

IN BOARD OF SELECTMEN
MONDAY, MAY 6, 1991

Present: Chairman David A. Wallace, John C. Drobinski and Judith A. Cope.

The statutory requirement as to notice having been fulfilled, Chairman Wallace called the meeting to order at 7:30 p.m. at the Senior Center.

Bond Anticipation Note - Renewal

Present: Town Clerk Jean M. MacKenzie; Assistant Treasurer Loretta Bigelow.

It was on motion unanimously

VOTED: To sign Bond Anticipation Note renewal dated May 17, 1991, and due October 1, 1991, in the amount of \$100,000.00 relative to Special Town Meeting 1988 Article 4 for School Architect & Design Fees, to BayBank Middlesex at the rate of 4.66%, as more fully set forth in letter dated May 2, 1991, from Temporary Treasurer and Collector Chester Hamilton.

Resource Recovery Committee - Joint Meeting

Present: Eileen G. Glovsky, Susan W. Pettengill, Elizabeth Van De Kerkhove and Janelle Winston, all of the Resource Recovery Committee; John L. Wyatt, resident.

At 7:35 p.m. Chairman David A. Wallace convened a joint meeting with members of the Resource Recovery Committee for general discussion relative to future projects and direction of the Committee.

Janelle Winston of the Resource Recovery Committee explained that they are without a chairman at this time, and she was therefore selected to voice the concerns of the Committee this evening, with input from the other members.

Ms. Winston stated that the Committee feels they are on hold and need help from the Selectmen to resolve issues before they can move forward. The main issues are (1) is there a need for the Committee at all; (2) how the recent changes in the Highway and Engineering departments would affect the Committee's charge or activities.

Ms. Winston went on to say that the recycling is now up and running and the Committee wishes to know if that was the main focus and, if so, what the Committee's next focus should be. She further explained that some members of the Committee see on-going activities that mean a goal of total recycling that can never really be achieved.

Another area of concern is the Committee's role in an advisory capacity. Ms. Winston stated that she and other members of the Committee have become extremely frustrated with their many hours of research and discussions not being seriously listened to or taken into consideration when decisions are made. The Committee therefore needs to know with whom they should be communicating.

The charge of the Committee was reviewed and it was pointed out that the development and implementation of a "Waste Management Master Plan" was never accomplished. Elizabeth Van De Kerkhove added that since the Committee was

originally organized with specialties in engineering and the like, the present Committee members wonder if they should be seeking new members with those special abilities.

Selectman John C. Drobinski gave a brief history of the Resource Recovery Committee and the Landfill. There was a concurrence that the Landfill has come a long way and the achievements, including the implementation of a recycling program, were due in no small part to the ceaseless efforts of the original Resource Recovery members. Mr. Drobinski opined, and the Selectmen concurred, that the Committee is still very much needed.

Executive Secretary Richard E. Thompson added that this would be a good time to amend the charge in order to re-focus the goals of the Committee. One of those goals would be to research and advise concerning new landfill sites for the future. Selectman Judith A. Cope stated another strong contribution by the Committee is public education and lobbying. The Selectmen urged the Committee to draft a proposed new charge to reflect their wishes and present it to the Selectmen for their consideration.

Mr. Thompson stated that since the ultimate decision-making regarding the Landfill rests with the Selectmen, that is the body the Committee should be communicating with. However, it was agreed that on the more basic day-to-day issues or concerns, the Committee should first attempt to communicate with the Assistant Town Engineer Bruce Kankanpaa directly; if the Committee becomes frustrated or if conflicts arise, the Committee should not hesitate to then come before the Board of Selectmen for discussion and resolution.

At the request of the Selectmen, Mr. Thompson will arrange a joint meeting with the Highway and Engineering Departments and the Resource Recovery Committee, which he will attend. The Selectmen further made note of the suggestion by Committee member Susan W. Pettengill that Assistant Town Engineer Bruce A. Kankanpaa attend the Committee's meetings on a regular basis.

Chairman Wallace thanked all for their attendance and input.

Rosa West, Inc. - 8 Village Green, Hudson Road

Present: Rosalie Harrington, co-owner, and Todd Feinburg, co-owner and manager of Rosa West, Inc., d/b/a Rosalie's of Marblehead.

At 8:15 p.m., Chairman David A. Wallace convened a public hearing to consider application of Rosa West, Inc., d/b/a Rosalie's of Marblehead, Todd Feinburg, Manager, for a Restaurant License for the Sale of All Alcoholic Beverages, at 8 Village Green, Hudson Road; involving a change in description of the premises. In addition, application is made for a Common Victualler License, a Weekday Entertainment License and a Sunday Entertainment License.

Executive Secretary Richard E. Thompson stated that all appropriate abutters have been notified and notice duly posted. The Board acknowledged receipt of the following:

1. Memorandum dated May 6, 1991, from Fire Chief Michael C. Dunne informing that the Fire Department was unable to gain entry, and therefore requests the following conditions for licensing be met:

- A. full inspection and certification of the fire extinguishing system located at the stoves;
- B. all fire extinguishers properly located;
- C. all emergency lighting in operable condition;
- D. sprinkler system inspected and test run through the master box;
- E. key to be provided for the on-premises Knox Box;
- F. applicant clearly be informed that the office area on the third floor is not to be used as a function room, since there is no emergency exit from this room and the entry door to this area opens into the space; and
- G. full compliance with all state and local fire prevention regulations.

2. Letter dated May 5, 1991, from abutters La Monte and Florence E. P. Griswold of 293 Concord Road, voicing no objection to the licensing, but requesting the applicants not intrude or otherwise obstruct their enjoyment of their property by the discharge of waste or trash thereon;

3. Memorandum dated April 29, 1991, from Health Director Robert C. Leupold recommending approval, subject to approval of a Food Establishment Permit.

Mr. Thompson informed that the Building Inspector provided a verbal report and recommended approval on April 26, 1991.

The Board reviewed application and it was noted that all paperwork was in order and required documentation received.

Rosalie Harrington introduced herself to the Board and gave a brief history of her involvement in the restaurant business, which includes her well-known and successful restaurant in Marblehead known as "Rosalie's". She and her partner, Todd Feinburg, outlined their plans for the new restaurant. Mr. Feinburg assured the Board that they would speak directly with the Griswolds in order to address their concerns.

Upon presentation of the application concerning outside dining, the Board of Selectmen agreed with the same as long as the limitations for seating capacity set by the Board of Health are not exceeded.

It was on motion unanimously

VOTED: To approve application of Rosa West, Inc., d/b/a Rosalie's of Marblehead, Todd Feinburg, Manager, for a Restaurant License for the Sale of All Alcoholic Beverages, under Chapter 138, §12, of the General Laws, for property located at 8 Village Green, Hudson Road, Sudbury, Massachusetts; which application involves change in description of premises to the following: Two-and-a-half story concrete and wood building; courtyard on north side; cocktail lounge, bar, storage room and restrooms in basement; reception area, function room, office, restrooms, storage room and food preparation area and receiving/storage area on first floor; two dining rooms, bar and kitchen, and

greenhouse on deck, on second floor; two dining rooms on mezzanine. Entrance on south side to basement, main entrance on south side and service entrance on north side of first floor, two emergency exits on south side of second floor.

And it was on further motion unanimously

VOTED: To grant the following licenses:

Common Victualler License;

Entertainment License: MONDAY THROUGH SATURDAY - Piped-in background music for all rooms, disc jockey/records for special functions, and live entertainment by group of one to three people in lounge area, from 11:30 a.m. to 1:00 a.m. SUNDAY - Piped-in background music for all rooms and live music (up to 3 musicians) from 11:00 a.m. to 12:00 p.m.

License For Public Entertainment on Sunday, for live music (up to 3 musicians), commencing Sunday, June 9, 1991, through May 31, 1992, from 11:00 a.m. to 12:00 p.m.

Minutes

It was on motion unanimously

VOTED: To approve the minutes of the regular session of April 29, 1991, as corrected (portion concerning annual appointments not included); and to approve the minutes of the executive session of April 29, 1991, as presented.

Drainage Easement - 40 Wagonwheel Road

It was on motion unanimously

VOTED: To accept Drainage Easement granted by E. Jane Betts and Jeanne L. Rowlands on property located at 40 Wagonwheel Road.

United Nations Day Chairman - Appointment

It was on motion unanimously

VOTED: To appoint League of Women Voters' nominee Ann H. Loos as United Nations Day Chairman for a term to expire April 30, 1992.

Council On Aging - Donations

It was on motion unanimously

VOTED: To accept \$57.00 in miscellaneous donations for deposit into the Council On Aging Van Donation Account; and to authorize the Council On Aging to expend the same for purposes of operating and maintaining the Council On Aging van.

Sudbury Nurseries, Inc. - Extension of Lease

It was on motion unanimously

VOTED: To extend for a period of one year commencing September 1, 1990, the lease between the Town of Sudbury and Sudbury Nurseries, Inc., of approximately 5.8 acres of land known as the Parkinson Land off Hudson Road and shown on Parcel 200 of Town Property Map G09.

Selectmen's Policies and Procedures - Revision

It was on motion unanimously

VOTED: To approve a revision of Section G, Performance Review Policy, of the Selectmen's Policies and Procedures, as drafted by the Office of the Executive Secretary.

Audit Reports

It was on motion unanimously

VOTED: To accept audit reports from J. David Asadoorian & Co., CPA, entitled: 1) "Town of Sudbury, Massachusetts General Purpose Financial Statements Year Ended June 30, 1990 with Report of Independent Public Accountant" and 2) "Town of Sudbury, Massachusetts Report on Federal Financial Assistance Year Ended June 30, 1990".

Planning Board - Resignation and Request To Fill Vacancy

It was on motion unanimously

VOTED: To acknowledge receipt of a communication dated April 30, 1991, from the Planning Board informing the Selectmen of the resignation of David J. Lyons from the Planning Board, effective April 30, 1991, and requesting the vacancy be filled early June.

At the request of the Selectmen, Executive Secretary Thompson will advertise the position forthwith and send a letter to Mr. Lyons expressing the Board's gratitude for his service.

Proposed Town Assessment for Teachers Pensions

Upon review of Memorandum dated April 25, 1991, from A. Joseph DeNucci, Auditor of the Commonwealth, regarding a proposed \$31 Million assessment for teachers' pensions (Sudbury's portion \$74,280), it was on motion unanimously

VOTED: To request the Executive Secretary to notify the Town's legislative representatives that the Selectmen oppose implementation of any proposed cost imposition to Sudbury for contribution to teacher pensions.

Charge For Overhead

It was on motion unanimously

VOTED: To establish rates for overhead to be used in calculating reimbursement fees for employee time, as set forth in a communication dated April 12, 1991, from Town Accountant James Vanar, equaling 49% for Fiscal Year 1990 and 52% for Fiscal Year 1991; it being understood in Fiscal Year 1992, these percentages will be reviewed.

Unysis - Application for Earth Removal

At the request of Selectman Judith A. Cope, Executive Secretary Thompson will forward a copy of application submitted by Cold Brook Development Corporation for earth removal on the Route 117 property owned by Unysis, to the Board of Health.

Scheduling Conflicts

Selectman Judith A. Cope stated that upon review of the Selectmen's Summer Schedule she notes that the Selectmen's meetings conflict with the scheduled meetings of the Planning Board.

At the request of the Selectmen, Executive Secretary Thompson will contact the Planning Board and attempt to coordinate meetings after the Summer Schedule so that the Selectmen will be able to attend Planning Board meetings.

Fire Department - Firefighters' Time

At the direction of Selectman Judith A. Cope, Executive Secretary Thompson will request Fire Chief Michael C. Dunne to provide the Selectmen with a break-down of the 33 fulltime firefighters' allocation of time.

Earth Removal Board - Rescission of Appointment

Executive Secretary Thompson informed the Board that its appointment of Thomas W. Phelps to the Board of Appeals created a vacancy on the Earth Removal Board which results in a lack of a quorum for the Earth Removal Board (ERB).

It was on motion unanimously

VOTED: To rescind vote of April 29, 1991, appointing Thomas W. Phelps to the Board of Appeals, and reaffirming Mr. Phelps as a member of the Earth Removal Board and Board of Appeals Associates.

The Board indicated its intention to reappoint Mr. Phelps to the full Board of Appeals as soon as member(s) are found for the Board of Appeals Associates/Earth Removal Board.

Mt. Pleasant Cemetery Association - Donation

It was on motion unanimously

VOTED: To accept a \$17,460.00 donation from the Mt. Pleasant Cemetery Association, to be used for maintenance of Town of Sudbury cemeteries, including but not limited to the hiring of personnel for this purpose.

Amend Landfill Fees

In accordance with FY92 budget projections, it was on motion unanimously

VOTED: To amend the Rules and Regulations for the Recycling and Disposal of Solid Wastes at the Sanitary Landfill", effective July 1, 1991, as follows:

- 1) The Landfill Residential Sticker Fee is increased from \$45 to \$55; and
- 2) The Landfill Commercial Fee and Special Permit Schedule is amended by increasing the rate per cubic yard from \$11.50 to \$12.50.

Executive Session

At 9:15 p.m., it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss pending litigation.

(Chairman Wallace, aye; Selectman Drobinski, aye; Selectman Cope, aye).

Chairman Wallace announced that public session would not reconvene following Executive Session.

There being no further business to come before the Board, the meeting was adjourned at 9:30 p.m.

Attest:

Richard E. Thompson
Executive Secretary-Clerk