

SELECT BOARD MEETING

TUESDAY, May 2, 2023 7:00 PM

The GREAT HALL, 10 PEARL ST., 3rd Floor

10 Pearl Street, Stoughton, MA 02072

& VIRTUALLY via GOOGLE.MEETS

In accordance with Governor Baker's declaration of June 16, 2021 granting certain pandemic-related authorizations to Public Board and Town meetings and recently extended until March 30, 2025, this meeting will be conducted both in person and virtually via Google Meets.

A comprehensive record of the proceedings will be posted on the Town's website and/or SMAC as soon as possible after the meeting if live broadcast or livestreaming is unsuccessful. Times are approximate and items may be taken out of order at the discretion of the Chairman.

Present: Debra Roberts, Chair, Stephen Cavey Vice Chair, Scott Carrara and Louis Gitto.

Also present: Tom Calter, Town Manager.

Absent: Mr. Joseph Mokrisky.

Open Session- Call to Order and Pledge of Allegiance

Chair Roberts called the meeting to order at 7:06 PM. The motion to open the meeting was made by Mr. Cavey and seconded by Mr. Carrara. The motion passed.

Members Roberts, Cavey, Carrara and Gitto responded present to the roll call.

Chair Roberts asked all to stand for the Pledge of Allegiance. Chair Roberts read into the record Governor's Baker declaration on Open Meetings.

Select Board Comments

Mr. Gitto, referencing comments about the enterprise accounts heard at the Town meeting, said he believes that the Board should do more to respond to the public and the questions about the water, sewer enterprise funds. Mr. Gitto also suggested that more should be done to inform contractors

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of procedures relative to street openings/closings. Tom Carter commented that he was unaware of the closing at Page Street. Mr. Gitto also referenced an article in the Boston Globe in regards to a conflict between the City of New Bedford and the MBTA Commuter Rail. It may be time to have Stoughton on the MBTA's service district. Tom Calter responded that he will speak with Mr. Peter Strauss relative to the continuance of the rail line through Middleboro.

Town Manager's Comments

Tom Calter commented that there is a chronic problem in the Town, in fact in the country, of apathy and disinterest in problems that directly affect residents' lives. He is always open to new ideas and better ways to communicate with the public.

Per the request of Paula Nute, Town Treasurer, Tom Calter announced that FY23-FY24 real estate property taxes are due May 1, 2023. If not paid, a demand fee of \$15.00 will be charged. Excise taxes are due May 7, 2023. A demand fee of \$15.00 will be charged for late payments. Bills may be paid online.

Citizen's Comments

Ms. Cynthia Walsh, 1096 Park Street resident, suggested asking SMAC to run the recordings of the public information sessions several times. She suggested more postings on Facebook. Mr. Calter said he would check with SMAC and would post information on the Town website. Chair Roberts added that some town meeting members seemed unaware of the public information sessions.

Mr. Anzivino, on zoom, informed the Board that audio and visual had been lost on SMAC and visual had been lost on zoom. The Board took a 2-minute break to correct the situation.

Chair Roberts called the meeting back to order at 7:28 PM.

Mr. Anzivino continued with his citizen comment. He asked the Board to consider reports that the Town Planner was not a resident of Stoughton as required.

Ms. Dianne Dolan, Town meeting member and Finance Committee member, 37 Woodbine Road resident, suggested that the Board publish follow-up information on articles presented to Town meeting, so that residents are informed of the outcome of the articles.

Consent Agenda

- a. Approval of Open Session Meeting Minutes of March 21, 2023 and March 28, 2023**

Mr. Gitto suggested a correction to the minutes.

b. First Parish for a 1-Day Alcoholic Beverage License

Chair Roberts asked the representatives to speak on behalf of their request. Ms. Susan Stewart, 47 Simpson Street resident, and Dr. Jess Miner, Town meeting representative and Finance Committee member, 31 Walnut Street resident, came forward. They explained that they have done this event before, hosting a yard sale on Saturday June 3, 2023 from 10:00 a.m. to 3:00 p.m. Proceeds will go to the Food Bank.

c. Appointment of Ms. Dianne Dolan to the 300th Anniversary Committee

Ms. Dolan, 37 Woodbine Road resident, Town meeting representative and Finance Committee member and School Department employee asked to be on the Committee, stating that she has lives in Stoughton for over 50 years. She has spoken with teachers and would like to see students participate in the celebration.

Mr. Carrara made the motion to approve the Consent Agenda, seconded by Mr. Cavey. The Board voted 4 yes 0 no.

Chair Roberts made the decision to take items 13,14, and 15 out of order.

Interdepartmental Transfers

Bill Rowe, Town Accountant, explained that between May 1 and July 15, the Select Board and the Finance Committee vote to permit interdepartmental transfers. He added that all transfers had been verified.

Mr. Carrara made the motion to approve, seconded by Mr. Cavey. The Board voted 4 yes 0 no.

Tosca Drive Project- Central Street, shared use path layout-votes may be taken

Marc Tisdelle, Town Engineer, explained that MassDot will advertise the project in September. The Board is asked to adopt the lay-out which includes the park and the lay-out of the shared use path.

Mr. Gitto read into the record the motion:

MOVE that it is hereby ORDERED that a public shared use path be laid out in the manner depicted as “2023 Shared Use Path” on the plan entitled: “Alteration Plan of Tosca Drive, Canton Street and Central Street (Route 27) in Stoughton, MA, Norfolk County, prepared by the Town of Stoughton” dated December 8, 2021, revised September 12, 2022, prepared by Greenman-Pedersen, Inc. and that the Order of Layout is executed by this Board with a copy of the plan to be immediately placed on file with the Town Clerk and presented to Town Meeting for acceptance.

Mr. Cavey seconded the motion. The Board voted 4 yes 0 no to approve. Marc Tisdelle reminded the Board that signatures were necessary.

Veterans Memorial Square Application- William Angelos (votes may be taken)

Sharon Johnson, Department of Veterans’ Services, gave a brief overview: Mr. Angelos was born in Boston on 07/04/1938. He passed on December 31, 2018. He enlisted in the Army National Guard after he graduated from Stoughton High School, where he served 7 years. He worked in the building and plumbing trade and he was Plumbing Inspector for the Town. Mr. Angelos more than met the policy requirement of 20 years of community service to the Town. Mr. Angelos served as Chair of the Planning Board from 2000 to 2009 and was a Town meeting representative for 10 years. If approved, the memorial square for Mr. William Joseph Angelos will be located at the intersection of Park Street and Boylston Street. Ms. Angelos expressed her gratitude to the Board for the honor. Mr. Carrara added his remarks noting that no one deserves the honor more than Mr. Angelos. Mr. Carrara spoke of his generosity and his support of the community.

Mr. Carrara made the motion to approve, seconded by Mr. Cavey. The Board voted 4 yes, 0 no.

Public Hearings - a.b.c.d.e.f.g

a. Waiver request - Giovanni The Photographer Inc. dba Boston Studio Rental, 63 Wyman Street

Mr. Cavey read the request and section XXI pertaining to the Alcohol Beverage Licensing, explaining that the Board has the authority to grant a waiver for establishments not a club, nor a restaurant, with certain restrictions.

Mr. Cavey made the motion to open the public hearing, seconded by Mr. Carrara. The motion passed.

Giovanni Francis reviewed the various attempts to obtain the license:

10/22 a letter was sent with the request

12/22 meeting with Marc Tisdelle

01/23 meeting with Select Board

01/10/23 Town Manager and Chair of the Select Board toured the facility at 63 Wyman Street

03/30/23 incomplete attempt at the Select Board meeting

05/02/23 appearance before the Select Board

Mr. Francis explained that he expects to operate a photo-video studio for professional artists, also a function hall for family gatherings. The facility will respect all Town by-laws. Mr. Francis stated that his investment to date is over \$1,000,000. Chair Roberts asked if there will be dancing. Mr. Francis responded that there may be some family gatherings. Most functions occur on a Friday, Saturday or Sunday. Considerable funds have been spent in additional sound proofing of the back and side walls. Ms. Cynthia Walsh stated as a resident of 1096 Park Street, she had no objections. As Chair of the Alcohol By-laws Committee, she had assisted in the writing of these by-laws which are now 30 years old. She noted that previous infractions by previous owners should not impact the current application. She offered an apology to the applicants who have appeared before the Board multiple times. She added that the applicant is professional and has a sound business plan. Mr. William Smith, 21 Nadine Lane resident and owner of 83 Wyman Street asked that the applicant consider the installation of a fence to separate the two establishments. Mr. Francis responded that he had researched the possibility of installing a fence, but at this time, the cost was prohibitive. They opted to plant trees, which would require 7 years to mature. He thanked Ms. Walsh for her support.

Mr. Cavey made the motion to close the public hearing, seconded by Mr. Carrara. The Board voted in favor 4 yes 0 no.

Mr. Cavey made the motion to grant the waiver, seconded by Mr. Carrara, in compliance with section XXI of the Town by-law. Stating that (a.) the waiver will be specific to the applicant; (b.) valid for annual term and (c.) subject to conditions of the liquor license laws.

Ms. Roberts reiterated the various dates the applicant had appeared before the Board beginning October, 2022 until May 2023. She said the applicant has been vetted thoroughly and for that reason she will vote in favor.

Mr. Carrara made the motion to approve, seconded by Mr. Cavey. The Board voted 3 yes 1 no.

b. All Alcohol License Application - Giovanni The Photographer Inc. dba Boston Studio Rental -63 Wyman Street

Mr. Carrara made the motion to open the public hearing, seconded by Mr. Gitto. The motion carried 4 yes 0 no,

Mr. Cavey reviewed the application, noting there were no departmental objections. He detailed the BOH response indicating that the BOH will not provide oversight, as the users of the facility will

provide the food. BOH requests a sign be posted to that effect. Also, current plans do not require an on-site dumpster.

Mr. Francis said he had spoken with Mr. Lawrence Perry and has accepted all suggestions.

He hopes his establishment to be a beacon for the Town. He commented that his business will not survive without the liquor license. He added that the facility will bring revenue into the Town. Mr. Carrara remarked that he was happy to see a facility make use of this segment of the by-law. Ms. Walsh, 1096 Park Street resident, said new folks have come into the Town with new ideas. This applicant will add to what the Town has to offer. She commented that liquor licenses are carefully monitored. Mr. William Smith, owner of 83 Wyman Street, a residential location, repeated his request for barrier between the place of business and the residential space. He said he had no objection to the application. Mr. Carrara expressed sympathy for Mr. Smith, commenting that a fence might be a good idea. Mr. Cavey commented that approval of the request should not be tied down to the installation of a fence. Mr. Francis said he had met with fence contractors and the cost was astronomical. He is delayed six months in the opening of his facility. He agrees to a barrier and has considered a tree barrier. Tom Calter suggested that the applicant and the owner of 83 Wyman work together to resolve the issue. Mr. Cavey said it seems that the issue of a fence should have been addressed during the meeting with the Planning Board.

Mr. Carrara made the motion to close the public hearing, seconded by Mr. Cavey. The Board voted 4 yes to 0 no.

Mr. Cavey made the motion to approve the request for an all-alcohol license, seconded by Mr. Carrara. The Board voted yes 4 to 0 no.

c. Class II License Application - Neomi Elnemer dba Element Financial, 1254 Washington Street

Mr. Cavey read the public hearing notice. The motion to open the public hearing was made by Mr. Cavey and seconded by Mr. Carrara. The motion carried 4 yes 0 no.

Mr. Cavey reviewed the departmental responses, noting there was no information on file for the BOH nor the Engineering Department. Mr. Cavey detailed the Police response with the following requests: do not block the sidewalk, do not block access to Washington Street, suggesting limitations on the number of cars to be permitted on the site. Ms. Elnemer explained that the application was for permission to sell cars, as a supplement to current income. Mr. Cavey indicated that a 5-car limit was suggested. He asked how many parking spaces are available. Ms. Elnemer responded perhaps 20 cars. Mr. Carrara asked for a clarification of the location, commenting that Tamson Motors, also located at 1254 Washington Street, already holds a license to sell cars. Mr. Carrara asked if this was a new business requiring a new license or was it a transfer of an existing license. Ms. Pereira, assistant to the Select Board, interjected that it was noted that the new owner would merge with the existing owner. Ms. Elnemer said her business leases from Tamson Motors. Mr. Calter responded that it is not permitted to issue two licenses to the same location. Mr. Carrara

requested more information. Ms. Roberts suggested that the matter be tabled. Mr. Gitto commented that there are portions of the application which are illegible and incomplete.

Mr. Cavey made the motion to continue the public hearing on May 16, 2023 requesting that at that time, the Board receive improved plans, application, a lease agreement, and a plot plan.

Mr. Calter agreed to meet Ms. Elnemer and Tamson Motors to ascertain status and a process for moving forward.

Ms. Roberts reminded all to process information through Ms. Pereira.

Mr. Carrara seconded the motion to continue the public hearing. The Board voted 4 yes to 0 no.

d. Change of Ownership Application - KN.LLC dba Andrade Liquors, 280 Washington Street

Mr. Cavey read the public hearing notice, and made the motion to open the public hearing, seconded by Mr. Gitto. The motion passed.

Attorney Pearlman explained that this is a transfer of 33% ownership to Bipinkumar D. Patel. The business will continue to operate as it has in the past.

Mr. Gitto made the motion to close the public hearing, seconded by Mr. Cavey. The Board voted 4 yes 0 no.

Mr. Gitto made the motion to grant the request, seconded by Mr. Carrara. The Board approved the request 4 yes 0 no.

e. Common Victualler Application - JM Food Group Boston 6, LLC dba Jersey Mike's Subs, 421 Washington Street

Mr. Cavey made the motion to open the public hearing, seconded by Mr. Carrara. The motion carried 4 yes 0 no.

Mr. Cavey read the public hearing notice and the departmental responses, finding no objections.

Mr. Carrara asked for information on the grease trap. Mr. Matt Catania responded that a contract exists. Mr. Carrara suggested granting approval, subject to a review by the DPW for proper use of a grease trap or disposal. Chair Roberts suggested to Ms. Pereira that the check list be modified to include a grease trap information. Mr. Cavey asked why this license had not been renewed in December with the other annual renewals. Mr. Catania responded that they purchased the business in the first week in January. Mr. Gitto asked the number of seats provided. Mr. Cavey responded

that the application states 24 seats. Mr. Gitto expressed two concerns: there needs to be a coherent seating plan included in the packet and clarification of information pertinent to the grease trap.

Mr. Cavey made the motion to continue the public hearing until May 16. Mr. Carrara noted previous renewals indicated pumping twice a year. Mr. Cavey withdrew his previous motion.

Mr. Cavey made the motion to grant approval contingent upon DPW approval of pumping records and submission of a coherent seating plan. The motion was seconded by Mr. Gitto.

On the motion, the Board voted unanimously.

f. Wines and Malt Beverages with Cordials/Liquors License Application - Ore Restaurant 2, LLC, 434 Pearl Street

Motion to continue the public hearing on May 16, 2023 by Mr. Cavey, seconded by Mr. Carrara. No one was present to speak on the request. The Board voted 4 yes 0 no to continue the matter.

g. National Grid and Verizon New England, Inc. Pole Install Bill Gillespie

Mr. Cavey read the public hearing notice indicating that two poles would be installed at Old Page Street, and one pole would be removed.

Mr. Cavey made the motion to open the public hearing, seconded by Mr. Gitto. The motion passed.

Bill Gillespie explained that two poles would be installed and one pole would be removed, as it currently impacts on the installation of a driveway. Mr. Gitto asked if the plan anticipated that all traffic will turn left from Old Page Street. Mr. Gillespie said yes. Mr. Carrara expressed a continuing concern that National Grid be required to clean up unused poles and debris. Mr. Gillespie responded that the maintenance of the poles was the responsibility of Verizon.

Mr. Calter said his research permits 60 days for a response to the location and condition of poles.

Mr. Carrara made the motion to continue the matter until a future agenda.

Mr. Gitto said the Board should expect Verizon to provide more information with a plan for removal of unused poles.

Mr. Carrara suggested an amendment to his previous motion, to grant the request so the developer would not suffer damage.

Mr. Carrara made the motion to close the public hearing, seconded by Mr. Cavey. The motion carried.

Mr. Cavey made the motion to approve, seconded by Mr. Gitto. The motion carried.

Mr. Gitto said it is important to recognize that all trucks from the depot turn left onto Page Street in route to the highway. The situation requires review, as the width of the road is only 25' and suggested the agenda item be entitled Maple-Page Street maintenance and upgrades.

Mr. Carrara made the motion to adjourn, seconded by Mr. Cavey. The motion carried unanimously.

The open session of the Select Board was adjourned at 9:51p.m.

Documents Used During the Meeting

1. Item #5 Consent Agenda
 - a. Approval of Open Session Minutes of March 21, 2023 and March 28, 2023
 - b. Application for 1-Day Alcoholic Beverages License- June 3, 2023 First Parish, Stoughton 790 Washington Street
 - c. 300th Anniversary Appointment - Ms. Dianne Dolan
2. Item#6 Public Hearings
 - a. Waiver Request - Alcoholic Beverage Licensing Regulations - Giovanni The Photographer, Inc. dba Boston Studio, 63 Wyman Street 49 pages
 - b. All alcohol license application - Giovanni The Photographer, dba Boston Studio Rental, 63 Wyman Street 59 pages
 - c. Class II License Application - Neomi Elnemer dba Element Financial, 1254 Washington Street 28 pages
 - d. Change of Ownership Application - KN, LLC dba Andrade Liquors 280 Washington Street 26 pages
 - e. Common Victualler Application - JM Food Group Boston 6, LLC dba Jersey Mike's Subs, 421 Washington Street 26 pages
 - f. Wines and Malt Beverages with cordials/liquors license application Ore Restaurant 2, LLC 434 Pearl Street
 - g. National Grid and Verizon New England, Inc. Pole Install 16 pages
3. Item #7 Veterans Memorial Square Application- William Angelos 27 pages

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- 4. Item #8 Tosca Drive Project- Central Street Shared Use Path Layout 7 pages
- 5. Item #9 Interdepartmental Transfers 53 pages

Approved on:

06/20/2023

Signed by:

Debra C Roberts

Debra C. Roberts, Chair