

MINUTES
SHARON SELECT BOARD
July 28, 2020

The meeting of the Sharon Select Board was called to order at 7:00 pm by William Heitin remotely via Zoom. Select Board Chair Emily Smith-Lee and member Hanna R. Switekowski were in attendance as was Town Administrator Frederic E. Turkington, Jr; and Assistant to the Town Administrator, Lauren Barnes. The meeting commenced with the recitation of the Pledge of Allegiance.

Public Hearing – Alcohol licenses

MOTION: To open the public hearing regarding all alcoholic beverages license applications to be considered at 7:00 pm.
(Switekowski - Smith-Lee)

Heitin: AYE
Switekowski: AYE
Smith-Lee: AYE
3-0 **PASSES**

Ms. Mariya Semyoniv of Bread n Butter located at 374A South Main Street was in attendance. She explained that she has been serving the community at her present location for ten years. She explained that she has had many requests over the years for various types of liquor. When asked whether her current inventory can accommodate the addition of the sale of liquor, she stated that she can.

It was explained that the applicant, VINOvations of 2 Merchant Street was unable to adequately notice abutters thus his application may not be considered as part of the public hearing this evening.

Mr. Jonathan Hall of Sharon Market located at 17 Post Office Square was in attendance and explained that he has been in business for 9 years at this location. Over the past nine years, there has been a great demand for liquor by his customers. He feels that the addition of liquor to his present beer and wine offerings will enhance the selection for his customers and put him in a position to compete with businesses in Canton and Walpole. He feels that increased sales will be driven by his existing client base. He also feels he has adequate space to accommodate the addition of liquor sales.

Attorney Greg Demakis representing BP Foodmart located at 68 Pond Street was in attendance along with his client, Jay Patel. It was explained that this location was the site of the former Tedeschi convenience store. The location is a 2300 square foot retail space. Mr. Patel and his wife own and operate 8 other convenience stores nearby and have had liquor stores for 15 years. Their employees are TIPS certified. Mr. Patel submitted a petition today which shows over 70 signatures in support of his application. Mr. Patel has had no tobacco violations and has a good relationship with his clients in Sharon. The Board asked whether current inventory can accommodate the addition of beer, wine, and liquor sales. Mr. Patel feels that with minor changes, he can accommodate beer, wine, and liquor sales. Ms. Mim Gopen of 168 Pond Street expressed that she doesn't feel this is the right place for a liquor store. She states there are many children who shop at this store. Mr. Demakis stated that the operators are very experienced. The alcohol will be segregated and an ID Scanner will be used to verify valid identification and confirm acceptable age. Mr. Mark Lite of 660 South Main Street asked whether any changes the applicant could come back to the Board. Mr. Don Brichta of 55 Mansfield Street stated that he supports this application. He feels that sales of all alcoholic beverages are long overdue.

Attorney Sam Reef representing Liquor World located at 700-800 South Main Street was in attendance as was his clients, Nick Rival and Jay Patel and their corporate counsel, Matthew Porter. It was explained that Mr. Rival and Mr. Patel are experienced package store owners, managing 8 stores. They understand the responsibilities of being a successful package store and their employees are TIPS trained. They also have ID scanners at all locations and the Sharon location will be no exception. They have a leased 15,000 square foot space in the Shaw's Plaza. They have hired trained sommeliers and certified cicerones, specialized wine and boutique beer specialists to assist their customers in selection of the perfect product based on taste. Mr. Rival and Mr. Patel care deeply about being good neighbors and donate regularly to local food pantries. During the pandemic, they have followed strict protocols and expanded sick time for the family needs of their employees. When asked if there was an anticipated timeline for opening, Mr. Patel explained that depending upon the approval process with ABCC, they expect to open the first week in October.

Attorney Bob Shelmerdine representing Ninety Five Nominee Realty Trust located at 144 Old Post Road was in attendance along with his client, Davie Spiegel. Mr. Shelmerdine explained that Mr. Spiegel is the principal for the Sharon Gallery project, a mixed use development across the street from Shaw's Plaza. Mr. Spiegel has experience in operation of restaurants offering full liquor service. He has reserved a 15,000 to 20,000 square foot space to attract a liquor retailer. Mr. Mark Lite of 660 South Main Street expressed concern about two liquor stores across the street from one another. It was explained that although they would be across the street, the distance between them would be significant. Mr. Jeff Brown of 50 Morse Street shares the concern about two retailers across the street from one another as well as that Mr. Patel and Mr. Rival are ready to go at a location in Shaw's Plaza and Mr. Spiegel would have to pocket the license until a tenant is found. Mr. Brichta of 55 Mansfield Street urged the Board to approve the maximum number of licenses using their best judgement in qualifications of the applicants. He feels that the market will determine viability. Ms. MacArthur of 120 North Main Street appreciates the small town feel of Sharon Market.

MOTION: To close the public hearing at 7:42 pm.
(Switlekowski - Smith-Lee)

Heitin: AYE
Switlekowski: AYE
Smith-Lee: AYE
3-0 **PASSES**

The Board will take the information presented this evening under advisement and determine at the next meeting how to distribute the four off-premises, all alcohol licenses.

Public Hearing - Utility pole location, 40 Canton Street

The public hearing was not opened due to a question concerning adequate notification of abutters.

Consider request by Library Trustees for legal counsel

The Library Trustees had reached out to the Select Board to request authority to retain legal counsel in preparation of the Zoning Board of Appeals decision on the One School Street site. The Select Board is the grating authority for legal counsel. The Library Trustees would like to prepare for an appeal without delay.

Mr. Heitin restated his position that he would like the Select Board to facilitate a discussion with the Library Board of Trustees in an effort to bring the community together. Ms. Weinstein replied that she is willing to have

a discussion after the ZBA decision has been rendered. She feels that an attempt to do so before the decision has been provided would be unproductive.

It is Mr. Heitin's position that a major problem could be solved without legal action if the Trustees would agree to have discussions with the Select Board. The Zoning Board of Appeals could reopen the hearing and take a different position if they felt that minor modifications to the building were possible. The Freeman family has inquired about reentering into discussions for utilizing the property. He is frustrated at the refusal to come together and work together toward an amicable resolution for the community and avoid possible legal action by two Town Boards.

Ms. Switekowski agrees that there are many pieces to this and also expressed her frustration surrounding the reluctance of the Trustees to negotiate when willingness of the abutters and others to come to the table to work out remediation for the project is apparent. Despite this, she does feel it is appropriate for the Trustees to hire counsel.

Ms. Smith-Lee agrees that there ought to be a way to work together but feels that the Trustees having an attorney doesn't hinder doing so, in fact it may actually help.

MOTION: To approve legal counsel for the Sharon Public Library Board of Trustees as requested and any funding requests to do so will come at a future time.
(Heitin - Switekowski)

Heitin: AYE
Switekowski: AYE
Smith-Lee: AYE
3-0 **PASSES**

MOTION: To urge and request the Library Trustees to join the Select Board in a discussion toward the end of solving the problems of permitting regarding the One School Street location of the proposed new library.
(Heitin - Switekowski)

Heitin: AYE
Switekowski: AYE
Smith-Lee: AYE
3-0 **PASSES**

Review amended and restated lease of Town land for solar generation

Extensive information was provided in the Board's meeting materials. KP Law was retained to review the lease agreements to confirm. The drafts provided as part of the meeting package are the culmination of the process of KP Law's review and discussions with Distributed Solar along with the Energy Advisory Committee and Solar Design Review Committee. These leases were also distributed amongst the Energy Advisory Committee and Solar Design Review Committee members who have reviewed and highlighted both trivial and more significant typographical errors which will be corrected and verified before being signed. It was agreed that a few more days would be granted to allow all parties to review.

MOTION: To authorize the Town Administrator to sign the solar lease agreements on behalf of the Select Board pending comments received by the Select Board no later than Monday, August 4, 2020.
(Heitin - Switekowski)

Heitin: AYE

Switlekowski: AYE

Smith-Lee: AYE

3-0 **PASSES**

Discuss questions for applicants of Diversity, Equity, and Inclusion Committee

Mr. Turkington distributed the following questions to the Board for consideration. Sharon Racial Equity Alliance also presented suggestions for questions and 5 of the 7 are similar.

1. Please introduce yourself and share your personal and professional experiences. What experience or expertise do you have that you believe would be most valuable to the work of the committee?
2. Why do you wish to serve on the DEI committee?
3. What life experiences inform your interest? Describe a time when you have experienced or observed bias in some form and how you responded? What did you learn from the experience?
4. What issues or challenges do you see, relating to race, in Sharon that you want to see addressed?
5. You have seen the committee mission statement and charge? How do you envision the committee process fulfilling the objectives?
6. How would you advocate for diversity, equity and inclusion initiatives when working with individuals who do not see the value?

Due to the volume of applications received, it will take approximately two and a half hours to complete interviews. As the Board has only one meeting scheduled in August, a special meeting will be necessary for interviews.

Consider 1/12th budget for September, 2020

MOTION: To approve the September 2020 monthly budget in the amount of \$7,901,897.

School	\$3,967,500
Town	\$3,604,538
Enterprise, water	\$252,126
Enterprise, cable	\$80,000
SUM	\$7,904,164

(Heitin - Switlekowski)

Heitin: AYE

Switlekowski: AYE

Smith-Lee: AYE

3-0 **PASSES**

Consider request to display Indian flag on August 15, 2020

A request letter was received from the India Association of Greater Boston, known as IAGB, to hoist India's flag at any convenient place as permitted by Sharon to commemorate India's 74th Independence Day on Saturday, August 15, 2020 or Friday, August 14, 2020. Mr. Turkington explained that there are some issues regarding flag policy which must be addressed. There was information presented to the Board in preparation for this meeting which explains challenges with respect to flag etiquette such as the flags of other sovereign nations being displayed at the same height as the US flag and the inability to remove the US flag from existing flag poles. The communities which were indicated by IAGB as having approved flag displays were queried to understand the

logistics which impacted their approval. Many communities have multiple flagpoles making the display request easier to grant.

Mr. Sanjay Gowda and Ms. Tanu Basu of IAGB explained that their organization is able to provide two 16 foot temporary flagpoles if that makes it easier for Sharon to grant the request. The Board explained that they are supportive of the request and authorized staff to work out the details. Ms. Switlekowski stated that she has attended a past event held on the Charles River. Mr. Gowda and Ms. Basu also asked whether the Board would be amenable to a proclamation if language were to be forwarded to them for consideration and the Board agreed.

MOTION: To approve the request of IAGB to display the Indian flag in commemoration of India's independence on Friday, August 14, 2020 subject to coordination with staff.
(Heitin - Switlekowski)

Heitin: AYE
Switlekowski: AYE
Smith-Lee: AYE
3-0 **PASSES**

Review and approve consent calendar

- I. Vote to approve July 14, 2020 regular session minutes
- II. Vote to award a contract to Barbato Construction Co., Inc. of Middleboro, MA in the amount of \$2,024,230 for construction of a pump station and bypass piping for an emergency connection to the MWRA regional water supply

MOTION: To approve the consent calendar.
(Heitin- Switlekowski)

Heitin: AYE
Switlekowski: AYE
Smith-Lee: AYE
3-0 **PASSES**

Report of the Town Administrator

Mr. Turkington provided the following update.

- Given the number of companies shut down due to COVID-19, there will be a train station pass sale exclusively for the month of September which will take place on August 13. Passes will cost \$50 plus the transaction fee. A total of 114 passes were sold for the present quarter.
- Rock Ridge Cemetery has made a request for some of the soil to be removed as part of the Sharon High School construction project.
- Eleven interested entities have expressed interest in the microenterprise grant.
- Ms. Julie Lavoie has been hired as Payroll Benefits Specialist to fill a vacancy left by Maggie Remillard.
- Town staff has selected three finalists for the vacant position of Building Inspector left by Joe Kent's retirement.
- Jay Schwab has resigned his position on the Board of Health.
- A replacement for Public Health Nurse, Sheila Miller is being sought. Sheila had announced her retirement effective July 1 but has stayed on to help out through the coronavirus pandemic.
- The three board meeting which was originally expected to happen on August 4 has been deferred to August 18. The Select Board meeting will be moved to 5:30 to accommodate the tri board at 7:30. A

date was set by the Select Board of August 11 to interview candidates for the Diversity, Equity and Inclusion Committee.

Topics not reasonably anticipated within 48 hours in advance of the meeting

Mr. Heitin announced that there has been an uptick in COVID cases in Sharon with 5 new positive cases. He urged residents to continue to wear masks in public when social distancing cannot be achieved. There have been a few large gatherings which is not a positive trend. This is the reason that the August 1 high school event was cancelled.

Executive Session

MOTION: To adjourn to Executive Session to discuss strategy and negotiations with respect to pending litigation and the sale or acquisition of Town property located at 80 South Main Street at 9:01 pm. Discussion of these items in open session may have a detrimental effect on the bargaining position of the Town.
(Smith-Lee - Switekowski)

Heitin: AYE

Switekowski: AYE

Smith-Lee: AYE

3-0 **PASSES**

List of Documents

- All alcoholic beverages license applications (5)
- Public hearing notice
- Sharon alcohol license quota
- List of current off-premises license holders
- Business district overlay map
- Pole location petition
- Memo from Town Engineer of June 9, 2020
- Correspondence from Library Board of Trustees of July 12, 2020
- Amended and restated leases
- List of possible questions
- FY2021 September budget summary
- FY2021 September-October budget projection
- IAGB flag display request letter of June 28, 2020
- Minutes
- Memo from DPW Superintendent of July 16, 2020
- Weston and Sampson letter of July 14, 2020