

**SELECT BOARD MEETING**

**TUESDAY, May 16, 2023 7:00 PM**

**The GREAT HALL, 10 PEARL ST., 3<sup>rd</sup> 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 Chair.

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

Also present: Tom Calter, Town Manager.

**1. Open Session- Call to Order and Pledge of Allegiance**

Chair Roberts called the meeting to order at 7:04 PM. The motion to open the meeting was made by Ms. Roberts and seconded by Mr. Carrara. The motion passed.

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

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

Chair Roberts moved item # 11 up on the agenda.

**SMAC Corrective Action Plan**

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Chair Roberts commented that she is willing to work with SMAC toward a cooperative solution. Mr. Mokrisky stated that he had spent a considerable amount of time and effort to understand the status of the relationship between the Town and SMAC. He is interested in restoring good will. On March 28, 2023 the Select Board sent a letter to SMAC requesting a review of the current practices and compliance with the requirements of the Board to be completed within 45 days. A response was received on May 9, 2023. Mr. Mokrisky is happy to see the willingness of SMAC to work with the Town to reach a comfortable agreement.

Mr. Mokrisky made a motion that the Town Manager, the Chair of the Select Board and Town Counsel serve as liaison between the Town and SMAC. Vice Chair Cavey seconded the motion.

Mr. Carrara questioned if the concerns surfaced by Mr. Hausammann would be vetted. A list of failures had been received from Town Counsel. Mr. Mokrisky responded that the concerns will be addressed, adding that he believed SMAC should be given the opportunity to develop a plan to address them. Mr. Carrara said he would like to know what the plan is and what will be done to improve the situation.

Mr. Mokrisky listed the people now serving as volunteers: Mr. Mullen, Mr. Banis, Mr. Lurie, Mr. DeFelice and Ms. Harback and added that they are our friends, we know them, and we should be able to work together.

Town Manager Calter commented that the function of the liaison group and SMAC will be to produce an action plan. We have volunteers on both sides. Part of the plan will include an advisory board. The Town Manager said his job is to work to present an agreement favorable to both parties. The negativity needs to be eliminated. A 30-day period was given for the development of the action plan.

Chair Roberts asked Mr. Mokrisky to amend his motion to include the language that a 30-day period had been granted for the development of an action plan.

On the amended motion, Cavey -yes, Carrara -yes, Gitto- yes, Mokrisky -yes, Roberts -yes. The motion passed unanimously.

### **Select Board Comments**

Vice Chair Cavey noted that last Friday evening he had attended the 60<sup>th</sup> anniversary of the Helen Hansen Elementary School. He had volunteered to be the DJ. He said it was a wonderful event but noted that the school buildings in Town are reaching life usefulness and the Town needs to have a plan for replacement.

Mr. Mokrisky informed the Board of the deaths of two long-time residents: Mr. James Lovett, husband to Mrs. Tolman Lovett, at the age of 51 and Mr. Bob Murphy, owner of Mur-Mac's at the age of 80. Mr. Mokrisky said the Board, along with the Town, sends their condolences to the families.

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Mr. Gitto acknowledged the contribution of Ms. Caitlin Valair, 8<sup>th</sup> grade civics teacher, her support for various projects, support of the homeless and beautification of the Town. Mr. Gitto credited other teachers for several street projects. Mr. Gitto commented that he would like to interact with the teachers in support of these projects. Chair Roberts agreed and offered help as well.

### **Town Manager Comments**

Town Manager Calter thanked SMAC for their quick response to the technical difficulties experienced at the last Select Board meeting.

Town Manager Calter thanked Mr. Carrara for his suggestions in regards to licensing and stated that a line will be added to the Board of Health approval form requesting information relative to the grease traps and pumping dates.

Town Manager Calter reported that he had spoken with National Grid and Verizon regarding the removal of poles. He noted that Verizon is responsible for maintenance of the poles. There are currently 85 double poles in Town. The Town is responsible for the electric and the fire alarms on the poles. The wires must be removed from the poles before the poles can be removed. Assistant Fire Chief Macomber will take the lead on this project.

### **Citizens' Comments**

Mr. Ed DeFelice, 200 Ethyl Way resident, and Mr. Peter Ventresco, 580 Canton Street resident, asked the Board to rescind recent appointments to the SMAC Board. Both Mr. DeFelice and Mr. Ventresco spoke of feeling aggrieved over treatment received at a SMAC meeting, being escorted from the building by a police officer. They were seeking an apology pointing out that they had been mistreated, bullied and not permitted to see the ballots. Mr. Mokrisky responded that he respected Mr. DeFelice and Mr. Ventresco. There will be changes, but SMAC is a non-profit organization over which the Select Board has no supervisory authority. On behalf of the Board, Chair Roberts said to Mr. DeFelice and Mr. Ventresco, that she is sorry this happened and added that everyone should enter discussions with SMAC with open minds. Town Manager Calter remarked that everybody acknowledges that what happened at the meeting was wrong. Town Counsel explained that the Town's power is spelled out in the contract. Town Manager Calter said the new contract will include a set of rules and expectations consistent with the Town's code of conduct and a termination clause in the event of the violation of any aspect of the contract. Per advice of Counsel, volunteers serving on boards and committees have rights and may not be removed from the committee or board unless the members of said board want them removed.

Vice Chair Cavey stated that the discussion was exceeding the parameters of Citizens' Comments and was beginning to violate public hearing rules.

### Consent Agenda

- a. Approval of Open Session Meeting Minutes of April 11, 2023 and Executive Session Meeting Minutes of March 21, 2023
- b. Proclamation Falun Dafa Association of New England
- c. Water connection Application - Diesel Direct, 74 Maple Street
- d. Cedar Hill Golf Course Concessionaire Lease
- e. Purchase and Sale Agreement - Map 103, Lot 9 - T.L. Edwards, Inc.
- f. Application for Road Race or Parade Permit Memorial Day - May 29, 2023 Veterans Services
- g. Application for Road Race or Parade Permit 4<sup>th</sup> of July Parade - Recreation Dept.
- h. Application for Road Race or Parade Permit - June 25, 2023 St. John's Filarmonica Society
- i. Application for Road Race or Parade Permit - July 16, 2023 Holy Ghost of Azores Society
- j. Application for a 1-day Alcoholic Beverage License- June 24, 2023 St. John's Filarmonica Society
- k. Application for a 1-Day Alcoholic Beverage License- July 15, 2023 St. John's Filarmonica Society

Vice Chair Cavey asked for further discussion of items b. and e.

Mr. Gitto made the motion to approve items a., c., d., f., g., h., i., j., and k. of the Consent Agenda. Motion seconded by Vice Chair Cavey. On the motion to approve, the Board voted 5 yes 0 no.

During discussion of item b., Proclamation Falun Dafa Association of New England, Vice-Chair Cavey expressed skepticism asking if this was a semi-religious or political group. He does not believe it is appropriate for the Board to grant this request. Chair Roberts asked Mr. Peng to speak about his request and to explain more fully about his group and if they were residents of the Town of Stoughton. Mr. Peng, by phone, explained that he is not a resident of Stoughton and the intent of this group is to provide voluntary service, and voluntary opportunity to the residents of Stoughton, post-pandemic, to learn and participate in meditation exercises. The group would like to share with Stoughton, happy and healthy stories surfacing from pandemic experiences. The group has attended various local events, libraries, and has a website. Mr. Mokrisky said the

explanation left him more confused. Nevertheless, he would not support this request as he believes proclamations are for the Town and not for out-of-Town applicants.

Mr. Carrara made the motion to deny the request, seconded by Vice Chair Cavey. The Board voted 5 yes 0 no to deny the proclamation request.

During the discussion of item 5 e., Mr. Mokrisky said approval would permit this parcel of land to be added to the property owned by T.L. Edwards and would then produce income. He explained that the parcel owned by the Town is land-locked. Chair Roberts asked if the request would require an auction. Mr. Mokrisky responded that the taxable value of the parcel is \$22,000 and the offer made by T.L. Edwards is \$25,000. Auction is not required when the assessed value is under \$30,000. Town Manager Calter commented that the Procurement Officer had confirmed the taxable value. In addition, Attorney Winner has reviewed the purchase and sales agreement.

Mr. Gitto made the motion to approve the request, seconded by Vice Chair Cavey. On the motion, the Board voted to approve 5 yes 0 no.

#### **Interdepartmental Transfer from Auditing/Analytics to Human Resources Expenses**

Town Manager Calter explained that this request would permit Ms. Chatsko and Ms. Pereira to participate in a professional development program to be completed online and on their personal time.

Mr. Gitto made the motion to approve, seconded by Vice Chair Cavey. The Board voted in favor 5 yes 0 no.

#### **Old Colony Elder Services (OCES) Board of Directors nomination - Ellen Lash - votes may be taken**

Ms. Bruce, Director of Human Services, explained the need for a replacement and the willingness and experience of Ms. Ellen Lash.

Mr. Gitto made the motion to approve, seconded by Vice Chair Cavey. The Board voted in favor 5 yes 0 no.

#### **Grant of Easement- Massachusetts Electric Company on 400 Prospect Street**

The question was raised whether this matter required a public hearing. Town Manager Calter stated that he confirmed with Town Counsel: a public hearing was not required.

Vice Chair Cavey made the motion to approve the easement on 400 Prospect Street, seconded by Mr. Mokrisky. The Board voted 5 yes 0 no.

### **Continuation of Public Hearing**

#### **a) Class II License Application - Neomi Elnemer dba Element Financial, located at 1254 Washington Street.**

Vice Chair Cavey stated that the previous owner at the location had relinquished his license, clearing the way for this application. Mr. Gitto reminded the Board that in December a Class II license had been granted to Billy's Auto upon responses to the number of cars, the number of parking spaces and a plan for parking the vehicles. Town Manager Calter confirmed that the application was complete. Mr. Carrara asked if the current applicant would be held to the requirements stated for Billy's Auto. Ms. Gilda Pereira, Assistant to the Select Board, stated that the parking plan and a copy of Billy's license were attached to the application. The applicant asked for a clarification of the number of cars permitted. Vice Chair Cavey responded that there are 17 spots for cars on sale and 8 customer parking spaces. Mr. Gitto asked if the parameters were decided at the time of issuance of the license. Town Manager Calter responded yes and the applicant has the information. Town Manager Calter asked that the applicant clarify the ownership, as the application does not include a workers' compensation affidavit.

Mr. Carrara made the motion to close the public hearing, seconded by Mr. Mokrisky. The motion passed.

Vice Chair Cavey made the motion to approve, seconded by Mr. Carrara with the amendment that the current applicant is required to accept the conditions of the previous license.

Ms. Neomi Elnemer said her parking spaces are being impacted by another business at the location. Mr. Mokrisky informed her that she should take up that matter with her landlord. Town Manager Calter commented that a zoning enforcement officer will soon be on staff.

The Board voted 5 yes to approve the Class II License for Neomi Elnemer dba Element Financial located at 1254 Washington Street, 0 no.

#### **b. Beer & Wine License Application - Ore Restaurant 2, LLC, 434 Pearl Street**

Vice Chair Cavey, in review of the application, noted that there were no objections from the departments and that the application was in order. Ms. Ornella Muho explained that presently, the restaurant is open on Saturdays and Sundays for brunch. She has also hired high school students.

Mr. Mokrisky complimented Ms. Muho on her endeavor and commented that he hopes she will soon be able to be open more than weekends. Ms. Muho complimented and thanked Ms. Gilda Pereira for her assistance.

Vice Chair Cavey made the motion to close the public hearing, seconded by Mr. Carrara. The motion passed unanimously.

Vice Chair Cavey made the motion to approve the Beer & Wine License Application for Ore Restaurant 2, LLC, located at 434 Pearl Street. Motion seconded by Mr. Carrara. The motion passed 5 yes and 0 no.

**Application for Change of Manager - Noceras Restaurant, Inc. dba Chateau Restaurant of Stoughton- 1165 Park Street**

Mr. Joseph Cavaleri explained that he has been working at the location for two years and was enjoying the experience.

Mr. Carrara made the motion to approve the application for change of Manager for Noceras Restaurant dba Chateau Restaurant of Stoughton, located at 1165 Park Street. Motion seconded by Mr. Mokrisky. The motion passed 5 yes 0 no.

Chair Roberts announced that the Board would enter Executive Session.

Pursuant to Open Meeting Law (Chapter 30A, Section 21 (a) (3)- to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares.

Chair Roberts stated that the Board would adjourn from Executive Session and would not return to Open Session.

Vice Chair Cavey made the motion to enter executive session, seconded by Mr. Carrara. The motion passed 5 yes 0 no.

Mr. Gitto, Mr. Mokrisky, Mr. Carrara, Vice Chair Cavey and Chair Roberts voted yes in response to the roll call vote.

The Open Session of the Select Board May 16, 2023 was adjourned at 8:50 PM.

### **Documents Used During the Meeting**

1. Item #5 Consent Agenda, Approval of Open Session Minutes of April 11, 2023 and Executive Session Minutes of March 21, 2023.

Item#5 b. Proclamation - Falun Dafa Association of New England 2 pages

Item #5 c. Water Connection Application - Diesel Direct, 74 Maple Street 5 pages

Item #5 d. Cedar Hill Golf Concessionaire Lease 12 pages

Item #5 e. Purchase and Sales Agreement Map 103. Lot 9 - T.L. Edwards, Inc. 8 pages

Item #5 f. Application for Road Race or Parade Permit Memorial Day, May 29, 2023, Veterans Services 8 pages

Item #5 g. Application for Road Race or Parade Permit 4<sup>th</sup> of July, 2023 Recreation Dept. 9 pages

Item #5 h. Application for Road Race or Parade Permit St. John's Filarmonica Society June 25, 2023 8 pages

Item #5 i. Application for Road Race or Parade Permit Holy Ghost of Azores Society 7 pages

Item #5 j. Application for a 1-Day Alcoholic Beverage License - June 24, 2023 St. John Filarmonica Society 8 pages

Item #5 k. Application for 1-Day Alcoholic Beverage License- July 15, 2023 St. John Filarmonica Society 8 pages

2. Item #6 Interdepartmental Transfer from Auditing/Analytics Salaries to Human Resources

Expenses 17 pages

3. Item #7 Old Colony Elder Services (OCES) Board of Directors - Nomination Ellen Lash 2 pages

4. Item # 8 Grant of Easement - Massachusetts Electric Company on 400 Prospect Street 33 pages

Continuation of Public Hearings:

5. Item # 9 a. Class II License Application Neomi Elnemer dba Element Financial 1254 Washington Street 52 pages

6. Item # 9 b. Beer & Wine License Application Ore Restaurant 2, LLC. 434 Pearl Street 22 pages

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7. Item #10 Application for Change of Manager Nocera's Restaurant, Inc. dba Chateau Restaurant of Stoughton -1165 Park Street 7 pages

Approved on:

07/05/2023

Signed by:

Debra C Roberts

Debra C. Roberts, Chair