

SUDBURY SELECT BOARD

WEDNESDAY JANUARY 31, 2024

7:00 PM

(Meeting can be viewed at www.sudburytv.org)

Hybrid Meeting

Police Station Training Room, 75 Hudson Road

Present: Chair Janie Dretler, Vice-Chair Lisa Kouchakdjian, Select Board Member Daniel Carty, Select Board Member Jennifer Roberts, Select Board Member Charles Russo, Town Manager Andrew Sheehan

The statutory requirements as to notice having been compiled with, the meeting was convened at 7:00 PM at the Police Station Training room, and via Zoom telecommunication mode.

Chair Dretler announced the recording of the meeting and other procedural aspects included in the meeting.

Call to Order

Select Board Roll Call: Kouchakdjian-present, Carty-present, Russo-present, Roberts-present, Dretler-present

Opening remarks by Chair

No remarks

Reports from Town Manager

No reports

Reports from Select Board

No reports from Vice-Chair Kouchakdjian, Member Russo, or Member Carty.

Board Member Roberts

- Finance Committee conducted their budget hearing on Monday; robust discussion took place

Public comments

Resident Manish Sharma, 77 Colonial Drive, mentioned that staff at the Peter Noyes School started a GoFundMe account for Noyes School teacher Colby Caravaggio during his cancer treatment. Mr. Sharma stated that he reached out to Representative Carmine Gentile to help with medical treatments expenses via waiver. He encouraged everyone to donate to the GoFundMe.

Resident Len Simon, 40 Meadowbrook Circle, stated no one wants a gun shop in Sudbury and to date no one is requesting such a gun shop in Sudbury. He added that voting for a gun shop bylaw was not the way to achieve

that goal. Mr. Simon stated that Rte. 20 would not be a suitable location for a gun shop. He stressed that once such right is given, it cannot be taken away. He stressed that a community public hearing should take place before any such article is put forth. Mr. Simon asked that his submitted memo be added to the meeting documentation list.

Consent Calendar

#1 - Vote to accept the Declaration of Restrictive Covenant and Grant of Easement regarding Stormwater Management System for the property at 44, 46, 48 Union Avenue and 0 Station Road subject to the Stormwater Management Permit issued for the property.

#2 - Vote to accept award of \$50,000 in Edward J. Byrne Memorial Justice Assistance Grant funding, to be used toward purchase of radio equipment, as requested by Police Chief Scott Nix.

#3 - Vote to authorize Town Manager to acknowledge FTA 2023 Certifications and Assurance form regarding the Community Transit Grant that was recently awarded.

#4 - Vote to accept donation of a piano, valued at \$25,000, to the Senior Center from Friends of Sudbury Senior Citizens.

Board Member Carty asked that Consent Calendar Item 1 be discussed and Board Member Russo asked that #4 be discussed by the Board later in the meeting.

Vice-Chair Kouchakdjian motioned to approve Consent Calendar Items #2 and #3. Board Member Carty seconded the motion.

It was on motion 5-0; Kouchakdjian-aye, Carty-aye, Russo-aye, Roberts-aye, Dretler-aye

VOTED: To approve Consent Calendar Items #2 and #3

Vote to ratify action by Town Treasurer to award winning bids for the \$34,780,000 bond issue sold on January 23, 2024

Present: Finance Director Dennis Keohane

Mr. Keohane provided summary regarding awarding the winning bid to Roosevelt and Cross, the low bidder.

Vice-Chair Kouchakdjian motioned to ratify action by Town Treasurer to award winning bids for the \$34,780,000 bond issue sold on January 23, 2024. Board Member Russo seconded the motion.

It was on motion 5-0; Kouchakdjian-aye, Carty-aye, Russo-aye, Roberts-aye, Dretler-aye

VOTED: To ratify action by Town Treasurer to award winning bids for the \$34,780,000 bond issue sold on January 23, 2024

Update on status and next steps on the proposed firearms business use zoning bylaw

Present: Planning & Community Development Director Adam Burney, Police Chief Scott Nix, Town Counsel Lee Smith, KP Law Counsels Janell Austin and Robin Stein

Chair Dretler stated that related opinion and edited copy of proposed bylaw was submitted by Town Council.

Vice-Chair Kouchakdjian motioned to release Town Council opinion, dated January 25, 2024. Board Member Roberts seconded the motion.

It was on motion 5-0; Kouchakdjian-aye, Roberts-aye, Carty-aye, Russo-aye, Dretler-aye

VOTED: To release Town Council opinion, dated January 25, 2024

Chair Dretler confirmed that Town Council opinion would be posted on the Town website.

Attorney Smith recommended a more general bylaw language, unless legislation should change.

Board Members provided comments to edits presented, and requested assurance that the proposed bylaw language would not contradict any existing Town bylaws/regulations.

Attorney Austin confirmed that she compared actions regarding the 2nd Amendment throughout the state. She mentioned that she was unaware of challenges to the type of proposed bylaw language being recommended by KP Law.

Attorney Stein commented that various types of legal challenges cannot always be foreseen.

Board Member Russo asked Mr. Burney about public education and “by-right” retail use. Mr. Burney responded that the Planning Board reviews the physical space to make determination; space, parking, traffic, stormwater, impervious aspects, landscaping and special permitting/conditioning are the determinants of such decision. He added that Planning would consider the nature of the business and where it is located.

Mr. Burney confirmed that any business selling guns goes through a governmental approval/licensing process.

Board Member Roberts acknowledged that the proposed bylaw would limit firearm businesses to industrial districts only, and hoped that Attorneys Smith, Stein and Austin would be present at the Town Forum. She addressed several edits suggested by legal Counsel.

Comprehensive discussion regarding related definitions took place, including the added definition for Firearms Business.

Board Member Russo stressed that inclusion of such bylaw would help to maintain public safety and make gun retail sites in Sudbury less appealing for such businesses.

Town Manager Sheehan explained that the Planning Board would schedule a related public hearing. Mr. Burney noted that such a hearing would likely take place in April and would include the MBTA Communities topic as well. Board Member Russo recommended the Select Board conduct a separate gun safety public forum.

Chair Dretler recommended planning such a Select Board public hearing at the next Select Board meeting and discuss possible dates and location for such a hearing.

Board Member Russo motioned that the Select Board continue the conversation regarding the firearms bylaw article at this time. Board Member Carty seconded the motion.

It was on motion 5-0; Kouchakdjian-aye, Roberts-aye, Carty-aye, Russo-aye, Dretler-aye

VOTED: To continue the conversation regarding the firearms bylaw article at this time

Vice-Chair Kouchakdjian opined it was natural that Board Members would not agree on every topic presented, but civil discourse was essential. She emphasized she was against the bylaw and would continue to represent residents who shared her concern about the proposed bylaw. Ms. Kouchakdjian stressed that the safest way to protect Sudbury from sale of firearms involved a total ban enforcement. She said there is no legal basis to have the firearm bylaw.

Chair Dretler acknowledged there were significant additions made to the edited bylaw documentation as presented tonight, and would want more time to analyze such language before planning to move ahead in the process.

Board Member Russo agreed that analyzing such added language was important, and the voters at previous Town Meeting indicated this topic was very important to them.

Board Member Roberts stressed the importance of scheduling public information hearings as soon as possible.

Board Member Carty motioned to put the Firearms Article on the Town Meeting Warrant, as edited, and to allow the Town Manager to take any related action as needed. Board Member Roberts seconded the motion.

It was on motion 3-2; Kouchakdjian-no, Carty-aye, Russo-aye, Roberts-aye, Dretler-no

VOTED: To put the Firearms Article on the Town Meeting Warrant, as edited, and to allow the Town Manager to take any related action as needed

Review of Consent Calendar Items #1 and #4

#1 - Vote to accept the Declaration of Restrictive Covenant and Grant of Easement regarding Stormwater Management System for the property at 44, 46, 48 Union Avenue and 0 Station Road subject to the Stormwater Management Permit issued for the property.

Board Member Carty sought assurance that what was voted at a previous meeting would not conflict with what might be voted this evening. Mr. Burney confirmed that such vote at this time would not be in conflict and this vote would permit Town entry and maintenance if the applicant/owner did not maintain the site.

Vice-Chair Kouchakdjian motioned to accept the Declaration of Restrictive Covenant and Grant of Easement regarding Stormwater Management System for the property at 44, 46, 48 Union Avenue and 0 Station Road subject to the Stormwater Management Permit issued for the property. Board Member Roberts seconded the motion.

It was on motion 5-0; Kouchakdjian-aye, Carty-aye, Russo-aye, Roberts-aye, Dretler-aye

VOTED: To accept the Declaration of Restrictive Covenant and Grant of Easement regarding Stormwater Management System for the property at 44, 46, 48 Union Avenue and 0 Station Road subject to the Stormwater Management Permit issued for the property

#4 - Vote to accept donation of a piano, valued at \$25,000, to the Senior Center from Friends of Sudbury Senior Citizens

Board Member Russo opined about the Staff discretion regarding location of the piano. Town Manager Sheehan confirmed that Staff did have such discretion.

Vice-Chair Kouchakdjian motioned to accept donation of a piano, valued at \$25,000, to the Senior Center from Friends of Sudbury Senior Citizens. Board Member Roberts seconded the motion.

It was on motion 5-0; Kouchakdjian-aye, Carty-aye, Russo-aye, Roberts-aye, Dretler-aye

VOTED: To accept donation of a piano, valued at \$25,000, to the Senior Center from Friends of Sudbury Senior Citizens

Adjourn

Vice-Chair Kouchakdjian motioned to adjourn the Select Board Meeting. Board Member Carty seconded the motion.

It was on motion 5-0; Kouchakdjian-aye, Roberts-aye, Russo-aye, Carty-aye, Dretler-aye

VOTED: To adjourn the Select Board Meeting

There being no further business, the meeting ended at 9:07 PM.

SB 1/31/24 Documents & Exhibits

1. Vote to accept the Declaration of Restrictive Covenant and Grant of Easement regarding Stormwater Management System for the property at 44, 46, 48 Union Avenue and 0 Station Road subject to the Stormwater Management Permit issued for the property.

Attachments:

- 1.a 44 & 46 Union Ave Precourt - Acceptance of Easement unsigned 231213
- 1.b 44 & 46 Union Ave Precourt As-Built Plan 231214

2. Vote to accept award of \$50,000 in Edward J. Byrne Memorial Justice Assistance Grant funding, to be used toward purchase of radio equipment, as requested by Police Chief Scott Nix.

Attachments:

- 2.a Sudbury PD GOV Award Letter

3. Vote to authorize Town Manager to acknowledge FTA 2023 Certifications and Assurance form regarding the Community Transit Grant that was recently awarded.

Attachments:

- 3.a 2023 -FTA Certifications and Assurances

5. Vote to ratify action by Town Treasurer to award winning bids for the \$34,780,000 bond issue sold on January 23, 2024.

Attachments:

- 5.a Select Board Vote Bonds - Sudbury 2-6-24 (002)

6. Update on status and next steps on the proposed firearms business use zoning bylaw.

Attachments:

- 6.a Modified_Setback_Analysis_FAU_Bylaw_232812
- 6.b Sudbury Niche Store Hours 2024 Roberts