

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, DECEMBER 11, 2018

Present: Chairman Robert C. Haarde, Vice-Chairman Daniel E. Carty, Selectman Leonard A. Simon, Selectman Patricia A. Brown, Selectman Janie Dretler, Town Manager Melissa Rodrigues, and Town Counsel Jonathan Silverstein.

The statutory requirements as to notice having been complied with, the meeting was convened at 7:00 p.m. in Conference Room A at LSRHS.

Opening Remarks by Chairman

Chairman Haarde opened the meeting stating that he had no comments.

Reports from Town Manager and Selectmen

Town Manager Rodrigues did not have any reports to add, and there were no reports from the Selectmen.

Citizen's comments on items not on agenda

There were no Citizen's comments.

Vote to approve a new Common Victualler License for Mooyah Burgers Fries Shakes, 526C Boston Post Road

Present: Barry Lattuca, Sudbury Center Burgers LLC, and Didio Dacosta, Manager.

Chairman Haarde asked the owner, Mr. Lattuca, if this is the only Mooyah store. Mr. Lattuca replied that there is another Mooyah in Boston on Tremont Street. Chairman Haarde asked where the owners are from, and Mr. Lattuca stated that he lives at Avalon, Sudbury so he is local.

Selectman Simon mentioned that such applications are reviewed by Town Counsel, the Building Department, the Fire Department, Board of Health, the Police Department and staff. He added that everything looked to be in good shape.

Vice-Chairman Carty asked about outdoor seating. Mr. Lattuca replied that there was some outdoor seating.

Chairman Haarde asked when they plan to open, and Mr. Lattuca responded that they hope to open on Friday.

Mr. Lattuca asked if he would be able to pick up the required permit tomorrow. Town Manager Rodrigues responded that she would make sure that the permit was signed for tomorrow.

Mr. Lattuca mentioned that Friends and Family Night will take place on Thursday nights from 5:00 p.m. to 7:00 p.m.

It was on motion unanimously

VOTED: To approve a new Common Victualler License for Mooyah Burgers Fries Shakes, 526C Boston Post Road (Meadow Walk Suite 301), as requested in an application dated November 29, 2018, subject to conditions put forth by the Fire Department and Building Department.

Review Special Town Meeting articles, take positions on articles, and assign motions and presentations

Town Manager Rodrigues explained that the Town had heard from the state, and they could not take action on Article 2 today because the state needed more time. Town Manager Rodrigues said that Article 2 would be indefinitely postponed, and the hall would vote on the IP status. She suggested that the Board make a motion to indefinitely postpone Article 2.

Chairman Haarde questioned what the actual response from the state was. Town Manager Rodrigues stated that she spoke to several administrators from the state, and they maintained that they were optimistic, but the matter was still under review. Chairman Haarde asked if another Town Meeting would be necessary. Town Manager Rodrigues affirmed that another related Town Meeting would be necessary. Selectman Brown asked about a timeframe. Town Manager Rodrigues stated that the Town would know the disposition of the state within 90 days. Selectman Simon inquired further about the timeframe. Town Manager Rodrigues responded that the state has 90 days from the report submission, and the report was submitted on December 1, 2018.

Town Counsel Silverstein added that it is the policy of DHCD that 90 days are provided to them in making a decision. Chairman Haarde stated that the developer could pay for another special Town Meeting if necessary. Town Manager Rodrigues suggested that the Board wait to see and perhaps DHCD would provide a decision before that 90-day mark.

It was on motion unanimously

VOTED: To support indefinite postponement of Article 2.

Town Manager Rodrigues mentioned that the plan was to present the articles collectively and that Article 5 may be removed. Town Counsel Silverstein explained that the resident who brought forth the concept was concerned that voters might vote one way and, if Article 5 was included, voters might be swayed, and Article 5 is not necessary to the settlement.

Town Counsel Silverstein stated that the Town Moderator is driving this aspect, and she felt that a process debate was not preferable. Chairman Haarde mentioned that Article 5 would be the only remaining article which does not hold up the development. Town Manager Rodrigues stated that a vote on Article 5 would still be taken after the other articles are voted upon.

Town Counsel Silverstein stated that the first motion will be to take Article 5 out of order, and include it at the end of the meeting. The next step would be to make a motion to consolidate the debate and have a single vote on the other five articles.

Town Manager Rodrigues maintained that ultimately the order is not the Board's decision, and the Town Moderator might have a better approach.

The meeting was adjourned at 7:22 p.m.