

SUDBURY SELECT BOARD

MONDAY MAY 6, 2024

6:30 PM, LINCOLN SUDBURY REGIONAL HIGH SCHOOL

CONFERENCE ROOM "A"

390 LINCOLN ROAD, SUDBURY

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, Town Counsel Lee Smith

The statutory requirements as to notice having been compiled with, the meeting was convened at 6:30 PM in Conference Room "A" at Lincoln-Sudbury Regional High School.

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, Dretler-present, Roberts-present

Opening remarks by Chair

No remarks presented.

Reports from Town Manager and Select Board

No reports presented.

Public comments

None

Consent Calendar

1. Vote to grant a 1-day All Alcohol license to Goodnow Library Foundation, Inc, to accommodate Goodnow Library Foundation Donor Reception on Wednesday, May 29, 2024 from 5:30 PM to 7:30 PM at Goodnow Library, 21 Concord Rd, subject to the use of a TIPS-trained bartender and a receipt of a Certificate of Liability.
2. As the Licensing Authority for the Town of Sudbury, vote to approve a new Entertainment License and Sunday Entertainment License for Oak Barrel Tavern, 528A Boston Post Road, as requested in an application dated February 27, 2024, subject to conditions put forth by the Building, Fire, Health and Police Departments.
3. As the Licensing Authority for the Town of Sudbury, vote to approve a new Entertainment License for Paani Indian Cuisine, 530A Boston Post Road, as requested in an application dated April 11, 2024, subject to conditions put forth by the Building, Fire, Health and Police Departments.

4. Vote to accept a \$15,000 grant from the Sudbury Foundation toward the project "Locally Grown Sudbury," as requested by Dani Marini-King, Sustainability Coordinator

Board Member Carty motioned to approve Consent Calendar Items 1, 2, 3 and 4, as printed in the agenda for the Select Board meeting of May 6, 2024. Board Member Roberts seconded the motion.

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

VOTED: To approve Consent Calendar items 1, 2, 3 and 4, as printed in the agenda for the Select Board meeting of May 6, 2024

Discussion regarding 2024 Annual Town Meeting: consent calendar, positions on articles; other

Present: Sandra Duran, Combined Facilities Director

Article 28 – Electric Vehicle Charging Stations – Goodnow Library

Town Manager Sheehan detailed the associated cost of \$157,728 would be funded by Eversource incentives and the EV incentive grant, with exception of \$5,168 which could be funded from the Solar Revolving Fund. Ms. Duran explained that the Solar Revolving Fund would cover all earmarks being considered.

Vice-Chair Kouchakdjian inquired about the Goodnow Library request of \$80,000. Board Member Roberts confirmed she totally supported the proposed EV project, and because certain funds were coming from the Town Solar Revolving Fund, a Warrant Article would not be required, and the project is well underway. She commented that good governance would not be reflected if the article was not Indefinitely Postponed (IP'd) at this time.

Board Member Russo stated that proposed funding would be the more expedient path to follow, thus the Article would not be necessary. He stressed that he supports the project.

Board Member Carty confirmed that the project exemplified poor communication. He noted that the Select Board had a responsibility to review/discuss KPIs (Key Performance Indicator) capital projects per Select Board policy.

Vice-Chair Kouchakdjian agreed with proposed action as recommended by Board Member Roberts. She commented that vetting this proposal further would have been a waste of staff and community time and the article should be IP'd. She stressed that she fully supported the EV project, and inquired if the Article did pass at Town Meeting, could the Library allocate the \$80,000 as they wished. Town Manager Sheehan explained that Library Staff/Trustees listed a number of related funding sources including Free Cash, Town Manager's Capital Budget - the Solar Revolving Fund. He added that Free Cash funding did require a Town Meeting vote.

Chair Dretler mentioned that the Finance Committee voted 7-2 against supporting the Article, as presented.

Board Member Carty motioned to support Article 28 – Electric Vehicle Charging Stations – Goodnow Library. Vice-Chair Kouchakdjian seconded the motion.

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

VOTED: Not to support Article 28 – Electric Vehicle Charging Stations – Goodnow Library.

In regard to another Town Meeting topic, Chair Dretler noted that Governor Healey signed a bill last week regarding restaurants permanently being able to sell alcohol off-premises. She noted that several restaurants in Sudbury have been practicing such sales per following COVID regulation.

Town Manager Sheehan read a possible revision to the existing amendment: “Move in the words of the article to accept that Section 225.6B – Business Establishment that sells or serves malt, wine or spirits for consumption off-premises, shall be changed to Business Establishment, excluding the restaurant that sells or serves malt, wine, or spirits for consumption off-premises; and that in Section 2256.D, the reference to Section 2261.B shall instead, refer to Section 2025.6B, and provide the Town Clerk with authority to make ministerial or clerical revisions to the numbering on the placement of the amended Bylaw.”

Town Manager Sheehan noted that the more important piece involves the new language as signed by the Governor which was adopted last week, and includes several other items with it. He explained that by adding the words “excluding a restaurant” keeps the original intent in place.

Chair Dretler asked about the difference between restaurants selling alcohol offsite/to go and package stores selling alcohol offsite/to go. She recommended that the proposal be IP’d in order to fully scrutinize the associated bylaw.

Board Member Russo commented that good governance would be followed by adapting the bylaw which would be compliant with the law, especially when change and protections would be beneficial to the community.

Attorney Smith confirmed that the associated bylaw would take effect on the day the Town would pass the article, subject to actions finalized by the Attorney General’s Office.

Board Member Russo commented that the protections taken would keep the Town compliant with the law that was passed last week and when there is good cause to change the law, the Board should. He thanked Town Staff for making the appropriate preparations and stated he was ready to move forward with the bylaw change.

Board Member Roberts stated there was no reason to IP this article and last week the Board did not know that this law was going forward. She noted the towns of Acton, Newton, and Dedham did not have sensitive areas related to an establishment with alcohol. She stressed the Town’s goal was to protect these areas and be legally defensible.

Board Member Roberts stated she researched neighboring restaurants in Town to determine if they were offering alcohol takeout currently, and was pleased that Town Manager Sheehan and Attorney Smith prepared an amendment to the bylaw as read by Town Manager. She noted that the bylaw remains more robust when compared with peer communities. She confirmed she was comfortable moving forward.

Vice-Chair Kouchakdjian stated that she disagreed with Attorney Smith’s stance that the Bylaw would be in effect upon approval by the Town and indicated that until the Attorney General approves it or not, there would not be a modified Town Bylaw.

Vice-Chair Kouchakdjian motioned to IP the Bylaw Article. Chair Dretler seconded the motion.

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

VOTED: Not to Indefinitely Postpone (IP) the Bylaw Article

Discussion among Board Members took place regarding one of the concerned zoning parcels being owned by Herb Chambers. Vice Chair Kouchakdjian stated she has previously disclosed the nature of the relationship with Herb Chambers. Board Member Roberts questioned if it was appropriate for Vice-Chair Kouchakdjian to be involved in any of the current discussions in relation to those parcels. Board Member Russo recommended that Vice-Chair Kouchakdjian explain that relationship to Sudbury residents. Board Member Roberts mentioned the Select Board Code of Conduct and its application in this matter.

Board Member Roberts asked if the Board needed to decide about what action to take if the “off Select Board” amendment passed, such as implementation of a contingent motion. Board Member Carty mentioned it would be a moot point at that time.

Chair Dretler commented that the amendment in question had not yet been made, and the Board took a position on the original article.

Town Manager Sheehan mentioned that with any amendments that may come up, there might be opportunity for himself/Attorney Smith or other staff member to address implications of the proposed amendment. He stated that the change to the 500-foot zoning setback would likely eliminate four or five of the parcels, as they would be within one of the sensitive zoning use areas.

Board Member Russo asked if Board Members Roberts and Carty would consider presenting Article 16 – Amend Zoning Bylaw: Firearms Safety Business Use, with him. Members Carty and Roberts responded in the affirmative.

Adjourn

Chair Dretler read in the words of the motion to adjourn to Town Meeting. Board Member Carty moved in the words of the Chair. Board Member Roberts seconded the motion.

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

VOTED: To adjourn to Town Meeting in the LSRHS Auditorium.

The meeting adjourned to Town Meeting at 7:03 PM.

Select Board Meeting 5/6/24 - Documents & Exhibits

1. Vote to grant a 1-day All Alcohol license to Goodnow Library Foundation, Inc, to accommodate Goodnow Library Foundation Donor Reception on Wednesday, May 29, 2024 from 5:30 PM to 7:30 PM at Goodnow Library, 21 Concord Rd, subject to the use of a TIPS-trained bartender and a receipt of a Certificate of Liability.

Attachments:

- 1.a Goodnow Foundation 1-Day Liquor License Application_SB
- 1.b Department Feedback_Goodnow Reception 2024_1 Day Alcohol

2. As the Licensing Authority for the Town of Sudbury, vote to approve a new Entertainment License and Sunday Entertainment License for Oak Barrel Tavern, 528A Boston Post Road, as requested in an application dated February 27, 2024, subject to conditions put forth by the Building, Fire, Health and Police Departments.

Attachments:

- 2.a Oak Barrel Tavern_Entertainment_Sunday Entertainment Application_SB
- 2.b Oak Barrel Tavern Entertainment Staff Feedback

3. As the Licensing Authority for the Town of Sudbury, vote to approve a new Entertainment License for Paani Indian Cuisine, 530A Boston Post Road, as requested in an application dated April 11, 2024, subject to conditions put forth by the Building, Fire, Health and Police Departments.

Attachments:

- 3.a Paani Entertainment License 2024_SB
- 3.b Paani Entertainment Staff Feedback

5. Discussion regarding 2024 Annual Town Meeting: consent calendar, positions on articles; other

Attachments:

- 5.a 2024 ATM_Articles_for website