

IN SUDBURY SELECT BOARD

TUESDAY JULY 16, 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 Lisa Kouchakdjian, Select Board Member Charles Russo, Select Board Member Janie Dretler, Town Manager Andrew Sheehan

Chair Roberts stated that the meeting would be delayed in starting due to change in venue from a hybrid meeting at Town Hall.

The statutory requirements as to notice having been complied with, the meeting was convened at 7:08 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: Russo-present, Kouchakdjian-present, Dretler-present, Carty-present, Roberts-present

Opening remarks by Chair

- Acknowledged that the weather was hot and there is no air conditioning in Town Hall, thus tonight's meeting is being held remotely
- Noted she was on vacation and missed the Sudbury 4th of July Parade, adding that the photos of the event were great.

Reports from Town Manager

- Stated that he was happy to have marched again this year in the 4th of July Parade; he recognized Parade organizers, sponsors and participants
- Announced that Victor Garofalo is the new Finance Director and spoke of the great work done by former Finance Director Dennis Keohane who worked in the Town for over eight years

Reports from Select Board

Vice-Chair Carty

- Welcomed Victor Garofalo to the Town of Sudbury
- Mentioned the 4th of July event and the annual Road Race
- CatchConnect transportation program in Town is going well

Board Member Kouchakdjian

- Reminded all that in consideration of the heat, everyone should stay hydrated
- Announced that she attended the recent Park & Recreation Commission meeting and shared feedback that the Commission is hoping for the formation of a Town Manager's Working Group pertaining to after school care and the Commission asked that the Select Board invite parents involved with the community survey to be included in such Working Group

Board Member Dretler

- Welcomed Victor Garofalo and recognized Mr. Garofalo's related experience; she wished well former Finance Director Dennis Keohane and was planning to compose an article about the new Finance Director

Board Member Russo

- The Sewataro public swim time has begun with success and many residents are enjoying swimming during the recent heat waves; additional life guards have been added to provide increased capacity
- Welcomed Victor Garofalo to the Town and recognized the excellent work accomplished by former Finance Director Dennis Keohane

Public Comments

Board Member Dretler noted that a resident requested Select Board liaison policy information.

Resident and Sudbury 250th Committee Chair Radha Gargeya, thanked the Board Members for including two Committee items on tonight's agenda. He provided update regarding \$50,000 supplemental funding for 250th Anniversary events.

Consent Calendar

1. Vote to Grant a Special Permit to the Dana-Farber Cancer Institute, to hold the "Pan-Mass Challenge Kids Ride" on Sunday, September 8, 2024, from 8:00 A.M. through approximately 2:00 P.M., subject to compliance with conditions outlined by the Police and Fire Departments, DPW and Park and Recreation, subject to receipt of a certificate of insurance liability.

2. Vote to sign Citation recognizing the retirement of 21-year Navy veteran, resident Francis Joseph Mores, Jr.

3. Vote to accept the resignation of Robert Hummel, 414 Dutton Road, from the Housing Trust, and send a thank you letter for his service to the Town.

Vice-Chair Carty motioned to approve Consent Calendar items 1 through 3 as presented in the packet. Board Member Kouchakdjian seconded the motion.

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

VOTED: To approve Consent Calendar items 1 through 3 as presented in the packet

4.PUBLIC HEARING: Application of Ahara LLC, DBA Zavith Tapas and Bar, 621 Boston Post Road, Sudbury, for a Restaurant License for the Sale of All Alcoholic Beverages, under G. L. Ch. 138, s.12, Piyush Kotak, Manager. The premises proposed to be licensed (i.e., 621 Boston Post Road) is approximately 5712 sq ft of floor space (2856 sq ft on the first floor & 2856 sq ft on the second floor). Alcohol served on first floor only.

Present: Monali Lakhani, Owner/Manager; Piyush Kotak, Owner/Manager

Vice-Chair Carty motioned to open the Public Hearing for the Application of Ahara LLC, DBA Zayith Tapas and Bar, 621 Boston Post Road, Sudbury, for a Restaurant License for the Sale of All Alcoholic Beverages, under G. L. Ch. 138, s.12, Piyush Kotak, Manager. The premises proposed to be licensed (i.e., 621 Boston Post Road) is approximately 5712 sq ft of floor space (2856 sq ft on the first floor & 2856 sq ft on the second floor). Alcohol served on first floor only. Board Member Russo seconded the motion.

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

VOTED: To open the Public Hearing for the Application of Ahara LLC, DBA Zayith Tapas and Bar, 621 Boston Post Road, Sudbury, for a Restaurant License for the Sale of All Alcoholic Beverages, under G. L. Ch. 138, s.12, Piyush Kotak, Manager. The premises proposed to be licensed (i.e., 621 Boston Post Road) is approximately 5712 sq ft of floor space (2856 sq ft on the first floor & 2856 sq ft on the second floor). Alcohol served on first floor only

Town Manager Sheehan confirmed there were no outstanding Staff issues and several inspections would be taking place before the opening.

Ms. Lakhani explained the concept of Mediterranean and European cuisine. She mentioned the specialized restaurant background of the team, and the goal for a family-type restaurant with liquor at dinner primarily and not a bar.

Vice-Chair Carty asked about alcohol being served on the first floor of the restaurant only. Ms. Lakhani responded that the second floor is not finished space.

Board Member Kouchakdjian expressed her well-wishes and was supportive of a more-family type restaurant with liquor being served with meals.

Board Member Dretler echoed comments made by Board Member Kouchakdjian and appreciated the attention the restaurant team would be giving to TIPS training.

Board Member Russo indicated his support for the described concept being advanced by the team and if this team also has opened other similar restaurants. Ms. Lakhani responded that this is the first restaurant to be owned by this team.

Chair Roberts wished the restaurant team well.

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; Carty-aye, Dretler-aye, Russo-aye, Kouchakdjian-aye, Roberts-aye

VOTED: To close the evidentiary part of the public hearing

Vice-Chair Carty motioned to approve the Application of Ahara LLC, DBA Zayith Tapas and Bar, 621 Boston Post Road, Sudbury, for a Restaurant License for the Sale of All Alcoholic Beverages, under G. L. Ch. 138, s.12, Piyush Kotak, Manager. The premises proposed to be licensed (i.e., 621 Boston Post Road) is approximately 5712 sq ft of floor space (2856 sq ft on the first floor & 2856 sq ft on the second floor). Alcohol served on first floor only. Board Member Kouchakdjian seconded the motion.

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

VOTED: To approve the Application of Ahara LLC, DBA Zayith Tapas and Bar, 621 Boston Post Road, Sudbury, for a Restaurant License for the Sale of All Alcoholic Beverages, under G. L. Ch. 138, s.12, Piyush Kotak, Manager. The premises proposed to be licensed (i.e., 621 Boston Post Road) is approximately 5712 sq ft of floor space (2856 sq ft on the first floor & 2856 sq ft on the second floor). Alcohol served on first floor only

Vice-Chair Carty motioned to close the public hearing relative to the All-Alcoholic Beverages license under G. L. Ch. 138, s.12, Piyush Kotak, Manager. The premises proposed to be licensed (i.e., 621 Boston Post Road) is approximately 5712 sq ft of floor space (2856 sq ft on the first floor & 2856 sq ft on the second floor). Alcohol served on first floor only. Board Member Kouchakdjian seconded the motion.

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

VOTED: To close the public hearing relative to the All-Alcoholic Beverages license under G. L. Ch. 138, s.12, Piyush Kotak, Manager. The premises proposed to be licensed (i.e., 621 Boston Post Road) is approximately 5712 sq ft of floor space (2856 sq ft on the first floor & 2856 sq ft on the second floor). Alcohol served on first floor only

5. Review letters in support of \$50,000 State budget amendment for Sudbury 250 Committee. Following review, vote to send letters to Rep. Carmine Gentile and Sen. James Eldridge.

Chair Roberts recognized that Patty Golden, Executive Assistant to the Town Manager, composed some very thoughtful letters to Representative Carmine Gentile and Senator James Eldridge. Board Members did not provide any edits to the letters.

Board Member Dretler motioned to approve the letters in support of \$50,000 State budget amendment for Sudbury 250 Committee, as presented in the packet. Board Member Kouchakdjian seconded the motion.

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

VOTED: To approve the letters in support of \$50,000 State budget amendment for Sudbury 250 Committee, as presented in the packet

6. Discussion of allocation of \$25,000 in ARPA funds to be expended for Sudbury's commemoration of the 250th Anniversary of the American Revolution in the amount of \$25,000 under the direction of the Sudbury 250 Committee.

Board Member Russo indicated that he preferred to vote for ARPA items at one time and not in isolation/piecemeal.

Town Manager Sheehan confirmed there was a balance of \$327,000.00 unallocated ARPA funding at this time. He agreed that discussing all ARPA items at one time was a good suggestion, and favored postponing such discussion.

Board Member Dretler motioned to allocate \$25,000 in ARPA funds to be expended for Sudbury's commemoration of the 250th Anniversary of the American Revolution under the direction of the Sudbury 250 Committee. Board Member Kouchakdjian seconded the motion.

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

VOTED: To allocate \$25,000 in ARPA funds to be expended for Sudbury's commemoration of the 250th Anniversary of the American Revolution under the direction of the Sudbury 250 Committee

Board Member Russo recommended that the Board plan to vote on final ARPA funding at one time.

7. APWA Accreditation: Presentation of APWA Accreditation to the Town of Sudbury. Public Works Director Dan Nason and American Public Works Association (APWA) representative Rich Benevento to attend.

Present: DPW Director Dan Nason, American Public Works Association (APWA) representative Rich Benevento, Staff from the DPW team

Town Manager Sheehan congratulation DPW Director Dan Nason and his staff for receiving such an accomplishment.

DPW Director Dan Nason stated that this APWA Accreditation reflects a major accomplishment for the DPW Team.

Mr. Benevento explained that this achievement raises the importance of American Public Works Association, which is the largest organization of its type and grows yearly and now includes Sudbury DPW. He explained the accreditation process and noted that there are only three (3) such accredited communities in MA; Brookline, Canton and now Sudbury. Mr. Benevento presented the award plaque to Mr. Nason and Staff, adding that Sudbury will set the bar for other MA communities.

Mr. Nason reiterated that the team worked tirelessly on this project and COVID set the process back some.

Board Members individually congratulated the DPW team.

Board Member Dretler stated that she had the pleasure of participating in the related dinner meeting and hoped such great effort would continue. Mr. Nason noted that re-audits would take place every four years to ensure best practices.

Board Member Russo stressed that the accreditation represents good work done for a number of years and mentioned this achievement and funding of DPW vehicles and Wastewater Program and culvert improvements.

Vice-Chair Carty agreed with Board Member Russo and stressed this would not have happened without the direction and communications by Mr. Nason.

Chair Roberts echoed all Member comments and recognized DPW having great interactions with the Select Board, the Finance Committee and other departments and Boards.

8. Vote to reappoint members to the Zoning Board of Appeals (ZBA).

Board Member Dretler motioned to reappoint the Zoning Board of Appeals Members John Gossels and John Riordan, as specified in the packet. Board Member Kouchakdjian seconded the motion.

Board Member Russo stated that he did not support the reappointments of John Riordan and John Gossels due to applying after the specified deadline and the ZBA had made mistakes in opposition to Select Board Policies. He indicated that such members acted in a very aggressive bully-type manner at Town Meeting and opposed Article 32 – the proposed gun bylaw, as presented by the Select Board. Board Member Russo commented that Town Meeting participants did not want the Town to be involved in potential litigation.

Board Member Russo stated that each ZBA Members should be voted on individually. Vice-Chair Carty agreed with Mr. Russo.

Voting regarding the motion resumed.

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

VOTED: To reappoint the Zoning Board of Appeals Members John Gossels and John Riordan, as specified in the packet

The motion was defeated.

Vice-Chair Carty motioned to reappoint John Gossels as a full Zoning Board of Appeals Member. Board Member Dretler seconded the motion.

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

VOTED: To reappoint John Gossels as a full Zoning Board of Appeals Member

The motion was defeated.

Vice-Chair Carty motioned to appoint Jeffrey R. Rose as Zoning Board of Appeals Associate Member. Board Member Russo seconded the motion.

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

VOTED: To appoint Jeffrey R. Rose as Zoning Board of Appeals Associate Member

Vice-Chair Carty motioned to appoint Bill Ray as Zoning Board of Appeals Associate Member. Board Member Dretler seconded the motion.

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

VOTED: To appoint Bill Ray as Zoning Board of Appeals Associate Member

Vice-Chair Carty motioned to reappoint John Riordan as a full Zoning Board of Appeals Member. Board Member Dretler seconded the motion.

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

VOTED: To reappoint John Riordan as a full Zoning Board of Appeals Member

Chair Roberts stated that the Select Board would continue consideration of associate member appointment of Michael Hershberg at a future meeting.

9. Vote to authorize the Town Manager to sign the Town's new Uber For Business Dashboard Access Agreement with Uber Technologies, Inc. for one (1) year per terms of the existing contract.

Present: Director of Planning and Community Development Adam Burney

Mr. Burney explained the Business Dashboard Access Agreement was being reviewed, and is requesting that the Select Board approve Town Manager's signing of such Agreement. He acknowledged related funding as considered at Town Meeting in the range of \$120,000.00.

Board Member Kouchakdjian asked about the scope of work regarding rides originating or ending in Sudbury, per Vice-Chair Carty. Vice-Chair Carty responded that the consideration is more of an update than modification.

Chair Roberts inquired about required usage. Vice-Chair Carty stated there was no minimum usage of the Uber service required. Planning Board Director Burney agreed.

Vice-Chair Carty motioned to authorize the Town Manager to sign the Town's new Uber For Business Dashboard Access Agreement with Uber Technologies, Inc. for one (1) year per terms of the existing contract. Board Member Russo seconded the motion.

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

VOTED: To authorize the Town Manager to sign the Town's new Uber For Business Dashboard Access Agreement with Uber Technologies, Inc. for one (1) year per terms of the existing contract

10. Planning update: Open Space Plan Implementation, Master Plan Implementation and Economic Development Consultant Update. Adam Burney, Director of Planning & Community Development, to attend.

Present: Director of Planning and Community Development Adam Burney

Economic Development

Mr. Burney reviewed MBTA Communities and working on the compliance plan and documentation to Livable Communities. He confirmed that the \$30,000.00 funding for the Economic Development plan would include getting an associated RFP for a consultant to Town Counsel by next week. He indicated that a Rte. 20 Corridor study would begin in September.

Board Member Kouchakdjian inquired about the State owning Rte. 20 and timelines for possible economic development by the Town. Mr. Burney commented that the Town might ask the State about any future planning; he mentioned various aspects as detailed in the Master Plan, which primarily focused on inclusion of private properties. Board Member Kouchakdjian stressed the importance of improving sidewalks to encourage walkability. Mr. Burney noted that improved public transportation and zoning modifications is being considered, but wastewater/sewerage capacity must also be considered.

Board Member Dretler opined about the Town reaching out to private landowners along the Rte. 20 corridor in consideration of economic development. Mr. Burney responded the implementing such a study would be preferable. Board Member Dretler asked if related programming could be advanced without sewer implementation. Mr. Burney noted that housing developments who provide their own sewer systems (like Meadow Walk) might be considered.

Board Member Russo inquired about what the Town would want an Economic Development consultant to do. Mr. Burney responded that the consultant would examine the corridor and present options for possible zoning changes, and would help to identify “where we want to be and how to get there.”

Chair Roberts asked about public input aspects. Mr. Burney stressed that such input would be very important. Chair Roberts mentioned the possibility of an economic development committee. Mr. Burney agreed community input as exemplified by forming such a committee would be beneficial and could also open communications between the Town and the business community.

Open Space Plan

Mr. Burney detailed that he is working with the Assessor to determine appropriate ownership, care and custody of open space properties in Town. He explained that a field needs assessment RDF has been reviewed by Town Counsel and will be advertised in the next week or so.

Board Member Kouchakdjian mentioned the ADA Transition Plan and tremendous advancements in the last several years; she recommended that additional open spaces become available to all. Mr. Burney responded that the open space plan includes an ADA requirement evaluation plan and in general open space plans included accessible projects.

Board Member Dretler inquired about open space plan regulations/rules. Mr. Burney stated that the Commonwealth of MA has strict requirements regarding open space.

Preservation

Mr. Burney detailed that the Sudbury Historical Commission has three major projects in progress and consultants are helping to advance the projects, including providing information regarding establishing new guidelines for projects within the historic districts.

Transportation

Mr. Burney commented that the Transportation Committee is studying the feasibility of hospital shuttles to begin in August via the CatchConnect mode. Mr. Burney added that he is working with Acton regarding a municipal transit program, which involves transporting workers to private businesses in these Town, which would also help ease traffic congestion.

Rail Trails

Mr. Burney confirmed that work on the Rail Trails is progressing on schedule and a grant was received for the last quarter mile with design aspects coming forward. He detailed that Eversource and DCR are planning to resume work in the spring and start with paving. He confirmed that completion of the rail trails definitely bring about thoughts of opportunity/connectivity and considerations associated with added traffic.

Recreation

Mr. Burney provided an update regarding the Feeley Field Phase I nearing completion and that the Recreation Direction will be seeking another architect/consultant for Phase 2.

Chair Roberts asked about the more difficult pieces of the Master Plan. Mr. Burney responded that the Economic Development piece is perhaps one of the more challenging parts and there are many moving parts.

11. Pursuant to General Bylaws, Article 1 Town Meetings, vote to hold a Public Hearing at the Select Board meeting of July 30, 2024, 7:15 PM, for the purpose of determining whether a Fall Town Meeting should occur, and to publicize the same.

Town Manager Sheehan confirmed that department heads and school superintendents did not see any pressing items to be addressed at a Fall Town Meeting.

Vice-Chair Carty motioned that Pursuant to General Bylaws, Article 1 Town Meetings, vote to hold a Public Hearing at the Select Board meeting on July 30, 2024 at 7:15 PM, for the purpose of determining whether a Fall Town Meeting should occur, and to publicize the same. Board Member Kouchakdjian seconded the motion.

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

VOTED: That Pursuant to General Bylaws, Article 1 Town Meetings, vote to hold a Public Hearing at the Select Board meeting on July 30, 2024 at 7:15 PM, for the purpose of determining whether a Fall Town Meeting should occur, and to publicize the same

Chair Roberts stated that if Town committees/boards/commissions want to meet to discuss possible items to present at a Fall Town Meeting, they are free to do so. Board Member Dretler noted that such committee/commission/board meetings before the Public Hearing on July 30th, might provide an opportunity to hear what articles might come up at the Annual Town Meeting.

Board Member Russo commented that a Presidential Election and a Fall Town Meeting could be very expensive for the Town.

12. Discuss topics to be assigned for Summer 2024 - Select Board Newsletter.

Board Members provided newsletter topics:

Board Member Dretler – Interview with Finance Director Victor Garofalo

Board Member Kouchakdjian – Article on new Town social workers

Board Member Carty – Goodnow Library article

Board Member Russo – Article regarding Brightly Software and related capital planning

Chair Roberts – Select Board Goal setting and prioritization article

Chair Roberts confirmed that articles must be submitted by July 29th.

13. Upcoming agenda items:

- Select Board Goal Setting Considerations
- Town Election worker reappointment
- DEI interviews
- Fall Town Meeting Public Hearing

14. Review and possibly approve the minutes of 5/6/24

5/6/24 Select Board Minutes

Vice-Chair Carty motioned to approve the 5/6/24 Select Board Minutes, as amended. Board Member Russo seconded the motion.

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

VOTED: To approve the 5/6/24 Select Board Minutes, as amended

Executive Session

Vice-Chair Carty motioned 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), with respect to the Sudbury Supervisory Association and Laborers International Union; and to continue in Executive Session to review and approve executive session meeting minutes pursuant to G.L. c. 30A, § 21(a)(7) “[t]o comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements” (“Purpose 7”), citing to the Open Meeting Law, G.L. c. 30A, §§ 22(f), (g); and not return to Open Session. Board Member Russo seconded the motion.

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

VOTED: 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), with respect to the Sudbury Supervisory Association and Laborers International Union; and to continue in Executive Session to review and approve executive session meeting minutes pursuant to G.L. c. 30A, § 21(a)(7) “[t]o comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements” (“Purpose 7”), citing to the Open Meeting Law, G.L. c. 30A, §§ 22(f), (g); and not return to Open Session

Adjourn

Vice-Chair Carty motion to adjourn open session. Board Member Kouchakdjian seconded the motion.

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

VOTED: To adjourn open session

There being no further business, open session adjourned at 10:05 PM.