

IN BOARD OF SELECTMEN  
MONDAY, OCTOBER 26, 1987

Present: Chairman Anne W. Donald, David A. Wallace and John C. Drobinski.

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

Executive Secretary-Clerk Pro Tem

Upon motion of Selectman Wallace, it was unanimously

VOTED: To appoint Janet Silva Executive Secretary-Clerk Pro Tem for purposes of this meeting.

Site Plan Application #87-304 - Devlin Construction Corp.

Chairman Donald opened a hearing on the above subject site plan, which hearing had been continued on September 14, 1987, to this date.

Pursuant to request of applicant Devlin Construction Corporation, contained in its letter to the Board dated October 23, 1987, it was on motion of Selectman Wallace unanimously

VOTED: To further continue public hearing to consider Site Plan Application #87-304 of Devlin Construction Corp., received July 17, 1987, for construction of a self-storage facility to be located off Station Road, on property owned by Perkins Realty Trust, to January 11, 1988.

Minutes

It was on motion of Selectman Drobinski unanimously

VOTED: To approve the executive session minutes of October 19, 1987, as presented; and the special meeting minutes of October 14, 1987, and the regular minutes of October 19, 1987, as corrected.

Council On Aging - Resignation of Edward Sicard

The Board reviewed letter of resignation by Edward Sicard received October 20, 1987, due to his move to Florida.

On motion of Selectman Wallace, it was unanimously

VOTED: To accept with regret the resignation of Edward Sicard from the Council On Aging, effective October 31, 1987; and to request the Executive Secretary to forward a letter of thanks to Mr. Sicard for his generous contribution to the Town as a member of the Council.

Appointment Of Police Matron

Pursuant to written recommendation of Chief of Police Peter B. Lembo dated October 21, 1987, it was on motion of Chairman Donald unanimously

VOTED: To appoint Police Dispatcher Judith Steele of Five Suburban Road, Worcester, as a Police Matron, for a term to expire April 30, 1988.

Acceptance of Interests in Land

The question of accepting a drainage easement given by Lyman Morris DeRidder and Emily De Ridder, 113 Concord Road, for the Highway Department, was removed from consideration at this time.

The approval of a conservation restriction to be given by Robert W. Shoemaker, III, on land located at northerly terminous of Thoreau Way, DiBiase Farms Estates, was tabled.

Upon review, it was on motion of Selectman Drobinski unanimously

VOTED: To accept and execute a Drainage Easement given by Robert W. Shoemaker, III, on land located at northerly terminous of Thoreau Way, DiBiase Farms Estates, dated July 14, 1987.

Appointment To Deputy Wiring Inspector

Upon review of application for appointment to Deputy Wiring Inspector submitted by Arthur J. Richard, and upon recommendation of Building Inspector Joseph E. Scammon, it was on motion of Chairman Donald unanimously

VOTED: To appoint Arthur J. Richard of 77 Pantry Road, as Deputy Wiring Inspector, for a term to expire April 30, 1988.

350th Anniversary Celebration - Donation

It was further on motion of Chairman Donald, unanimously

VOTED: To accept on behalf of the Sudbury 350th Anniversary Celebration Committee a donation in the amount of \$1,000.00 from the West Newton Savings Bank, 19 Concord Road, Sudbury, to be deposited in a special 350th Celebration donation account; and to authorize its expenditure by said committee for purposes of the 350th Anniversary Celebration.

New England Conference of Baptist Churches

Executive Secretary Pro Tem Silva informed the Board of a request received by Reverend Dean of the Baptist Church that a Selectman make a brief appearance at the Church on Thursday, November 5, 1987, at 7:45 p.m., to welcome approximately 140 churches from all over New England, who are holding a two-day conference and celebrating their 25th anniversary of regional affiliation.

Selectman Drobinski indicated that he would be pleased to attend, schedule permitting.

United Way Campaign

The Board reviewed memorandum from Town Clerk Jean M. MacKenzie, dated October 14, 1987, suggesting a drawing among Town employees, whereby a United

Way contributor will have his/her name drawn by chance and win time off from work with pay.

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

VOTED: To approve and authorize Town Clerk Jean M. MacKenzie, United Way Coordinator for the Town, as part of the 1988 United Way Campaign Drive, to conduct a drawing among Town employees, whereby a contributor will have his/her name drawn by chance and win two personal days off with pay, and to direct the Executive Secretary to work out the details of the same.

It was noted that the Chairman of the Personnel Board has stated his concurrence with the same, as expressed to Mr. Thompson.

#### Peakham Road Walkway

Executive Secretary Pro Tem Silva reported that the delay on the Peakham Road Walkway construction is due to difficulties in obtaining easements. She further stated that since one of the property owners has refused to grant an easement, the walkway will be close to the street.

#### Landfill Rules and Regulations Regarding Fees

Residents Mary Jane Hillery and Beverly Bentley questioned the fact that residents who attempt to dispose of large appliances as ordinary household refuse are being informed that they must pay a special fee. Chairman Donald stated that Town Counsel is working with the Board to provide proper interpretation and clarification of the rules and regulations concerning this issue and the Board will be in a better position to discuss this matter in the not-too-distant future.

#### TOWN FORUM

At 8:00 p.m., Chairman Donald convened the 174th Session of the Town Forum, a copy of the minutes of which are attached hereto and made a part hereof.

#### Cable Television Committee - General Meeting

Present: Jeffrey Winston, Cable Television Committee.

Jeffrey Winston, Chairman of the Cable Television Committee, gave a generally favorable report of his meetings with Penny Contos, the Adams-Russell representative. Mr. Winston reported that construction of the system, as outlined in the original contract, is complete; and in fact, in many areas the company has exceeded what the original contract called for. The only exceptions, he stated, are some private roads to which the company is having trouble gaining access. It is his understanding that Executive Secretary Thompson is assisting the company in making the proper contacts for gaining such access.

Mr. Winston opined that Adams-Russell has not done a very good marketing job. His statistics reveal that out of 4,700 homes in Sudbury, 4,300 are cable-ready. Of those 4,300 homes, only 1,900 subscribe to cable, which means

only 45%, compared with a normal percentage of cable subscriptions of 55-60%. The Cable Committee hopes to see a more aggressive marketing campaign conducted by Cablevision, the company that is attempting to purchase Adams-Russell.

Mr. Winston further reported that the Town does receive a license fee of fifty cents per subscriber per year. However, since the contract makes no provision for increases, this amount will not be increased even if subscription rates rise.

In terms of local access, Mr. Winston stated that the studio as currently equipped is not able to easily mobilize for out-of-studio activities, such as sports. Upon investigation, it appears that an investment of approximately \$3,500 worth of equipment will allow expanded coverage to outdoor activities. The Cable Committee is encouraging Fred Walker to contact the Executive Secretary to discuss fund-raising for this equipment.

Mr. Winston reported that the Town of Lincoln has awarded a cable license to Nashoba Cable. He contacted that Town's Cable Committee and inquired what they intended to do with Lincoln-Sudbury Regional High School, where Sudbury provides access to all students to the Cable Studio. It was made clear to Mr. Winston that Lincoln would like this access to continue and in fact, it is reasonable to believe that in the future tapes originating from the Sudbury Cable system will be brought to and shown over the Lincoln cable system.

The Cable Committee conducted a review of all the "free drops" (i.e., installation of cable lines) to the municipal buildings. Town Hall and the Fire Departments are complete. Cable goes to, but no free drop yet, Flynn Building, Goodnow Library, Fairbank Community Center, Highway Department. Mr. Winston has been told that Adams-Russell is awaiting word from the Town as to where it wants the "drops".

The Cable Committee learned that the design of the Sudbury system does not permit return broadcasts from any point. Mr. Winston explained that there is a path that starts at Lincoln-Sudbury Regional High School and winds its way out to the northwest corner of Town; and only buildings along that route can transmit live broadcasts. He said that it has to do with the transformers on the pole not being bi-directional.

The Cable Commission has been receiving an average of two or three complaints per week from subscribers, but Mr. Winston believes them to be normal misunderstandings and no major problems. He was pleased to report that Penny Contos, the Adams-Russell representative, has been pleasant and reasonable to work with. He further opined that the majority of the subscribers are generally happy with how the system is being run.

Based on Mr. Winston's experience with cable systems in other communities, he suggested the Board consider allowing placement of a "character generator", which is a device that puts messages on the television via the Town Channel, in the Town Clerk's Office. This would enable the advertisement of many Town events; for example, the Board of Selectmen's meeting could not only be posted, but the meeting's agenda could be shown in its entirety. Mr. Winston acknowledged that this would require additional manpower; however, the benefit to the Town may be considered when the Selectmen are next doing their Town planning.

Chairman Donald stated that the only problem she has experienced is that Adams-Russell has made a number of changes in channel numbers, and wondered if new program cards are being issued. It was Mr. Winston's understanding that there were such cards and they had been included with the regular billing.

Mr. Winston stated that it was his belief that there would be another channel "shakeup" in February or March, when the transfer to Cablevision is anticipated to be complete. He has also been informed that the cable company's new budget tentatively calls for a small (under One Dollar) increase in the rate for Superstations. He also stated that there was a strong indication that the Basic Service may be eventually phased out.

Resident and subscriber Mary Jane Hillery expressed her displeasure with the change in her service from what she had purchased. In particular, she was very concerned when Cable Channel WGN was dropped because she watched that channel quite a bit. What upset her was that the company claimed they had taken a poll and she has yet to hear of anyone who had taken it. She therefore felt that it was an arbitrary decision of the company's and she does not believe this is fair. She concluded by stating that the channel "shakeup" has resulted in the inclusion of three Home Shopping channels. It is her feeling that although it benefits the cable company, because they collect a commission on everything sold over those channels, they do not benefit her as a subscriber.

Mr. Winston concluded his report by reiterating past discussions concerning the question of whether the transfer of license from Adams-Russell to Cablevision is a public transfer or not. He explained that the State has directed the municipals to treat it as a public transfer, and Cablevision's attorney agrees. The State has said, however, that the communities can withhold approval only if they can demonstrate that the new licensee cannot meet the terms of the original license. It is his opinion that Adams-Russell is meeting the terms of the license. Since the management will remain the same after transfer of the license, it is reasonable to believe that the requirements will continue to be met. However, the Cable Committee has asked Cablevision to review with them in detail how that company intends to meet the license requirements and Sudbury's needs. Mr. Winston reported that there is a regional effort being put together, headed by representatives from Peabody, to review the transfer of the Adams-Russell licenses in many communities of the Commonwealth. This group intends to request \$10,000 for funding a study of the financials concerning the transfer. He has been informed that a brief review of the financials suggests the finances on which the transfer is being made is what may be termed "a bit of a stretch". The group is also looking for donations from the various communities. The Cable Committee, having the benefit of a Certified Public Accountant being a member, is going to conduct its own informal study of the situation and will make a recommendation as to a contribution, if any, at a later date.

Chairman Donald thanked Mr. Winston for a comprehensive report and invited subscribers to meet with Mr. Winston informally immediately following this meeting to address their particular questions and comments to him.

Ye Olde 117 House, Inc. - Transfer of License

Present: Roger S. Murray, Manager, Ye Olde 117 House, Inc.; Robert J. McCabe, co-owner of property; George Dixon, Manager, d/b/a Rosario's; Sheara F. Friend, Attorney; Frederick O. Robinson, Michael Simmons and Walter Bell, Abutters.

Chairman Donald convened a public hearing to consider the application dated October 1, 1987, for transfer of Restaurant All Alcoholic Beverages License from Ye Olde 117 House, Inc., to Dixon Restaurant Associates, Inc., d/b/a Rosario's, for property located at 470 North Road; and to further consider the granting of Common Victualler and Entertainment Licenses to Dixon Restaurant Associates, Inc.

In conjunction with the application for transfer of the alcoholic license, all abutters had been duly notified and notice of this hearing duly published, and the following documents had been received:

1. Application dated October 1, 1987, filed by Sheara F. Friend, Singer, Stoneman, Kunian & Kurland, P.C., attorney filing on behalf of Dixon Restaurant Associates, Inc.
2. Certification of "No Criminal Record" from the Commissioner of Probation, dated October 1, 1987, and a birth certificate verifying U. S. citizenship, regarding the proposed new manager, George Dixon.
3. Letter dated September 26, 1987, from Roger S. Murray, President, and Kathleen Murray, Clerk, Ye Olde 117 House, Inc., authorizing the transfer of its liquor license to Dixon Restaurant Associates, Inc.
4. Floor Plan of Ye Olde 117 House prepared by Robert Zarelli Architect, dated September 25, 1987, showing a total seating count of 59.
5. Copy of Articles of Organization for Dixon Restaurant Associates, Inc., dated September 22, 1987, signed by Connie J. Dingman, 100 Charles River Plaza, Boston, Massachusetts 02114, as Incorporator.
6. Vote of George Dixon as sole Director of Dixon Restaurant Associates, Inc., authorizing it to apply for and obtain the subject license; authorizing George Dixon to do whatever is necessary to obtain same; and appointing George Dixon as Manager.
7. Tax Attestation signed by George R. Dixon as President of Dixon Restaurant Associates, Inc., certifying that all required state tax returns have been filed and state taxes have been paid by Dixon Restaurant Associates, Inc.
8. Certificate of Doing Business dated September 29, 1987, signed by George R. Dixon as President and Manager of Dixon Restaurant Associates, Inc., d/b/a Rosario's.
9. Application For Common Victualler License dated October 22, 1987, signed by Sheara L. Friend as Attorney for George Dixon, President of Dixon Restaurant Associates, Inc.
10. Application For Entertainment License dated October 22, 1987, signed by Sheara L. Friend as Attorney for George Dixon, President of Dixon Restaurant Associates, Inc.
11. Letter dated October 21, 1987, from Chief of Police Peter B. Lembo, indicating no objection regarding the transfer of license.

12. Letter dated October 26, 1987, from Collector of Taxes Isabelle K. Stone, stating total taxes due in the amount of \$34,016.17.

13. Communication dated October 26, 1987, from Town Accountant James Vanar, recommending that the transfer of the license be contingent upon payment of all back taxes owed the Town.

14. Communication dated October 26, 1987, from Board of Health Director Michael J. Sullivan, stating no objections to the transfer, conditioned upon: (1) the ice machine and refrigerator located in the basement being relocated to the upstairs storage room; (2) the floor in the dining area being either recarpeted or a floor covering acceptable to the Board of Health being installed; (3) the kitchen ceiling being painted; and (4) the seating capacity of the restaurant not being increased.

15. Communication dated October 26, 1987, from Fire Chief Michael Dunne offering no objection to the transfer, with the understanding that the entertainment license is not for live entertainment, but rather background music and juke box.

16. Letter dated October 23, 1987, from Inspector of Buildings Joseph E. Scammon, stating no objection to the transfer of the licenses and noting that any change in the standing sign will require proper permits.

Attorney Sheara F. Friend of the law firm of Singer, Stoneman, Kunian & Kurland, P.C., 100 Charles River Plaza, Boston, Massachusetts, representing George Dixon, who was present with her, stated that Mr. Dixon plans to upgrade the restaurant to a more romantic rather than a party type of place. She further stated that Mr. Dixon presently does not intend to undertake any major renovations to the establishment--although he does intend to do cosmetic work, such as painting--but after a year of operation, he may consider expanding the seating area into what is currently the storage area. Ms. Friend explained that Mr. Dixon will be leasing the property, which will be purchased by a Trust. The sole beneficiary of that Trust, she stated, will be Timothy Harrington and the Trustee is Joseph Lamone, who is an impartial friend of both Mr. Harrington and Mr. Dixon. Mr. Dixon has had some experience with restaurant management and for a number of years, he was night manager of the Post and Rail Restaurant in Billerica.

In addition to the request for transfer of the liquor license, Attorney Friend also brought to the Board's attention Mr. Dixon's applications for Entertainment and Common Victualler's Licenses. With regard to the entertainment, Attorney Friend stated that all that is anticipated is a juke box, tape deck, stereo and the television that is already on the premises. With regard to food, Attorney Friend stated that although the restaurant currently does not serve dinner, Mr. Dixon does anticipate, within six or seven months, serving dinner; lunches will continue to be served.

Upon inquiry by Selectman Wallace, Roger Murray of Three White Avenue, Maynard, Massachusetts, confirmed that he, his wife Kathleen and Robert J. McCabe, who was also present, were the co-owners of the property located at 470 North Road. Selectman Wallace brought to their attention the delinquent taxes due and owing on the property in the total amount of \$34,016.17, and asked

what their intention was with regard to payment. Mr. Murray stated that he was fully aware of the taxes owed and agrees with that stated amount, that he had been in contact with the Collector Of Taxes during the last few days, and that it is his intention to fully pay the taxes. Attorney Connolly stated that he is representing the Murrays and Mr. McCabe in the sale of their property, the closing is scheduled for October 27, 1987, and at that time all outstanding obligations whatsoever regarding that property will be adjusted with Attorney Friend (representing Buyer). Attorney Connolly stated that the tax payment due Sudbury is a Number One priority and assured the Board it will be paid forthwith.

Selectman Drobinski asked if the planned expansion took into account the possible need for additional parking spaces and Attorney Friend stated that if and when an expansion is applied for, her client will conform to all regulations of the Town.

Upon inquiry by Selectman Drobinski concerning the seating capacity, Attorney Friend stated that it was her understanding that the present owners received permission to expand into the storage area, but have chosen not to.

Frederick Robinson of 471 North Road stated that he lives across the street from the restaurant and had no real objection to the restaurant being operated at its current size, but was concerned about any expansion. The Board assured him that any physical expansion would have to be approved by various boards and departments within the Town and would be a matter for public hearing.

Michael Simmons of Four Powder Mill Road stated that he constantly hears the juke box from his yard. He expressed his concern that the installation of a stereo system would make the sound even louder. Attorney Friend pointed out that it was Mr. Dixon's desire to build a clientele of people who wanted a subdued, romantic atmosphere, so the sound should be reduced, not increased. Mr. Simmons stated that he could accept that, but felt that if Mr. Dixon found after a few months of operation that he was losing business by offering a subdued atmosphere, he may feel he would have to change that atmosphere to bring in more people.

Walter Bell of 34 Powder Mill Road was concerned with the traffic situation in that area. He stated that the area has suffered more than its share of accidents and many of the accidents involved customers of the restaurant. For that reason, he would object to any further expansion. Mr. Bell did point out that the traffic congestion was also contributed by the existence of a Digital plant nearby, a law office and a Pontiac dealership.

After consideration, and relying upon the representation made by Mr. Murray and Attorney Connolly that taxes due in the total amount of \$34,016.17 would be paid forthwith, it was on motion of Chairman Donald unanimously

VOTED: To approve the application dated October 1, 1987, for transfer of Restaurant All Alcoholic Beverages License from Ye Olde 117 House, Inc., to Dixon Restaurant Associates, Inc., d/b/a Rosario's, George R. Dixon, Jr., Manager, for property located at 470 North Road; to approve the application for Common Victualler and Entertainment Licenses ("entertainment" to be limited to taped background music, stereo, radio and/or television, Monday through Saturday



between the hours of 11:00 a.m. to 12 Midnight, Sunday from 12 Noon to 12 Midnight; and a jukebox, Monday through Saturday, between the hours of 11:00 a.m. and 12 Midnight) for Dixon Restaurant Associates, Inc., for the aforesaid location; such grants of approval subject to payment of taxes due the Town of Sudbury in the total amount of \$34,016.17; and further subject to the conditions as outlined in the letters from the Board of Health and Building Inspector as set forth above.

There being no further business to come before the Board, the meeting was adjourned at 9:45 p.m.

Attest: \_\_\_\_\_  
Janet Silva  
Executive Secretary-Clerk Pro Tem