

IN BOARD OF SELECTMEN
MONDAY, DECEMBER 14, 1987

Present: Chairman Anne W. Donald, David A. Wallace.

Park and Recreation Committee - Appointment

Present: Donald R. Soule, Chairman, Jane A. Neuhauser, Rosalyn J. Drawas and Alan J. Williamson, Park and Recreation Committee.

Chairman Donald reconvened a joint meeting with Park and Recreation Commission held November 30, 1987, at which time two applicants were interviewed to fill the vacancy created by the resignation of Peter Berkel. The purpose of this meeting, Mrs. Donald explained, was to interview the final candidate and elect by roll call vote a new member to serve on the Commission until the next annual election.

It was on motion

VOTED: To appoint Executive Secretary Richard E. Thompson as Clerk for the purposes of this meeting.
(A unanimous vote of all members of the Board of Selectmen present and the four Park and Recreation Commissioners present was recorded.)

Applicant Gerald B. Berenson was thereupon interviewed. Mr. Berenson stated that he has been manager of Men's Softball Team for seven years and has three children involved in sports. He further stated he is aware of the time commitments involved and welcomes the opportunity to serve his Town.

Following the interview of Mr. Berenson, Clerk Thompson called the nominations open and recorded the following:

Donald R. Soule moved, and Selectman Wallace seconded, the nomination of Gerald B. Berenson.

Rosalyn J. Drawas moved, and Selectman Wallace seconded, the nomination of Kimberly Kinsella.

Jane A. Neuhauser moved, and Selectman Wallace seconded, the nomination of Alfred I. Priest, Jr.

Clerk Thompson thereupon declared the nominations closed and called for a roll call vote, which was recorded as follows:

ANNE W. DONALD	VOTED TO APPOINT	GERALD B. BERENSON
ROSALYN J. DRAWAS	VOTED TO APPOINT	KIMBERLY KINSELLA
JANE A. NEUHAUSER	VOTED TO APPOINT	KIMBERLY KINSELLA
DONALD R. SOULE	VOTED TO APPOINT	GERALD B. BERENSON
DAVID A. WALLACE	VOTED TO APPOINT	GERALD B. BERENSON
ALAN J. WILLIAMSON	VOTED TO APPOINT	GERALD B. BERENSON

Roll call vote having been called and recorded, Clerk Thompson declared Gerald B. Berenson of 12 Austin Drive, to have been duly elected to the Park

and Recreation Commission, to serve until the next election, replacing former member Peter Berkel.

Park and Recreation Commission - FY1988 Pool Budget

Present: Park and Recreation Commission; Town Treasurer Chester Hamilton.

Donald Soule, Chairman of Park and Recreation Commission, informed the Board that Jean Panke, Director of Atkinson Pool, was unable to attend this meeting and that Jane Neuhauser will present the FY1989 Budget prepared by Ms. Panke.

Chairman Donald provided Town Treasurer Chester Hamilton with a copy of the proposed budget and requested that in the future Mr. Hamilton be provided with data and information as it becomes available.

Jane Neuhauser stated that the pool is operated with an Enterprise Fund and, although the Commission needs to present a budget, monies are not coming directly from the Town but rather from the Commission's income.

Chairman Donald questioned the need for so many receptionists, as listed on page 4, and Ms. Neuhauser explained this was necessary given the long hours of the pool's operation and the oddity of those hours.

Ms. Neuhauser pointed out that the number of lifeguards has been decreased and the number of water safety instructors increased, as it is the Commission's belief that this would be a more sensible use of personnel.

In response to inquiry by Selectman Wallace, Town Treasurer Hamilton stated that it is necessary to include depreciation because it is required by law. Although he has not had the opportunity to evaluate the proposed budget, he believes the figures as he sees them this evening are not correct and suggests a figure of \$100,000 would be more appropriate. Ms. Neuhauser explained that the figure the Commission proposed, as with other data, was arrived at from reviewing the budgets utilized by the Wayland Town Pool.

Chairman Donald suggested the Commission review its rationale for not including any overtime monies.

Upon recommendation by Executive Secretary Thompson, it was on motion of Chairman Donald unanimously

VOTED: To reschedule review and approval of the FY1989 pool budget to December 28, 1987; and further, to request that Town Treasurer Chester Hamilton meet with Jean Panke, Director of Atkinson Pool, and Executive Secretary Richard E. Thompson, prior to that date in order to make comments and recommendations pertaining to same.

Ephraim's Restaurant - Change of Manager/Renewal of License

Present: Brenda Schaffer, Attorney; Darlene Fagan.

The Board reviewed Petition For Change of Manager dated November 30, 1987, pursuant to vote of the Directors of Kenbo, Inc., d/b/a Ephraim's

Restaurant, taken on September 7, 1987, authorizing change from Gary Schmidt to Darlene M. Fagan.

Attorney Brenda Schaffer, representing Ephraim's Inc., stated that the restaurant has been sold and the new owners have kept the corporate name. Attorney Schaffer acknowledged that the change in ownership has not been presented for approval by the Board and she stated that she will present the proper application and supporting data at the earliest possible time.

Executive Secretary Thompson pointed out to Manager Darlene Fagen and Attorney Schaffer a recent advertisement by Ephraim's, indicating use of the Gold Room for functions - a use prohibited by the Town. Mr. Thompson further noted receipt of communication dated December 3, 1987, from Fire Chief Michael Dunne relative to this prohibited use and advised the Manager and Attorney that the premises will be checked for compliance with capacity regulations.

Upon recommendation by Executive Secretary Thompson, it was on motion of Selectman Wallace unanimously

VOTED: To approve change in Manager for Ephraim's Restaurant to Darlene M. Fagan.

Renewal of Annual Licenses for Calendar Year 1988

The Board reviewed the renewal of annual licenses for calendar year 1988, and Executive Secretary Thompson noted receipt of the following:

1. Letter dated December 8, 1987, from Deputy Building Inspector E. Midgley, stating that all inspections have been made and all sites have passed inspection;

2. Letter dated December 9, 1987, from Board of Health Director Michael J. Sullivan, stating no objections to the issuance of the appropriate licenses for the establishments listed in the communication dated October 30, 1987;

3. Letter dated December 3, 1987, from Fire Chief Michael Dunne, stating all common victualler, alcoholic beverage and used car licensed properties have been inspected and stating no objection to the renewal thereof; but further pointing out that a recent advertisement for Ephraim's Restaurant indicated the "Gold Room" is available for functions, a room Ephraim's has repeatedly been advised is prohibited for use for functions.

Executive Secretary Thompson brought to the Board's attention a continuing litter problem in the shopping center where Marrone's Bake Shop and Sudbury Pizza are located.

After discussion, it was on motion of Selectman Wallace unanimously

VOTED: To renew the following licenses which expire December 31, 1987, for calendar 1988, and to forward the appropriate renewal forms to the Alcoholic Beverages Control Commission, where applicable; subject to approval by the Department of Public Safety, where applicable; said licenses shall be held until payment of the required fees and payment of any outstanding taxes and

compliance relative to any/all outstanding health, safety or zoning violations set forth by the Fire and Police Chiefs, the Building Inspector and the Board of Health; said licenses shall also be subject to all previous restrictions:

<u>BUSINESS</u>	<u>TYPE OF LICENSE</u>
YBF, Inc. (Kappy's) 474 Boston Post Rd.	AA Package;
MacKinmon's Liquors 5 Concord Rd.	AA Package;
Sudbury Farms 439 Boston Post Rd.	W&M Package;
Ephraim's Restaurant 8 Village Green	AA Restaurant Common Victualler Entertainment (inc. Sunday);
Matt Garrett's of Sudbury, Inc. 120 Boston Post Road	AA Restaurant Common Victualler (hrs. restricted) Entertainment;
Tom Shea's 394 Boston Post Rd.	AA Restaurant Common Victualler Entertainment;
99 West, Inc. 694-8 Boston Post Rd.	AA Restaurant Common Victualler Entertainment (inc. Sunday);
Philip's Pizza 447 Boston Post Rd.	AA Restaurant Common Victualler Entertainment;
Wayside Inn 72 Wayside Inn Rd.	AA Restaurant Common Victualler/Innkeeper Entertainment;
Coach House Inn 738 Boston Post Rd.	AA Restaurant Common Victualler/Innkeeper Entertainment;
Dixon Restaurant Associates, Inc. d/b/a Rosario's 470 North Rd.	AA Restaurant Common Victualler Entertainment;
Bullfinch's, Inc. 730 Boston Post Rd.	AA Restaurant Common Victualler Entertainment;

Something Simple 385 Boston Post Rd.	AA Restaurant Common Victualler (hrs. restricted) Entertainment;
Papa Gino's 104 Boston Post Rd.	W&M Restaurant Common Victualler Entertainment (inc. Sunday);
American Legion #191 676 Boston Post Rd.	AA Club Common Victualler Entertainment (inc. Sunday) Automatic Amusement Devices;
Alden Merrell Cheesecake Co. 447 Boston Post Road	Common Victualler (hrs. restricted);
Bagel Baker, The 621C Boston Post Road	Common Victualler;
Charcuterie, The 525 Boston Post Road	Common Victualler Entertainment;
D'Angelo, Inc. 435 Boston Post Road	Common Victualler;
Friendly's 457 Boston Post Rd.	Common Victualler Entertainment;
Marrone's Bake Shop 418 Boston Post Rd.	Common Victualler;
Sudbury Pizza 426 Boston Post Rd.	Common Victualler;
Sudbury Bowladrome 136 Boston Post Rd.	Automatic Amusement Devices (Sun. Entertain., expires 3/27/88);
Colony Leasing Corp. 10 Concord Rd.	Used Car Class II (Conditioned; license period coincides with Special Permit);
Colonial Auto Body of Sudbury 430 Boston Post Rd.	Used Car Class II;
Station Road Auto Body & Garage 40 Station Rd.	Used Car Class II;
Automotive Diagnostic Ctr. 100 Boston Post Rd.	Used Car Class II;
Mosher Auto Body 34 Station Rd.	Used Car Class III;

and the following aforementioned businesses' licenses are renewed subject further to all outside areas of the premises being properly maintained free of litter:

Marrone's Bake Shop;

Sudbury Pizza;

and Colony Leasing Corp. being further subject to address change as approved by Town Counsel.

Peirce Rose, Inc. - Chapter 61A Property

Present: Edward A. Sokoloff, Esquire; Edward Levitt, President, Longwood Retirement Associates; members of the Planning Board, Conservation Commission and Board of Assessors; Dennis McNamara, Commonwealth of Massachusetts, Department of Fisheries and Wildlife; approximately fifty townspeople.

Chairman Donald convened a hearing for the purpose of making a decision relative to the Notice of Intent from Donald P. Peirce, President, Peirce Rose, Inc., mailed August 28, 1987, to sell for residential, industrial or commercial use approximately 28.76 acres of land off Maple Avenue, which is currently assessed under G.L. c. 61A for agricultural or horticultural use, and the Town's first refusal option to purchase said land in accordance with G. L. c. 61A, §14.

Executive Secretary Thompson noted receipt of the following:

1. Letter dated December 9, 1987, to Board of Selectmen from Edward A. Sokoloff, Esquire, enclosing a proposed bylaw amendment concerning "Senior Residential Development" for inclusion for the April Town Meeting;
2. Memorandum dated December 4, 1987, from Town Counsel, containing legal opinion regarding the fair and proper application of Chapter 61A to this property and outlining the proper procedure for exercising the Town's option. Mr. Thompson advised that copies of this memorandum have been made available to Longwood Retirement Associates and Mr. and Mrs. Donald Peirce;
3. Memorandum dated September 30, 1987, from Board of Assessors, urging support for the Town exercising its option to purchase the property;
4. Memorandum dated December 9, 1987, from Conservation Commission, recommending that the Town exercise its option to purchase the property;
5. Memorandum dated December 9, 1987, from Planning Board, recommending that the Town exercise its option to purchase the property;
6. Letter dated December 12, 1987, received this evening, from Route 20 Task Force, recommending that the Town not approve siting a senior residential community, as proposed by Longwood Retirement Associates, on the subject property. A copy of said letter was given in hand to Attorney Sokoloff.

Executive Secretary Thompson acknowledged presentations heretofore made to the Board concerning the subject property; joint sessions have been held with the Planning Board, Conservation Commission and certain abutters. Attorney Sokoloff was invited to make an opening statement.

Attorney Sokoloff briefly summarized the information he presented to the Board at the last meeting, reminding those present that Longwood Retirement Associates wishes to utilize the property for the purpose of combining primary care facilities with a nursing home for the elderly. Attorney Sokoloff opined that the location is ideal in terms of having the least impact on the Town overall, and cited accessibility to Route 20 and all neighboring facilities would make it easier for the elderly residents to walk rather than utilize transportation. Attorney Sokoloff stated that it is his feeling that the Town clearly needs this kind of facility and having it at the subject location is most favorable to the Town. Furthermore, he added, if one were to look at the neighborhood at what exists today, a lot of the property is owned either by the Town or the Water District or other recreational facilities. Thus, he said, it would have the least impact on any residential neighborhood.

Attorney Sokoloff continued by stating that the Town does have the right of first refusal under Chapter 61A, and Mr. Peirce will address that issue. Attorney Sokoloff wished to point out, however, that under Chapter 61A, Section 14, it is a very, very narrow right that the Town has. It is Attorney Sokoloff's opinion that the Town's only right as set forth in the statute is to buy the land for the bona fide offer that exists under the Purchase and Sale Agreement. Attorney Sokoloff stated he respectfully disagrees with Town Counsel's opinion, which is that the Town can buy it for the full and fair market value as determined by an independent appraisal. It is Attorney Sokoloff's opinion that if the Board is to take the advice of Town Counsel, it must look at the statute, which says that it is only in the event there is no intended sale that allows the property to be assessed at full and fair market value.

Donald P. Peirce addressed what he believed to be the salient points with regard to this matter. He stated that it is his understanding that Town Counsel had indicated that there "appears" to be a bona fide offer. It is Mr. Peirce's opinion that when money changes hands and you have a willing seller and a willing buyer, that constitutes a bona fide offer. Mr. Peirce went on to say that it has been well known for over a year that he is unable to continue in the farming profession. He stated that his purpose in selling the property is not to merely obtain large revenue. But he is, he stated, attempting to meet his financial obligations incurred as a businessman and is voluntarily selling his property.

Town Counsel Paul Kenny (who had been out of the room during the last portion of Attorney Sokoloff's presentation and the comments made by Mr. Peirce) was given a brief summary by Selectman Wallace of the issues raised during his absence. Attorney Sokoloff reiterated his opinion that the statute is exactly opposite the interpretation set forth by Attorney Kenny in his opinion dated December 4, 1987. Attorney Sokoloff stated his interpretation of the statute is that the only time the fair market value determined by an independent appraiser takes effect is a situation where two factors must be present; i.e., (1) conversion of use and (2) not involving sale.

Attorney Kenny stated he understands the distinction being made by Attorney Sokoloff. In order to reach his legal opinion, his office went to the State House and researched the legislative history of the Act. Attorney Kenny stated he found that the history supports his opinion that the intent of

the statute is that the Town has the right to purchase at fair market value. Attorney Kenny continued that it is his office's opinion that a conditional offer such as may have been made concerning this property went outside what the statute intended. It is Attorney Kenny's position that the statute's intent is that if a property owner wanted to use the property and reap tax benefits therefrom, if that owner then wishes to sell it at its fair market value, then the Town has the first option to purchase.

Deborah Montemerlo of the Conservation Commission added that there is pending legislation which would clarify that the intent of Section 14 of the statute is not to have the Town pay for contingencies.

Ms. Montemerlo introduced Dennis McNamara, Right-Of-Way Agent for the Commonwealth of Massachusetts, Department of Fisheries and Wildlife, who explained that some weeks ago, he received a call from Ms. Montemerlo concerning this property. Mr. McNamara pointed out that the Town's rights under Chapter 61A are not directly assignable to the Commonwealth. However, under the Department's acquisition program, the guidelines for which have most recently been signed into law, it is the intent of the Commonwealth to preserve as much open space as possible. It is Mr. McNamara's opinion that this property meets three out of the four new guidelines established. These guidelines are: (1) property must front on major rivers; (2) property must have as part of it a cold water stream suitable for fisheries; (3) property must be adjacent to permanent open space; and (4) property that has endangered species habitating on it. Mr. McNamara pointed out that this property meets the cold water stream aspect since Landham Brook is stocked annually by the Department. He also believes Hop Brook is so stocked. Further, the property is adjacent to permanent open space owned by Sudbury Valley Trustees and by the Town, through the Conservation Commission.

Mr. McNamara stated that the Commonwealth is not interested in purchasing buildings, but is very interested in the open space that presently exists. It is his opinion that the property would make a good acquisition under the Open Space Acquisition Program.

Mr. McNamara stressed that the Commonwealth does not wish to get embroiled in controversy. He stated that his purpose for being present this evening was to say that if the land were to be made available, via purchase by the Town, the Commonwealth would be interested in purchasing it from the Town. He reiterated that the Commonwealth is not interested in purchasing the buildings; however, he stated, it is his opinion that negotiations could be made with the Town for the removal of the greenhouses. Upon inquiry by Selectman Wallace, Mr. Peirce stated that on that portion of the property under Chapter 61A, there are approximately sixteen greenhouses, three boiler houses. Mr. Peirce added that with the exception of four glass structures, the greenhouses are essentially "down".

Ms. Montemerlo stated that the Town Engineer has been looking into the salvage value of these greenhouses and it is her opinion there may be some salvage potential.

Roger Davis of Nine Lands End Lane commented that a number of people would take issue with Attorney Sokoloff's characterization of the property as "ideal" for a senior residential development; and further expressed concern

over a newspaper article which stated that the proposed access would be through the Park. The big question, Mr. Davis stated, concerns the sewage disposal plant. Since wetlands are not developable, he assumes the developer will propose a treatment plant. Mr. Davis concluded by urging the Board to exercise the Town's right of option to purchase.

Edward Levitt, President of Longwood Retirement Associates, stated that he appreciates the concerns expressed. It is his belief that there is an agreement that there is a need for providing housing for the elderly. Mr. Levitt stated that he recognizes his company has major responsibilities to fulfill and that all issues will have to be addressed to the satisfaction of the Town. It is his understanding, he stated, that the purpose of the meeting this evening is only to the issue of whether the Town wishes to exercise its right to purchase.

Edith Hull of 15 Maple Avenue expressed her concern that although this development is being presented as housing for the elderly, it appears to her that very few senior citizens she knows, herself included, can afford to live in this development.

Mr. Levitt stressed that his company aims for the best facilities for the elderly; however, since the company does not even know if it will be permitted to purchase the property, he cannot give any details as to costs, room size, etc. What he can say, he concluded, is that whatever is proposed would have to meet with the Town's approval before they can proceed. Mr. Levitt stated that there used to be a notion that the elderly should be put out on a rocking chair in the countryside. Today, the feeling is that the elderly should have ease of access to and remain an integral part of the community. Mr. Levitt offered to show other sites in other parts of the country to whomever would be interested.

Upon inquiry by Barbara Smith of 16 Alta Road, Mr. Levitt explained that the Purchase and Sale Agreement is based upon a number of things, not the least of which is whether the Town will exercise its right under Chapter 61A. He stated that his company has not progressed to the point of deciding the number of units because there are wetlands and aquifer issues to be addressed. He further stated that the company has completed a 21E survey to see if the ground has hazardous waste material; but the company has not gone farther than that.

Selectman Wallace stated that his position with regard to purchase of this property is independent of any projected developments or plans. His concern, he stated, is the fact that the property is so close to Raymond Road and the wellfields. It is his opinion that not to preserve and protect this area would be unconscionable. He stressed that his decision to vote in favor of the Town exercising its option to purchase should in no way be construed as a reflection upon Mr. Levitt and Longwood Retirement Associates. Selectman Wallace stated that he knows from personal experience the fine quality utilized by that company in the development of the North Hill Community in Needham. Selectman Wallace concluded by stating that when he took office as a member of the Board of Selectmen he pledged to protect the Town's ground and well water; it is his belief that this property is too sensitive an area to ignore.

It was thereupon on motion of Selectman Wallace unanimously

VOTED: To notify Peirce Rose, Inc. of the Town's intent to purchase the real estate owned by Peirce Rose, Inc. at its full and fair market value, determined by an independent appraiser, as set forth in Town Counsel's Opinion dated December 4, 1987.

Mr. Peirce made the following statement for the record:

Of the two methods accorded by the statute to the landowner, only the right of first refusal is before this Town. The bona fide offer by Longwood meets the reasoning of the law in that any 61A parcel would require approvals by Town boards that the owner of land cannot guarantee and the buyer cannot assume. This offer involves substantial monies that are not refundable and in my opinion is clearly bona fide. Any action taken by the Town, especially after the passage of Chapter 95, which extended the sixty-day time period to 120 days as regards to the notice to the Town, is arbitrary, discriminatory and confiscatory, and is in violation of my rights as a farmer and as a citizen of this Commonwealth. If this opinion of Town Counsel is upheld, and the subsequent vote of the Board of Selectmen, by any Court, then in fact any farmer who placed his property under Chapter 61A since 1972 will have been defrauded by the State of Massachusetts.

The meeting was thereupon adjourned at 8:45 p.m. and the regular meeting of the Board continued.

Resource Recovery Committee - Proposed Articles For 1988 ATM

Present: Neal M. Drawas, Resource Recovery Committee; Robert Noyes, Highway Department.

Resource Recovery Committeeman Neal M. Drawas submitted written recommendations to the Board concerning establishment of an Enterprise Fund for the Town's Landfill.

Mr. Drawas reported that on December 3, 1987, the Committee reviewed the current Landfill regulations and it was their unanimous opinion that severe re-writing of the regulations are in order. He further stated that the Committee voted to delay submitting a draft amendment to January 1988, since the Committee wishes to review regulations from other communities relative to similar issues facing Sudbury.

Mr. Drawas outlined the Committee's proposal with regard to establishment of an Enterprise Fund for the Landfill. He explained that the proposal is based upon current landfill issues and figures discussed at prior meetings with the Board. The Committee developed a formulation for allocating monies to cover capital expenditures, monies set aside for closure and monitoring of Landfill, additional expenditures for purchasing the final cover material, etc. He explained this formula basically allows for fifty percent of the money from collected fees being set aside, based upon some sort of time schedule. The Committee would further like to see an additional ten percent of monies collected set aside for use in establishing and operating enhanced recycling programs. The remaining forty percent, he continued, would go to defer annual operating costs.

Robert Noyes of the Highway Department reported that there has been collected approximately \$148,220 from October to this date. He confirmed that equipment will have to be replaced, citing the need of a new bulldozer.

Mr. Drawas stated that based on the last meeting he attended with DEQE, there is conceptually an agreement with what the Town is proposing with regard to the Landfill. It is the belief of Mr. Drawas that with the projected time DEQE will give the Town, with the type of allocations proposed and the fees generated by the fee structures as proposed at a prior joint meeting with the Board, enough funds will be generated to accomplish final closure.

Executive Secretary Thompson recommended the Board endorse the recommendations submitted by the Committee, with the exception of the ten percent allocation for the enhanced recycling program. He explained that, although he considers it a most important item and one that should be supported, Mr. Thompson does not believe those monies can realistically be set aside for that. Mr. Drawas emphasized that the Committee's intent is to keep those recyclable materials out of the Landfill, thus preserving space.

Mr. Theodore Barton of the Committee reported that the recent article in the Town Crier concerning recycling of materials has generated great public interest and action. He was pleased to report an overwhelming increase in the use of the recycling trailers.

With regard to establishment of the Enterprise Fund, Executive Secretary Thompson stated that Town Accountant James Vamar reported that the Department of Revenue has indicated that the Landfill operation would be an allowed use for an Enterprise Fund under the Health Care provision; and the Department would be sending a confirmatory letter to that effect.

Donald Soule of the Park and Recreation Commission wished to bring to the Board's and Committee's attention the "Stump Dump" on Route 117. He stated that the feasibility study for the siting of a golf course at that location is being completed and the indication is that this project could be completed in the Fall of 1989. It is his hope that thought will be given now to relocating that "Stump Dump" to another location, to avoid a last-minute problem down the road. Executive Secretary Thompson stated that he would contact Town Engineer I. William Place and have him work on locating an alternate site as soon as possible.

After further discussion, on motion of Chairman Donald it was unanimously

VOTED: To endorse the recommendations as presented by the Resource Recovery Committee with regard to the Sanitary Landfill Enterprise Fund, subject to comment and recommendation by Highway Surveyor Robert Noyes and subject further to review and revision of the recommended allocation for recycling programs of ten percent of monies collected; and to amend its submission of its article on Landfill Upgrading to establish a Landfill Enterprise Fund.

Sudbury Landing, Inc., d/b/a Tom Shea's - One Day Suspension of License

Present: Thomas E. Shea, Manager, Sudbury Landing, Inc., d/b/a Tom Shea's;
Police Chief Peter B. Lembo.

Chairman Donald opened a public hearing in accordance with M.G.L. c. 138 §64, to receive and consider evidence relative to a violation by Sudbury Landing, Inc., d/b/a Tom Shea's, of its Alcoholic Beverages Restaurant License on November 12, 1987. Executive Secretary Thompson noted a letter was mailed, certified, to Sudbury Landing, Inc., under date of December 7, 1987, return receipt certified December 11, 1987, giving notice of this hearing.

Upon inquiry by Chairman Donald, Police Chief Peter B. Lembo reported that on November 12, 1987, Detective Sergeant Peter Langmaid, Detective John Longo and members of the Lincoln Police Department conducted an undercover police operation, wherein they checked restaurants and package stores to determine if alcoholic beverages were being sold to underage adults. Chief Lembo stated that Tom Shea's Restaurant, 394 Boston Post Road, was in direct violation of the Alcoholic Beverages Laws, because one of its bartenders served an underage special police officer without verifying such officer's age.

Thomas E. Shea, Manager of the restaurant, was in attendance at the hearing and admitted to the violation.

Upon recommendation of Chief Lembo and after consultation with Town Counsel, it was on motion of Selectman Wallace unanimously

VOTED: To suspend the Alcoholic Beverages license held by Sudbury Landing, Inc., d/b/a Tom Shea's, 394 Boston Post Road, on Thursday, January 7, 1987, for violation of the Alcoholic Beverages laws.

Accounting Department - FY89 Budget

Present: Town Accountant James Vanar.

The Board reviewed FY89 Budget submitted by Town Accountant James Vanar. Mr. Vanar pointed out that in Fiscal Year 1989 there will be no audit, which would have been a big expense.

After review and discussion, it was on motion of Selectman Wallace unanimously

VOTED: To approve the Fiscal Year 1989 Budget of the Accounting Department, as prepared by James Vanar.

Building Department - FY89 Budget

Present: Building Department Head Joseph E. Scammon.

The Board reviewed FY89 Budget submitted by Building Department Head Joseph E. Scammon.

Mr. Scammon pointed out on page 4 of the Budget two new positions: (1) custodian for Fairbank (Executive Secretary Thompson reported there is a tentative agreement that 2/3 of the salary will be paid by the High School and 1/3 of the salary will be paid by the Town); and (2) Assistant Inspector of Buildings.

Upon inquiry, Mr. Scammon stated he will inform Executive Secretary Thompson of Deputy Inspector of Building Midgley's salaries for Fiscal Years 1986 and 1987. Mr. Scammon will also prepare a job description for the new position of Assistant Building Inspector for review by the Board.

Upon recommendation of the Executive Secretary, it was on motion by Chairman Donald unanimously

VOTED: To tentatively approve the Fiscal Year 1989 Building Department Budget as prepared by Joseph E. Scammon; and to meet with the Finance Committee to discuss same for final approval.

Superfund Amendments and Reauthorization Act (SARA)

The Board reviewed memorandum dated December 10, 1987, from Fire Chief Michael Dunne relative to the naming of the Town's local planning committee under Title III Superfund Amendments and Reauthorization Act.

Upon recommendation by Executive Secretary Thompson, it was on motion unanimously

VOTED: To appoint Fire Chief Michael Dunne as Local Emergency Planning Committee Member and Chairman under Title III Superfund Amendments and Reauthorization Act (SARA), and to appoint the remaining committee members as recommended by Fire Chief Dunne in his memorandum dated December 10, 1987, as follows:

Chief Executive	Richard E. Thompson
Civil Defense	Michael Dunne
Fire Department	Michael Dunne
Police Department	Peter Lembo
Health Department	Michael Sullivan
Public Works	Robert Noyes
Environmental	Deborah Montemerlo
Red Cross	Gregg O'Ryon
Facility Representative	William Smey, Raytheon Company
Facility Representative	Tom Badstubner, Union Carbide

Gift of Land on Old County Road (.26 acres)

The Board reviewed memorandum dated November 27, 1987, from the Conservation Committee, who voted unanimously to recommend acceptance of a gift of .26 acres on Old County Road.

It was on motion of Chairman Donald unanimously

VOTED: To accept a gift of .26 acres of land (Parcel K11-401 on Town Property Maps) on Old County Road from David Fleischer Realty Trust, as set forth in memorandum dated November 27, 1987, from the Conservation Committee; the deed to be executed upon receipt and approval of Town Counsel.

Annual Town Meeting Matters

On motion it was unanimously

VOTED: To table review of proposed amendment to the warrant article report concerning construction of a Senior Center to the next meeting, in order to enable absent Selectman John Drobinski to review and comment on same.

Upon review, it was on motion of Chairman Donald unanimously

VOTED: To approve the following amended proposed articles and Selectmen's Reports:

1. To Amend Bylaw, Article V, Public Safety - Designate Penalties;
2. To Amend Bylaw, Article V(B), Burglar Alarms - Designate Penalty;
3. To Amend Bylaw, Article IX,V,L., Special Regulations, Unregistered Motor Vehicles - Establish Penalty;
4. To Amend Zoning Bylaw, Article IX,VI,D, Administration - Penalty;
5. To Amend Article V, Section 14, Public Safety, Conduct In Public Areas Enforcement Procedure.

Upon review, it was on motion of Chairman Donald unanimously

VOTED: To approve revision of the Street Acceptances Article to contain the following ways:

Maynard Farm Road Extension
Maynard Farm Circle
Guzzlebrook Drive
Beckwith Street
Hawes Road
Tantamouse Trail

Upon review, it was on motion of Chairman Donald unanimously

VOTED: To submit an article on behalf of the Lincoln-Sudbury Regional District School Committee proposing amendments to the Agreement establishing The Lincoln-Sudbury Regional School District, subject to approval of wording by Town Counsel; and subject further to receipt of report from Lincoln-Sudbury Regional High School.

Minutes

Upon review, on motion of Selectman Wallace, it was unanimously

VOTED: To approve the minutes of the regular and executive sessions of December 7, 1987, and special meeting of December 5, 1987, as presented.

MetroWest Meeting

Chairman Donald reported an interesting MetroWest meeting, wherein results of the MAPC Water Supply Protection Study of the South Shore were discussed. Mrs. Donald was given a map which showed the location of the various watersheds and how they contribute to other towns. She further reported that she learned the only town that has an aquifer protection bylaw is Scituate. She stated that at the meeting, MAPC asked if MetroWest would be interested in having a similar study in this area, since MAPC expects to receive grant money to do so.

It was on motion of Chairman Donald unanimously

VOTED: To request Executive Secretary Thompson to contact MetroWest and advise that Sudbury would be interested in having a water supply protection study conducted in the MetroWest area by MAPC similar to that done for the South Shore.

Cancellation of Selectmen's Meeting of January 18, 1988

It was on motion unanimously

VOTED: To cancel and not reschedule the meeting of the Board of Selectmen on January 18, 1988, Martin Luther King, Jr. Day.

Request to Massachusetts Bay Transportation Authority (MBTA)

It was on motion unanimously

VOTED: To request that Executive Secretary Thompson send a letter to the Massachusetts Bay Transportation Authority (MBTA) to encourage them to move the proposed schedule ahead to bring its RIDE program into Sudbury, which will assist the many handicapped and disabled persons in Sudbury who are seeking means of transportation.

There being no further business to come before the Board, the meeting was adjourned.

Attest:

Richard E. Thompson
Secretary-Clerk