

SUDBURY SELECT BOARD

TUESDAY JUNE 11, 2024

7:00 PM

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

ZOOM Meeting

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

The statutory requirements as to notice having been compiled with, the meeting was convened at 7:06 PM, via Zoom telecommunication mode.

Chair Roberts 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

Vote to enter Executive Session to conduct strategy session in preparation for negotiations with nonunion personnel and/or to conduct contract negotiations with nonunion personnel, namely the Town Manager, pursuant to General Laws chapter 30A, §21(a)(exception 2).

Vice-Chair Carty motioned to enter into Executive Session to conduct strategy session in preparation for negotiations with nonunion personnel and/or to conduct contract negotiations with nonunion personnel, namely the Town Manager, pursuant to General Laws chapter 30A, §21(a)(exception 2), and then return to Open Session. Board Member Russo seconded the motion.

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

VOTED: To enter Executive Session to conduct strategy session in preparation for negotiations with nonunion personnel and/or to conduct contract negotiations with nonunion personnel, namely the Town Manager, pursuant to General Laws chapter 30A, §21(a)(exception 2), and then return to Open Session

Open Session resumed at 7:19 PM.

Opening remarks by Chair Roberts

- Board Members attended the Art Show and tribute to former beloved SPS art teacher Colby Caravaggio held last Friday with a huge turnout by Noyes School families/students (former and current) and staff; the June 7th Colby Caravaggio Day Proclamation was read at the event
- Early in June antisemitic vandalism acts took place and Sudbury Police continue to investigate; she extended her thoughts to the Jewish community and asked Town Manager Sheehan to repost the Town's Sudbury Stands Against Hate webpage and the IHRA antisemitism definition, which was adopted by the Select Board in June 2022 as a result of such acts of antisemitic vandalism.
- The Pride Day Event was great with good attendance, which included music, performances and art displays

Reports from Town Manager

- Acknowledged Pride Day Event was a success and thanked all who participated
- As of yesterday, the DPW roof work began in preparation for solar installation

Reports from Select Board

Vice-Chair Carty

- Mentioned the antisemitic vandalism incidents; the Board has spoken against it and supports the investigation by Police
- Colby Caravaggio Day Event at the Noyes School was very well-attended
- Catch Connect Event took place on June 6, 2024 with several Select Board members in attendance, some electric vehicles are included in the fleet
- Thanked staff for finalizing Select Board Office Hours schedule; he and Board Member Russo will hold Select Board Office Hours on June 26, 2024

Board Member Russo

- Tribute to Colby Caravaggio was exceptional
- Pride Day Event was fun-filled with great turnout
- Echoed the comments about antisemitic vandalism
- Medal of Valor awarded to Police Officer Ryan Botto for his efforts during recent house fire
- June is National Gun Violence Awareness Month; passage of the Firearms Safety Business Use Article in Sudbury failed by 4 votes at the recent Annual Town Meeting
- June is National Pollinator Month

Board Member Dretler

- Read quote from Rabbi Fish, Regional Director of ADL addressing the ability to solve the antisemitic problem together and recognizing the issue as a societal problem, not a Jewish problem, and everyone needs to feel safe in the community and the world

Board Member Kouchakdjian

- Agreed with Board and community comments against antisemitism; she denounced all forms of antisemitism including acts of vandalism, stressing there is no place for hate in Sudbury or anywhere else
- Community Event for Colby Caravaggio was very moving and was impressed by the number of people in attendance, she appreciated full Select Board attendance.
- Attended her first MAGIC meeting this morning and was pleased to join this great group of people and is looking forward to attending the monthly meetings

Public Comment

Resident Kay Bell, 348 Old Lancaster Road, stated she had communicated with both the DEI and Select Board regarding the defacing of residents' lawn signs. She indicated that such incidents could be viewed as acts of antisemitism and expressed hope that everyone could be heard in order to find common ground in the community.

Public Hearing

PUBLIC HEARING: As the Local Licensing Authority, vote on whether to approve the application of LJD Partners LLC, d/b/a Soul of India, 103 Boston Post Rd., Sudbury, for an Alteration of Premises/Addition of Outdoor Seating of an All-Alcohol Restaurant, under M.G.L. c. 138, s.15A & 16B. Dariusz Zwinga, Manager, to attend.

Present: Darius Zwinga, Manager – Soul of India

Vice-Chair Carty motioned to open the Public Hearing: As the Local Licensing Authority, vote on whether to approve the application of LJD Partners LLC, d/b/a Soul of India, 103 Boston Post Rd., Sudbury, for an Alteration of Premises/Addition of Outdoor Seating of an All-Alcohol Restaurant, under M.G.L. c. 138, s.15A & 16B. Board Member Kouchakdjian seconded the motion.

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

VOTED: To open the Public Hearing: As the Local Licensing Authority, vote on whether to approve the application of LJD Partners LLC, d/b/a Soul of India, 103 Boston Post Rd., Sudbury, for an Alteration of Premises/Addition of Outdoor Seating of an All-Alcohol Restaurant, under M.G.L. c. 138, s.15A & 16B

Mr. Zwinga confirmed the seasonal outdoor seating at the restaurant has been in operation for the last three years and includes ADA-compliant seating also.

Board Member Russo asked about the vinyl fencing being proposed. Mr. Zwinger described the planters with fencing between them and offered to send pictures to the Board for review. He mentioned DRB guidance.

Resident and ZBA Chair John Riordan, 12 Pendleton Road, commented that going forward, Special Permitting from ZBA would be most appropriate.

Vice-Chair Carty motioned to close the evidentiary part of the Public Hearing. Board Member Kouchakdjian seconded the motion.

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

VOTED: To close the evidentiary part of the Public Hearing

Vice-Chair Carty motioned to approve the application of LJD Partners LLC, d/b/a Soul of India, 103 Boston Post Rd., Sudbury, for an Alteration of Premises/Addition of Outdoor Seating of an All-Alcohol Restaurant, under M.G.L. c. 138, s.15A & 16B. Board Member Kouchakdjian seconded the motion.

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

VOTED: To approve the application of LJD Partners LLC, d/b/a Soul of India, 103 Boston Post Rd., Sudbury, for an Alteration of Premises/Addition of Outdoor Seating of an All-Alcohol Restaurant, under M.G.L. c. 138, s.15A & 16B. Vice-Chair Carty made the motion and Board member Kouchakdjian seconded.

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

Vice-Chair Carty motioned to close the Public Hearing. Board Member Kouchakdjian seconded the motion.

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

VOTED: To close the Public Hearing

PUBLIC HEARING: As the Local Licensing Authority, discuss/vote on All Alcoholic Beverages License of Fugakyu Café Corp., d/b/a Fugakyu Café, 621 Boston Post Road to consider status of alcohol license and termination of lease.

Present: Zachary Tuck, Landlord

Vice-Chair Carty motioned As the Local Licensing Authority, to open the hearing to discuss/vote on All Alcoholic Beverages License of Fugakyu Café Corp., d/b/a Fugakyu Café, 621 Boston Post Road to consider status of alcohol license and termination of lease. Board Member Kouchakdjian seconded the motion.

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

VOTED: As the Local Licensing Authority, to open the hearing to discuss/vote on All Alcoholic Beverages License of Fugakyu Café Corp., d/b/a Fugakyu Café, 621 Boston Post Road to consider status of alcohol license and termination of lease

Town Manager Sheehan explained the All-Alcoholic Beverages License for Fugakyu Café had expired, thus the license is void and not attached to a specific location in Sudbury. He stated that possible options were to relinquish the license or have the Select Board revoke the license.

Mr. Tuck stated that he is the landlord for the site and a signed lease had been finalized with a new tenant who is seeking a liquor license. He understood the expired license would first have to be revoked and that the new tenant could apply for a liquor license.

Board Member Dretler asked if other liquor licenses are available at this time. Town Manager Sheehan responded in the affirmative. Board Member Dretler stated she was sorry to see Fugakyu Café leave Sudbury.

Vice-Chair Carty motioned to close the evidentiary part of the Public Hearing. Board Member Kouchakdjian seconded the motion.

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

VOTED: To close the evidentiary part of the Public Hearing

Vice-Chair Carty motioned As the Local Licensing Authority, to revoke the All-Alcoholic Beverages License of Fugakyu Café Corp., d/b/a Fugakyu Café, 621 Boston Post Road; effective June 24, 2024. Board Member Kouchakdjian seconded the motion.

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

VOTED: As the Local Licensing Authority, to revoke the All-Alcoholic Beverages License of Fugakyu Café Corp., d/b/a Fugakyu Café, 621 Boston Post Road; effective June 24, 2024

Vice-Chair Carty motioned to close the Public Hearing. Board Member Kouchakdjian seconded the motion.

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

VOTED: To close the Public Hearing

Consent Calendar

Vote to enter into the Town record and congratulate Elizabeth Huettig of Girl Scout Troop 65254, recognized at an Award Ceremony on Tuesday, June 4, 2024, for having achieved the high honor of the Girl Scout Gold Award. Also vote to authorize the chair to sign a congratulatory letter on behalf of the Board.

Vote to accept the Declaration of Restrictive Covenant and Grant of Easement regarding Stormwater Management System for the property at 199 Raymond Road subject to the Stormwater Management Permit issued for the property.

Vice-Chair Carty motioned to approve the two Consent Calendar items; to enter into the Town record and congratulate Elizabeth Huettig of Girl Scout Troop 65254, recognized at an Award Ceremony on Tuesday, June 4, 2024, for having achieved the high honor of the Girl Scout Gold Award, also vote to authorize the chair to sign a congratulatory letter on behalf of the Board; and to accept the Declaration of Restrictive Covenant and Grant of Easement regarding Stormwater Management System for the property at 199 Raymond Road subject to the Stormwater Management Permit issued for the property. Board Member Russo seconded the motion.

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

VOTED: To approve the two Consent Calendar items; to enter into the Town record and congratulate Elizabeth Huettig of Girl Scout Troop 65254, recognized at an Award Ceremony on Tuesday, June 4, 2024, for having achieved the high honor of the Girl Scout Gold Award, also vote to authorize the chair to sign a congratulatory letter on behalf of the Board; and to accept the Declaration of Restrictive Covenant and Grant of Easement regarding Stormwater Management System for the property at 199 Raymond Road subject to the Stormwater Management Permit issued for the property.

Discussion and possible vote on whether to approve the Town Manager Contract between the Town of Sudbury and Andrew J. Sheehan, and ratify the vote taken in Executive Session.

Chair Roberts announced the Board approved a three-year Town Manager employment contract with updates and increases to compensation/benefits for Town Manager Andy Sheehan. She noted that the Town Manager is eligible for compensation increase after each annual review. Chair Roberts acknowledged that Town Manager Sheehan received very positive reviews from Select Board Members and Staff.

Vice-Chair Carty motioned to ratify the vote taken in Executive Session to approve the Town Manager Contract between the Town of Sudbury and Andrew J. Sheehan, effective July 1, 2024. Board Member Kouchakdjian seconded the motion.

It was on motion 4-1; Dretler-aye, Russo-aye, Carty-no, Kouchakdjian-aye, Roberts-aye

VOTED: To ratify the vote taken in Executive Session to approve the Town Manager Contract between the Town of Sudbury and Andrew J. Sheehan, effective July 1, 2024

Discussion of repairs and funding of drainage sink hole on Washington Drive

Present: Department of Public Works Director Dan Nason

Mr. Nason confirmed the intention was to replace several culverts, and noted that a drainage situation on Washington Drive should take priority.

Chair Roberts agreed that the situation on Washington Drive was an emergency. Mr. Russo stressed that culverts are essential to public safety and regulations related to culverts is changing. Vice-Chair Carty commented that Town Counsel reviewed the proposal.

Board Members supported Mr. Nason's request to consider that associated funding be first used to address the drainage sink hole on Washington Drive.

Discussion and vote on whether to adopt the Ambulance rates as described in the memo from the Fire Chief, dated June 11, 2024, said rates to be effective as of July 1, 2024.

Present: Fire Chief John Whalen

Town Manager Sheehan stated that the last time ambulance fees were increased in Sudbury was in 2013.

Chief Whalen commented that the increased rate would fall within the middle range when compared to ambulance fees in other communities.

Vice-Chair Carty motioned to adopt the Ambulance rates as described in the memo from the Fire Chief, dated June 11, 2024, said rates to be effective as of July 1, 2024. Board Member Kouchakdjian seconded the motion.

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

VOTED: To adopt the Ambulance rates as described in the memo from the Fire Chief, dated June 11, 2024, said rates to be effective as of July 1, 2024

Continuation of Diversity, Equity, & Inclusion Commission discussion, including Tercentenary markers

Present: Historical Commission Chair Chris Hagger

Chair Roberts stated the markers had been discussed during the past year. She noted that Concord removed markers, based on offensiveness.

Board Member Dretler noted that the local faith committee raised concerns about this matter several years ago.

Mr. Hagger stated that DEI and the Sudbury Historical Commission (SHC) had discussed the issue; SHC agreed with sentiments of the DEI, particularly the marker at the intersection of Concord Road and Rte. 20. He stated the wording on that marker is outdated and inaccurate and does not mention the indigenous population. He referenced the related MassDOT letter, as well as the faith committee letter. Mr. Hagger confirmed that the particular markers were reinstalled by MassDOT and MassDOT did not respond to communication from SHC. Mr. Hagger stated that SHC would continue discussion regarding this issue.

Town Manager Sheehan suggested that Town Counsel Lee Smith reach out to Concord and determine who they contacted about removal of similar markers in that Town.

Mr. Hagger suggested that all the markers be photographed for review and opined about keeping some of the markers for historical significance. He noted that the Sudbury fight markers were not accurate and would like to gather tribal input.

Board Members discussed the issue; Chair Roberts confirmed the Board would look forward to receiving additional information to be considered at an upcoming Select Board meeting.

DEI Update

Chair Roberts noted that DEI would be appointing new Commissioners, and a qualified trainer is being considered.

Discussion and possible vote on adoption of Purchase Contract Policy and Flag Policy

Flag Policy

Board Members discussed proposed changes to the Flag Policy.

Vice-Chair Carty motioned to adopt the flag policy as presented and edited, pursuant to Town Counsel review. Board Member Kouchakdjian seconded the motion.

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

VOTED: To adopt the flag policy as presented and edited, pursuant to Town Counsel review.

Purchase Contract Policy

Chair Roberts noted the primary change reflecting changing the purchase contract limit to \$250,000.00.

Board Members discussed modifications.

Board Member Kouchakdjian motioned to approve the Purchase Contract Policy, as edited. Vice-Chair Carty seconded the motion.

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

VOTED: To approve the Purchase Contract Policy, as edited

Vote whether to approve the annual Select Board's re-appointments of those listed (all of which are subject to acceptance).

Vice-Chair Carty presented the "2024 Select Board's Re-appointments" document, and the "Town Manager Appointments" document, as included in the Select Board packet for this meeting.

Board Member Dretler mentioned the Memorial Day Committee had not met since 2017 and requested additional clarification. Board Members agreed.

Vice-Chair Carty motioned to reappoint board and committee members appointed by the Select Board, as presented on the screen at the Select Board meeting on June 11, 2024. Board Member Kouchakdjian seconded the motion.

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

VOTED: To reappoint board and committee members appointed by the Select Board, as presented on the screen at the Select Board meeting on June 11, 2024

Vice-Chair Carty motioned to approve Town Manager board and committee appointments, as presented in the June 11, 2024 Select Board meeting packet, with edit to the name of Liesje Quinto. Board Member Kouchakdjian seconded the motion.

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

VOTED: To approve Town Manager board and committee appointments, as presented in the June 11, 2024 Select Board meeting packet, with edit to the name of Liesje Quinto

Vote to review and possibly approve the minutes of 4/30/24 and 5/7/24.

4/30/24 Minutes

Vice-Chair Carty motioned to approve the 4/30/24 meeting minutes, as edited. Board Member Russo seconded the motion.

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

VOTED: To approve the 4/30/24 meeting minutes, as edited

5/7/24 Minutes

Vice-Chair Carty motioned to approve the 5/7/24 meeting minutes, as edited. Board Member Russo seconded the motion.

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

VOTED: To approve the 5/7/24 meeting minutes, as edited

Upcoming Agenda Items

June 25, 2024

Vice-Chair Carty requested Sustainability Coordinator Dani Marini-King present general update to include grants being considered.

July 16, 2024

Board Member Kouchakdjian requested update regarding business and economic goals.

Board Member Russo acknowledged Master Plan update with Planning Board Director Adam Burney would also be on the July 16 agenda.

Future Topics:

Board Member Kouchakdjian requested update on the ADA Transition Plan.

Chair Roberts recommended that the Town Manager and Select Board Goals Session take place in August.

Vote to enter Executive Session to discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares, pursuant to General Laws chapter 30A, §21(a) (exception 3).

Vice Chair Carty motioned to close Open Session and enter Executive Session to discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares, pursuant to General Laws chapter 30A, §21(a) (exception 3) and not return to Open Session. Board Member Kouchakdjian seconded the motion.

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

VOTED: To close Open Session and enter Executive Session to discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares, pursuant to General Laws chapter 30A, §21(a) (exception 3) and not return to Open Session

Open Session ended at 10:00 PM.

SB Meeting 6/11/24 - Documents & Exhibits

3. PUBLIC HEARING: As the Local Licensing Authority, vote on whether to approve the application of LJD Partners LLC, d/b/a Soul of India, 103 Boston Post Rd., Sudbury, for an Alteration of Premises/Addition of Outdoor Seating of an All Alcohol Restaurant, under M.G.L. c. 138, s.15A & 16B. Dariusz Zwinga, Manager, to attend.

Attachments:

- 3.a Department Feedback_Soul of India Outdoor Seating_2024
- 3.b Soul of India_Outdoor Seating_2024_SB
- 3.c 103 Boston Post Road - Site Plan Minor Decision 240523
- 3.d AAB Compliance Certification_SoI

4. PUBLIC HEARING: As the Local Licensing Authority, discuss/vote on All Alcoholic Beverages License of Fugakyu Café Corp., d/b/a Fugakyu Café, 621 Boston Post Road to consider status of alcohol license and termination of lease.

Attachments:

- 4.a Fugakyu_License_Hearing

6. Vote to accept the Declaration of Restrictive Covenant and Grant of Easement regarding Stormwater Management System for the property at 199 Raymond Road subject to the Stormwater Management Permit issued for the property.

Attachments:

- 6.a Restrictive Covenant and Grant of Easement - Stormwater Management System_signedbySWD_05-30-2024

8. Discussion of repairs and funding of drainage sink hole on Washington Drive.

Attachments:

- 8.a Washington-Lafayette map
- 8.b Washington Rd

9. Discussion and vote on whether to adopt the Ambulance rates as described in the memo from the Fire Chief, dated June 11, 2024, said rates to be effective as of July 1, 2024.

Attachments:

- 9.a Ambulance Rate Memo 6_11_24
- 9.b CY-2023 @ Current Rates
- 9.c CY-2023 +250
- 9.d CY-2024 @ Current Rates
- 9.e CY-2024 +250

10. Continuation of Diversity, Equity, & Inclusion Commission discussion, including Tercentenary markers. Chris Hagger, Historical Commission chair, invited to attend.

Attachments:

- 10.a Sudbury's Tercentenary Markers

11. Discussion and possible vote on adoption of Purchase Contract Policy and Flag Policy.

Attachments:

- 11.a Purchase Contracts AJS 2023-10-30 rev 1.16.24_2024-05-24 CLEAN
- 11.b Purchase Contracts AJS 2023-10-30 rev 1.16.24_2024-05-24

- 11.c Contract authority - area towns
- 11.d Contract executed 2023
- 11.e Flag Policy AJS 2024-05-24 CLEAN
- 11.f Flag Policy AJS 2024-05-24

12. Vote whether to approve the annual Select Board's re-appointments of those listed (all of which are subject to acceptance).

Attachments:

- 12.a TM reappointments memo 5.22.24
- 12.b Board_Committee_Reappointments_2024

13. Vote to review and possibly approve the minutes of 4/30/24 and 5/7/24.

Attachments:

- 13.a SB_draft1_4.30.24_min_for_review
- 13.b SB_05.07.24_min_for_review

14. Upcoming agenda items

Attachments:

- 14.a Upcoming agenda items 6.11.24