

IN BOARD OF SUDBURY SELECTMEN

TUESDAY, FEBRUARY 26, 2019

Present: Chairman Robert C. Haarde, Vice-Chairman Daniel E. Carty, Selectman Leonard A. Simon, Selectman Patricia A. Brown, Selectman Janie Dretler, and Assistant Town Manager Maryanne Bilodeau.

The statutory requirements as to notice having been complied with, the meeting was convened at 7:00 p.m. in the Lower Town Hall.

Chairman Haarde called the meeting to order at 7:00 p.m.

Opening Remarks by Chairman

Chairman Haarde announced that Lincoln-Sudbury Special Education Parent Advisory Committee (LSSEPAC) and Sudbury Extended Day (SED) are sponsoring two workshops. Helping Kids Make and Keep Friends workshop will be held on February 28, 7:00 p.m., at Curtis Middle School; and the Executive Function Workshop for Parents and their Teens on March 7, 6:30 p.m., at Goodnow Library with reservations recommended. He suggested those interested in the workshops should refer to the Town website.

BOS office hours will be Wednesday, February 27th 9:00 a.m. at Pete's Coffee, and he and Selectman Simon will be in attendance.

The League of Women Voters is hosting Candidate's Night on March 6th at the LSRHS Auditorium at 7:30 p.m.

Reports from Assistant Town Manager

Ms. Bilodeau announced that Sudbury received the Distinguished Budget Presentation Award, given by the GFOA (Government Finance Association) for the 2019 Town Budget. She congratulated Town Manager Rodrigues and Town Finance Director Keohane.

The Livable Sudbury Report will be presented on March 21, 6:00 p.m. at the Senior Center.

Three Town committees have open positions including the Council on Aging, Commission on Disabilities and the Energy and Sustainability Committee. Applications are available on the Town website.

Reports from Selectmen

Vice-Chairman Carty thanked Sudbury Public Safety officials for their part in the recent rescue on Willis Lake. He mentioned that the Sudbury-Wayland-Lincoln Domestic Violence Roundtable will conduct a White Ribbon Day Forum event on March 12, 3:00 p.m., at the Community Meeting Room, Wayland Public Safety Building.

Selectman Simon and Selectman Dretler thanked Sudbury DPW for tree and road clean-up after the recent storm. Selectman Simon stated that he and Selectman Dretler attended the February 19th COA meeting. He attended the Conservation Commission meetings, and mentioned that the applicant for the Bruce Freeman Rail Trail is now going to be the Department of Transportation and not Sudbury.

Selectman Brown stated that she attended last night's Finance Committee meeting where the Town Manager presented her budget.

Selectman Dretler announced that the Civics Bee sponsored by the League of Women Voters will be held on Sunday, April 7, 2:00 p.m. at the LSRHS Auditorium.

Citizen's comments on items not on agenda

Resident Jack Ryan, 155 Ford Road, COA member and former member of the Fairbank Taskforce for all of the years of its existence, stated that there is not dispute that the existing Fairbank building is failing and that it is

inadequate to meet the needs of the three main user groups: Sudbury Public Schools, park and Recreation and the Senior Center. He stated that there will be a meeting tomorrow with the Town Manager and other Fairbank Community Center stakeholders to review the new conceptual design plan for the Center. The open meeting will be held at the Police Station Conference Room at 3:00 p.m. on Wednesday. He stated that new Fairbank Center must include provision for seniors with sight and hearing disabilities. He asked that Selectmen keep an open mind and vote on the appropriate plans for the Fairbank Center in consideration of all stakeholders needs.

Chairman Haarde maintained that the Fairbank Community Center topic would be included as an ongoing agenda item.

Selectman Brown suggested that COA meetings be made available on SudburyTV, and Chairman Haarde agreed.

Consent Calendar

Annual Town Election Warrant for March 25, 2019

It was on motion unanimously

VOTED: To sign the Annual Town Election Warrant for March 25, 2019, which must be delivered to residents by March 18, 2019.

Donation acceptance for installation of a Heritage Tree and Bench at Haskell Field

It was on motion unanimously

VOTED: To accept donation of \$1900 for the installation of a Heritage Tree and Bench at Haskell Field, near Lyon's Pride playground, in memory of Max Patrick McCormick, who died tragically in a car accident on January 20, 2019 at 4 years of age, as requested by Marianna Davila Perrella.

1-day Wine & Malt License

It was on motion unanimously

VOTED: To grant a 1-day Wine & Malt license to William E. Kneeland, Jr, to accommodate a Knights of Columbus fundraiser on Saturday, March 16, 2019 from 6:00 PM to 10:00 PM at Our Lady of Fatima Parish Hall, 160 Concord Road, subject to the use of a TIPS-trained bartender and a receipt of a Certificate of Liability.

Special Permit for the "Boston Brain Tumor Ride" on Sunday, May 19, 2019

It was on motion unanimously

VOTED: To Grant a Special Permit to the National Brain Tumor Society, to hold the "Boston Brain Tumor Ride" on Sunday, May 19, 2019, from 7:30 A.M. through approximately 1:00 P.M., subject to compliance with conditions outlined by the Police and Fire Departments, DPW and Park and Recreation, and subject to receipt of a certificate of liability.

Historical Commission resignation

It was on motion unanimously

VOTED: To accept the resignation of Barbara Bahlkow from the Historical Commission, and send a letter of thanks for her service to the Town.

Energy and Sustainability Committee resignation

It was on motion unanimously

VOTED: To accept the resignation of former resident, Kurt Reiss, from the Energy and Sustainability Committee as he has moved out of Sudbury.

Election Officer Appointments

Vice-Chairman Carty stated that he would vote on part (1) of Consent Calendar item #12, but needed further clarification from Town Clerk regarding part (2) of item #12. It was suggested that he “recuse” himself from this vote, as his wife is Maura F. Carty, the proposed Election Officer. He requested further clarification from Town Clerk regarding the language of “recuse” vs. “abstain.”

It was on motion unanimously

VOTED: (1) To appoint Sudbury registered voters Wendie I. Gershengorn, 205 Nobscot Rd., Erica L. Silverman, 21 Moran St., Deborah Fairbank Hurtig, 360 Old Lancaster Rd., as Election Officers for a term to expire on August 14, 2019, as recommended by the Town Clerk.

Chairman Haarde stated that (2) of item #12 would be reviewed as discussed at future meeting. Selectman Dretler made inquiry about related voting stations.

Park and Recreation Camp Account Donations

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a \$1,000 donation from Certain Victory Martial and Fitness, LLC, and a \$5,000 donation from John Ollquist, to the Park and Recreation Camp account #191448/483100, as requested by Kayla Wright, Director of Parks, Recreation & Aquatics, in a memo dated Feb. 11, 2019. Said funds to be expended under the direction of the Director of Parks, Recreation & Aquatics.

Approve minutes of January 22, 2019

Selectman Simon distributed a handout to the Board which included his suggested additions to the regular session minutes of January 22, 2019.

Chairman Haarde stated that the Board would review Selectman Simon’s distributed material, and vote whether to approve the 1/22/19 minutes. This would be included on the next agenda.

Selectman Dretler mentioned that she requested that agenda item #3 be postponed at the 1/22/19 BOS meeting, and not items 3 and 4.

Approve All-alcohol Restaurant License

Present: Jordan Mackey, Owner/Manager; and Reanna Mackey, Director of Training & Banquet Operations.

At approximately 7:20 p.m., Chairman Haarde motioned to open the public hearing.

It was on motion unanimously

VOTED: To open the public hearing.

Vice-Chairman Carty inquired about the history of the restaurant. Mr. Mackey replied that he left the former restaurant group approximately a year and half ago and was now able to purchase the restaurant and bring back former employees.

Selectman Simon asked the applicant if he had a financial connection with the previous owners. Mr. Mackey replied not. Selectman Simon asked if this liquor license application reflected a transference of license. Mr. Mackey responded that this would be a new license application. Selectman Simon asked if this application would take the last available pouring license. Ms. Bilodeau confirmed that this license was indeed the last available pouring license in Town.

Selectman Simon asked Mr. Mackey what experience he had with serving alcohol. Mr. Mackey stated that he and his wife had extensive (some 22 years) liquor license experience working at restaurants, luxury hotels/resorts with bars and restaurants, etc.

Selectman Simon asked about TIPS training for employees. Mr. Mackey responded that all employees would be TIPS trained. Selectman Simon asked if the applicant was familiar with Sudbury alcohol regulations. The applicant responded that he was and inquired about regulation serving hours at the restaurant. Ms. Bilodeau stated that the regulatory hours were Monday through Thursday 11:00 a.m. to midnight, Friday and Saturday 11:00 am to 1:00 a.m. and Sunday 12:00 pm to midnight. Selectman Simon suggested that the applicant introduce himself to Chief Nix at the Police Department to review regulations.

Selectman Brown noted that all Town departments approved the application, adding that the ABCC process takes some time. Mr. Mackey stated that the town's structural and sanitation concerns would be resolved before opening. Selectman Brown stated that she was looking forward to the opening of the restaurant.

Selectman Dretler welcomed the applicant back to Sudbury and stressed that the Twenty-Nine is located in a neighborhood with children, schools and traffic. She emphasized the safety aspect in consideration of liquor being served. She inquired about the increase in seating. Mr. Mackey stated that seating in the former restaurant was 110, and the total seating would increase to 200 with provision for outside seating.

Vice-Chairman Carty inquired about the second-floor space. Mr. Mackey responded that most of the seating would be on the second floor.

Selectman Dretler referred to the ownership criminal history section of the submitted application. Mr. Mackey responded there was some confusion with that part of the application because some of the investors were not familiar to him. Only the officers and directors need to be listed, but CORI checks for them were a requirement.

Selectman Dretler asked about the investors' status. Mr. Mackey stated that a 2% investment was still being sought. He added that he understood the importance of safety in the neighborhood and affirmed that any concerns would be addressed including lighting.

Selectman Simon asked if the applicant had MA restaurant experience. Mr. Mackey replied that he had substantial experience in MA at the former Twenty-Nine restaurant, Battle Road Restaurant, Flank Restaurant and Dig Inn Restaurant locations in Boston and New York.

Selectman Simon reiterated the importance of possible liquor abuse situations, especially in consideration of the school neighborhood. He asked when the restaurant would be opening. Mr. Mackey stated that he expected Twenty-Nine to open on May 1.

It was on motion unanimously

VOTED: To close the public hearing.

It was on motion unanimously

VOTED: As the Local Licensing Authority, to approve the application of 29 Culinary, LLC, d/b/a Twenty-Nine, 29 Hudson Rd., Sudbury, for a Restaurant License for the Sale of All Alcoholic Beverages, under G. L. Ch. 138, s.12, Jordan Mackey, Manager. The premises proposed to be licensed (i.e., 29 Hudson Road) is a three-floor, 10,421 square foot restaurant with outdoor patio seating.

Date for Special Town Election

Selectman Simon asked Assistant Town Manager Bilodeau if there was a preference in dates. She replied not. Selectman Brown asked who would be responsible for the wording of the articles. Ms. Bilodeau responded that Town Manager and Town Counsel would likely be the originators of the related language. She stated that the date for Special Town Election did not have to be voted upon tonight. Chairman Haarde stated that the June 4th date would be best.

It was on motion unanimously

VOTED: To hold the Special Town Election on June 4, 2019.

Vote to amend the regular session minutes of 1/23/18

Selectman Dretler said she was a resident, not on the Board at that time, and not a part of approving the minutes. If the Town is going to record what residents say then they should accurately reflect what the resident says. Ms. Dretler requested that the 1/23/18 minutes regarding the Melone property be amended to change the language (page 7, paragraph 4 of minutes) to read: "Ms. Dretler suggested that the Town look at three options: housing, commercial revenue, and recreation (passive and active). She heard that we need more fields, however, she doesn't know if it's necessary since she doesn't have that data. It would be good to look at least all three pieces and then make a decision once she has more information."

Selectman Brown indicated that she had a problem with amending the minutes, as the minutes reflect the proceedings at that 1/23/18 meeting and were approved by the Board. She added that she did not want to establish this type of precedent for going back to a previous meeting to change proceedings that were approved. Her concern is that it makes all history plastic.

Selectman Simon commented that this situation presents a rare and unique circumstance, since Selectman Dretler was not a Board member at the time of that meeting, and residents are not provided the opportunity of reviewing minutes before approval. He stated that the benefit here is that we have an actual recording. He stressed that amending this part of the minutes would be appropriate.

Vice-Chairman Carty questioned why this was brought up now and that it's not the same Board as we were a year ago. He remarked that minutes differ from transcripts, and that no ill-will was intended. He stated that he was in favor of including this amended statement in today's meeting minutes.

Chairman Haarde stated that the issue was problematic and he did not see a significant difference between Selectman Dretler's original remarks and the proposed amended remarks.

Selectman Dretler responded yes, she was misquoted. She in fact suggested that the town look at all three areas of housing, recreation and commercial revenue which were not adequately expressed in the original minutes. She suggested that Members review the SudburyTV video and referred to Robert's Rules of Order which supports editing errors or omissions in minutes.

Chairman Haarde stated that this was not an errors and omissions situation adding that Selectman Dretler could have made additional comment as a resident. He maintained that he had never seen such a suggestion presented before, and that minutes are not verbatim transcript and they are a summary of what happened and sometimes the minute taker does not capture the spirit of a statement. He stated that the minutes for tonight's meeting would reflect the request and the suggested language.

Selectman Simon stated that for this particular occasion, the Board might consider amending. Selectman Brown had no problem with noting Selectman Dretler's suggested language, but did have problem with amending the minutes.

Selectman Dretler agreed that she was satisfied with including her amended language as part of this meeting's minutes.

Citizens' comments (cont.)

There were no citizen's comments.

Discuss upcoming agenda items

The primary focus of the March 5 BOS meeting would be the scheduled joint meeting with the Finance Committee and the Capital Improvement Advisory Committee. The Board also agreed that Annual Town Meeting Warrant capital articles would be included on the March 5th agenda as well as the DPW discussion to address Town Center stone wall project. Details regarding the BOS March office hours would be included at the March 5th meeting. Vice-Chairman Carty suggested that the Town Forum topics be discussed at the March 12th meeting. It was agreed that capital funding discussion would continue at the March 26th meeting. Selectman Simon suggested that the Board's liaison appointments be discussed at a future meeting.

There being no further business, the meeting adjourned at 8:12 p.m.

Attest: _____

Maryanne Bilodeau
Assistant Town Manager-Clerk

Selectman Carty stated that it would be helpful to know the financial significance.

Town Manager Rodrigues stated that it's the same cost of running the parsonage; we pay for insurance, snow removal and sharing of other expenses. She added that this has been the arrangement for almost a year.

Selectman Brown offered that it might be useful to see if other communities have done a similar project.

Discuss ATM Warrant Articles

At 8:54 p.m., Town Manager Rodrigues shared with the Board that the following itemized articles were outlined for discussion and have been submitted: hear reports, stabilization fund, fund litigation – Sudbury Station, Fund litigation – Eversource, FY18 budget adjustments, Fairbank, Loring Parsonage Lease, October Town Meeting.

Chairman Haarde said that the article authorizing the Board of Selectmen to convey the Melone property should be put on as a placeholder as well.

Selectman Iuliano said there is no decision about selling property and would we want a placeholder?

Vice-Chairman Simon said it's four months before Town Meeting, and he feels that the Melone property should not consider a placeholder due to more important issues at this time. He reviewed the land at the former Police station site on Route 20 several years ago, and continued that there was no in-depth study of what the Town might do with this land. He added that residents must be involved in the possible selling of the Melone land, and that he strongly feels that this area should not be taken up for further action at this time.

Selectman Iuliano said that she was fine with a placeholder and that the Board could discuss it between now and May. Selectman Iuliano stated that both Chairman Haarde and Vice-Chairman Simon were right, and that tonight the vote was just for an option.

Vice-Chairman Simon stated that in the past, this has not been a transparent area, and further maintained that the Board does not have the final GeoInsight report yet.

Chairman Haarde disagreed and said the discussions have been robust and transparent; discussed many times, and that all discussions have been open to the public.

Resident Janie Dretler, 286 Goodman's Hill Road, told the Board that she attended the Melone Charrette which highlighted housing, commercial revenue and possible recreation at the Melone site. She continued by stating that since the Charrette, an RFP for ball fields had been done. She said that she wants to know what the process should be and wants to understand the environmental aspect.

Chairman Haarde said that he is unsure if passive recreation is the favored choice for the site. There is a need for organized recreation, and there is a likelihood that commercial, housing and recreation could co-exist here. Selectman Iuliano reinforced that all ideas should be considered.

Ms. Dretler suggested that the Town look at all three options: housing, commercial revenue, and recreation (passive and active). Ssaid that she would prefer to see housing at the site, but agreed that all three uses should be explored further heard that we need more fields, however, she doesn't know if it's necessary since she doesn't have that data. It would be good to look at least at all three pieces and then make a decision once she has more information. Chairman Haarde added that more information will be forthcoming.

Resident Steve Swanger, 14 Bent Brook Road, shared that the Melone Charrette felt like an open meeting. He then stated that an RFP was presented for recreation use only.

Chairman Haarde responded and said that this was an open process.