Kenny indicated that if the property were rezoned any freeze on the property is protected on an "approval not required" plan for three years, and on a subdivision plan for eight years.

At the conclusion of discussion, Chairman Cossart stated that, in the best interest of the Town, and in light of the industrial development and construction taking place on Powder Mill Road in other towns, he felt there was sufficient information, as discussed above, not to allow the extension which would intensify the Town's traffic problem on Powder Mill Road and abutting roads.

It was on motion by Selectman Cossart unanimously

VOTED: To deny an extension of one year for the completion of improvements on Lots 3 & 4, Powder Mill Road, under Site Plan 81-234, approved by the Board of Selectmen on September 28, 1981, and extended on September 20, 1982, to October 4, 1982, upon the request of Brian Pettigrew of Project Management, Inc., dated August 20, 1982.

Employment Contract - Richard E. Thompson

Chairman Cossart asked that the Executive Secretary schedule the subject of an employment contract for himself in the immediate future following Special Town Meeting, and that the Board review its ideas and suggestions regarding the same in preparation of that discussion.

Minuteman Energy Alliance

Selectman Donald reported on energy saving ideas shared by those in attendance from various surrounding towns at the Minuteman Energy Alliance meeting she attended last week.

On her direction, the Executive Secretary stated he would contact Permanent Building Committee Chairman Michael Melnick regarding representation by that Board on behalf of the Town at any further meetings held by the Minuteman Energy Alliance.

Police Chief Nicholas Lombardi - Salary Adjustment

Selectman Murray brought to the Board's attention the fact that last June a 5% merit raise had been voted for Police Chief Nicholas Lombardi, and it was his (Mr. Murray's) desire that the FY1983 increase reflect that merit increase.

On motion by Selectman Murray it was

VOTED: To amend the Board's vote of September 13, 1982, authorizing a FY83 salary of \$34,000 for Police Chief Nicholas Lombardi by increasing that amount to \$34,960 - an increase of approximately 4.6% for FY83.

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

Sudbury, Ontario

Mr. Thompson informed the Board that he had received a telephone call from the Chairman of the Centennial Foundation of Sudbury, Ontario, requesting a meeting with Town officials during their visit to Sudbury, Massachusetts, and offering to reciprocate the hospitality. Mr. Thompson stated he had sent some information to them about our Town, and that he would get back to the Board when he hears from them again.

Juvenile Restitution Committee

Mr. Thompson reported that Officer Carroll had made contact with Mr. B. Clifford who will be submitting to the Selectmen in writing the information they requested regarding procedures for Juvenile Restitution. Mr. Thompson further stated that Officer Carroll indicated it would not be necessary, according to Mr. Clifford, for Sudbury to first proceed to court before acting under the program.

Sudbury Variety

Mr. Thompson reported that Sudbury Variety had returned their liquor license in conjunction with the Board's vote of September 27, and that he had no information regarding an appeal.

Chairman Cossart directed Mr. Thompson to ask Sergeant Lembo to have the police stop in and be sure there are no alcoholic beverages being sold there.

Abandoned Cars - Women's Federation

Mr. Thompson reported that Mrs. Ahern from the Women's Federation had informed the office that 16 abandoned cars had been removed from their property and requested some assistance from the Town in locating an area for blocking off the road to their property where most tresspassing and dumping of cars occurs.

Mr. Thompson stated that the Highway Surveyor will find out who the abutting owner is in Marlborough and will be in touch with her so that they can work out some arrangement for doing so.

Selectman Murray directed Mr. Thompson to be sure that whatever takes place in terms of blocking off access to the property is done in conjunction with Fire Chief Frost.

Coatings Engineering

Mr. Thompson reported that he learned from Mr. Craig of Coatings Engineering that they will be resubmitting an application for storage of inflammables.

Umbrella Insurance

Mr. Thompson stated that he had spoken to Hall's Insurance and Town Counsel and that it was their collective opinion that the Town's umbrella policy should not be increased at this time, as suggested by Insurance Advisory Committee Chairman William P. Reed at the September 27 Town Fathers Forum. On that recommendation, the Board directed Mr. Thompson to so notify Mr. Reed.

Doctor's Report - Chief Lombardi

The Board noted receipt of a report dated October 1, 1982, from Framingham Orthopedic Associates, Inc., stating that Nicholas Lombardi is under his care and in his opinion is totally disabled and will be re-evaluated December 3, 1982.

Positions on Articles - October 7 Special Town Meeting

After considerable discussion and consideration, on the subject of how the Selectmen should proceed at the upcoming Special Town Meeting relative to positions on articles, especially the stabilization fund, it was the position of the Board to only support those articles of an essential nature, and use the balance of the wind-fall monies to establish the stabilization fund under Article 12.

The Selectmen then took new positions on monied articles only for the October 7, 1982, Special Town Meeting, as follows:

Art. 1 Fairbank	\$ 10,000
Art. 2 Town Office Facilities	0
Art. 3 Town Boundary Change	5,000
Art. 7 Budget Adjustments (salaries)	32,000

Art. 8 Unpaid Bills	\$ 9,475
Art. 9 Street Resurfacing	0
Art. 10 LSRHS Roof	0
Art. 11 Hosmer House	0
Art. 12 Stabilization Fund	<u>244,571</u>
	\$301,046

Relative to Art. 9 above, it was a consensus of the Board to support the Highway Surveyor in borrowing on State House Notes in anticipation of reimbursement.

Relative to the above total figure, it was the understanding of the Board that this is the total windfall money that can be voted at this October 7 Special Town Meeting as a result of information given by the Board of Assessors on the new assessed valuation earlier this evening.

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

Attest:

Richard E. Thompson  
Executive Secretary-Clerk