

SUDBURY BOARD OF SELECTMEN
REVISED AGENDA
WEDNESDAY, AUGUST 15, 2012
7:30 p.m., Town Hall, 322 Concord Road

EMERGENCY ITEM: Question of granting a Trailer Permit under Art. IX Zoning Bylaw, s.2322, to Joseph Durning, 47 Easy Street, at the request of the applicant and the Board of Health, to temporarily park a trailer on the premises while repairs are made to the home due to a burst water pipe, subject to reports from Building Inspector, Fire Chief and DPW Dir.

1. 7:30 Opening remarks by Chairman
2. 7:35 Reports from Town Manager
3. 7:40 Reports from Selectmen
4. 7:45 Meeting with Town Clerk Rosemary Harvell regarding election options to vote on the recently-signed Special Act.
5. 7:55 Discussion of the staff memo requesting direction from Selectmen on Bruce Freeman Rail Trail questions.
6. 8:10 Meet with Combined Facilities Director Jim Kelly and Energy and Sustainability Chair Bill Braun to review energy and capital projects.
7. 8:30 Discussion regarding sending a letter to the Minuteman Regional Vocational High School Committee.

Consent Calendar:

8. **Vote** Vote to approve the amended Regular Session minutes of July 10 and the Regular and Executive Session minutes of July 31, 2012.
9. **Vote** Acting as co-trustees of Town Trust Funds, vote to accept the unaudited FY12 fourth quarter statements for the Pooled Town Trust Funds for the period ended June 30, 2012, and vote to accept the Pooled Trust Fund expenditure limits for FY13 as submitted by the beneficiaries and requested by Andrea Terkelsen, Finance Director, on August 7, 2012.
10. **Vote/Sign** Vote to appoint Election Officers for a one-year term commencing August 15, 2012, and ending on August 14, 2013, as recommended by the Democratic and Republican Town Committee Chairmen and the Town Clerk.
11. **Vote** Vote to approve the award by Town Manager of a contract with Patriot Properties, Inc. to provide contract services for DOR-mandated triennial revaluation services, and as reviewed by Town Counsel. NOTE: This vote confirms the award by Town Manager on August 2.
12. **Vote/Sign** Vote to approve the award by Town Manager of a contract with CBE Technologies, under State Contract, for telephone system upgrade for the DPW and Library and the Cisco

telephone upgrade at the Flynn and Fairbank buildings on the recommendation of the Technology Administrator, and as reviewed by Town Counsel.

- 13. **Vote** Vote to approve a special permit to Harold Cutler for the Colonial Fair and Muster of Fifes and Drums to be held on the Wayside Inn grounds from 10:00 a.m. to 5:00 p.m. on Saturday, September 29, 2012, subject to conditions and permits required by the Fire and Police Departments and the Board of Health.
- 14. **Vote** Vote to accept, on behalf of the Town, a \$1,000 donation to the Memorial Day Committee from Frank's Pie Company, LLC in appreciation for permission to use the Town Hall parking lot on Thursday, July 19th, said funds to be expended under the direction of the Town Manager.
- 15. **Vote** Vote to approve the award by the Town Manager of a contract for property tax assessor services pursuant to a Request for Proposals dated August 7, 2012 and as approved by Town Counsel.

Miscellaneous (untimed items):

- 16. **Vote/Sign** Discussion concerning membership on the Rt. 20 Steering and Rt. 20 Citizens Advisory Committees
- 17. **Vote** Question of appointing an applicant to the Sudbury Housing Trust, filling a vacancy occasioned by the term expiration of Joel Guillemette, for a term to expire May 31, 2014, as requested by the Sudbury Housing Trust Chairman Michael Buoniconti in a memo dated August 7, 2012.
- 18. **Vote** Question of approving NStar's proposed planting outline for street crossings on Town's right of way at Stock Farm and Pelham Island Roads.
- 19. Discussion concerning a Draft Mission Statement for the "Sudbury Celebrates 375 Committee" which would govern the celebration of Sudbury's incorporation on September 4, 1639.

RECEIVED BY THE BOARD OF SELECTMEN'S OFFICE TODAY (8/14/12)

This item has been added due to requirements that Special Town Meetings must be held within 45 days of receipt.

- 20. **Vote** Question of calling a Special Town Meeting on the receipt of two petition articles. Both petition articles request that Sudbury's Federal and State representatives and senators file legislation. The first legislation is to require Board of Health approval for use of herbicides within a Town and the second legislation is to eliminate all unfunded State and Federal mandates.

AGENDA REQUEST- ITEM #4

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *July 31, 2012*

Requestor: *Board of Selectmen*

Action requested (Who, what, when, where and why):

Discussion concerning scheduling of a Special Election for the Special Act

Financial impact expected: *N/A*

Background information (if applicable, please attach if necessary):

See the attached memo

Recommendations/Suggested Motion/Vote:

As needed based on the discussion

Person(s) expected to represent Requestor at Selectmen's Meeting:

Selectmen's Office Section:

Date of Selectmen's Meeting: *August 15, 2012*

Board's action taken:

Follow-up actions required by the Board of Selectmen or Requestor:

Future Agenda date (if applicable):

Distribution:

Town Counsel approval needed?

Yes ()

No (X)



Town of Sudbury

Town Manager's Office

278 Old Sudbury Road
Sudbury MA 01776
978-639-3385

Maureen G. Valente, Town Manager

Townmanager@town.sudbury.ma.us

<http://www.town.sudbury.ma.us>

Date: August 9, 2012
To: Board of Selectmen
From: Maureen G. Valente, Town Manager *Maureen*
Subject: Question of Scheduling the Special Election for Special Act
CC: Rosemary Harvell, Andrea Terkelsen, Dave Levington, Ralph Tyler, others

As directed by the Board, I have invited Town Clerk Rosemary Harvell and Representative Tom Conroy* to meet with you to discuss the possibility of having Sudbury voters vote on acceptance of the senior tax program on the same day (November 6) as the Presidential election.

I did not see this as the time to find alternative dates to November 6, just to consider and determine the possibility for this date. Should another date be needed, I would request that you direct me to work with staff to consider alternatives to bring back to you.

Thank you.

* Note: Rep Conroy indicated he cannot attend this meeting.

"4"

TOWN OF SUDBURY
Office of the Town Clerk



SUDBURY, MASSACHUSETTS 01776

August 13, 2012

To: The Board of Selectmen

From: Rosemary B. Harvell, Town Clerk

Subject: Special Town Election to Present the Special Act for Senior Citizen Property Tax Exemption to the voters of Sudbury.

Dear Selectmen:

I am writing to provide some information for your consideration regarding the option of scheduling of a Town election to present the Act authorizing the Town of Sudbury to establish a means tested senior citizen property tax exemption.

Dual Elections

Calling a Special Town Election to be held on Tuesday, November 6, 2012, the day of the State (Presidential) Election raises serious concerns.

This year is an exceptionally busy election year. Historically, in Sudbury, voter turnout at presidential elections approach 90%. While this type of turnout for a Special Town Election would provide a wonderful representation of votes on a local issue, the logistics of conducting two separate elections with 90% of voters participating are difficult. Two elections held at the same time are conducted separately at the same location. Some of the concerns:

Voter Lists

A separate voter list must be prepared for each election and voters check in separately to receive each election ballot. The exceptionally large voter turnout at presidential elections always requires the scheduling of extra workers at presidential elections and with a dual election; the number of workers needed would more than double. Voters must be checked in on one list to receive a state ballot and again on a second list for the Town Election ballot.

Ballots and Ballot Boxes

All the ballots are processed for both elections at the ballot boxes for the precincts which will have been coded to tally the elections separately. The ballots must be sorted and sealed separately at the end of the night. In 2008, 10,327 voters turned out and we expect at least this number in November. Each ballot for the State election must be examined individually for write-ins (a monumental task).

The Ballot boxes are not physically able to contain the number of ballots that will be cast and will have to be emptied more than once during the polling hours and secured at each ballot box in locked containers.

The State ballots will be white. Town ballots will be colored differently.

Absentee Ballots

The number of absentee ballots increases each year and for the State (Presidential) Election we expect to process in excess of 1,600 absentee ballots. Absentee ballot envelopes for each election will need to be clearly identified. These ballots are processed during the Election Day and the names and addresses of the voters are read and the voters checked off at the check in and check out table in the same manner as if they were voting in person.

There are additional concerns that I will address in person at a Selectmen's meeting. I recommend that the Special Act for Senior Citizen Property Tax Exemption be presented to the voters of Sudbury at a Special Town Election scheduled no closer than 30 days after the State Election in November.

AGENDA REQUEST- ITEM #5

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *July 31, 2012*

Requestor: *Board of Selectmen*

Action requested (Who, what, when, where and why):

Discussion concerning a staff memo on next steps for consideration of the Bruce Freeman Rail Trail

Financial impact expected: *N/A*

Background information (if applicable, please attach if necessary):

See the attached memo

Recommendations/Suggested Motion/Vote:

As needed based on the discussion

Person(s) expected to represent Requestor at Selectmen's Meeting:

Selectmen's Office Section:

Date of Selectmen's Meeting: *August 15, 2012*

Board's action taken:

Follow-up actions required by the Board of Selectmen or Requestor:

Future Agenda date (if applicable):

Distribution:

Town Counsel approval needed?

Yes ()

No (X)



Town of Sudbury

Planning and Community Development Department

Flynn Building
278 Old Sudbury Rd
Sudbury, MA 01776
978-639-3387
Fax: 978-443-0756

<http://www.sudbury.ma.us/services/planning>

To: Sudbury Board of Selectmen
From: Jody Kablack, Director of Planning
William Place, DPW Director
Debbie Dineen, Conservation Coordinator
Date: August 14, 2012
Re: Bruce Freeman Rail Trail (BFRT) Concept Plan

As a follow-up to our memo of July 25, 2012, we wish to update you on our approach to the concept planning for the BFRT and ask for your guidance with some of the major issues and questions that will impact the development of the concept plan.

Based on past discussions in Board meetings and at Town Meeting we know the Selectmen wish to have us develop a concept that is the *best trail for Sudbury*. Determining what is best will involve balancing a number of factors. These factors include environmental, recreational and financial issues. **Are there other factors you wish us to consider, such as opposition by abutters, impacts on Route 20 businesses, resident survey preferences, etc.? Please keep in mind that balancing all these factors will be difficult.**

Potential permits required for the BFRT include, but may not be limited to state and local wetlands permitting; federal, state and local stormwater permitting; and compliance with Sudbury's EPA Phase II MS4 permit. The 2001 Master Plan includes a survey of residents conducted in April 2000. 88% of a total of 1540 respondents agreed that Sudbury should strive to ensure the protection of critical natural resources and wildlife habitat in all land use decisions and policies. One of the implementation strategies to accomplish this is to "*Ensure that all new development is compatible with the purposes of the Water Resource Protection Bylaw and the Sudbury Wetlands Administration Bylaw*". **Is it the intent of the Selectmen to apply all local bylaws to the permitting and construction of the BFRT?**

There appear to be several concepts possible for the trail. Utilizing the surveys and studies accomplished to date, we can (1) investigate a trail only partially within the corridor to avoid areas that have been defined by others as environmentally sensitive or where forms of mitigation may not be sufficient to offset direct impact to abutters or the environment; (2) investigate a concept of a north/south pedestrian and bike path, utilizing and expanding on the existing walkway network (completely outside the corridor), and (3) investigate a design to federal AASHTO standards wholly within the corridor right of way. For each concept we will review the design relative to our current federal, state, and local regulations and bylaws to see where permitting under current standards may not be possible. **Are the Selectmen willing to look outside the rail corridor as an alternative for all or part of the trail? Are there any other concepts for the trail that the Selectmen would like us to consider?**

A review of the corridor map shows that the logical locations for parking for BFRT use would be at the two terminus ends of the trail and one in the approximate center of the trail. Parking for the northern terminus has been suggested at Davis Field. We understand that this area is not likely to have the necessary capacity for Park & Recreation field parking as well as use for a major trail head parking area. The southern terminus at the former MBTA tract on Union Avenue has issues as well. There is no town-owned land in this area. Although parking might appear plentiful at times, it is private parking that has



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been designed for capacities to meet local zoning requirements. Whether or not there is any additional capacity and a willingness by the private landowners to allow parking will be investigated. This leaves the parking lot behind the Town Hall as the major parking and access point to the BFRT. **Do the Selectmen wish to consider the use of the parking area behind the Town Hall as the major BFRT parking and access area?**

Our Implementation Plan for the concept plans includes the following action steps and timeline. The schedule assumes direct guidance is provided by the Selectmen when necessary so that the staff can make progress. The schedule is based on the best information we have available to date and our current work schedules, and may need to be extended if necessary. We intend to provide periodic status updates to you throughout this project.

Action steps:

- Preliminary meeting with the Executive Office of Transportation (EOT) to see if they can provide general guidance at the start of the planning;
- Hire a consultant using funds appropriated at 2009 Town Meeting (\$25,000) to assist us with design and funding issues, and production of concept plans;
- Contact our peers in Towns such as Acton and Concord to determine their approach to design and funding;
- Work with other groups such as the RTCAC to compile statistics from studies and surveys to guide our planning;
- Using current data collected from studies and staff knowledge, identify most problematic areas for permitting;
- Using current data collected from studies and staff knowledge, identify areas where construction and design costs will be high;
- Using current data collected from studies and staff knowledge, identify areas with highest safety concerns;
- Using current data collected from studies and staff knowledge, identify areas with few or no issues.

Timeline:

July 2012: Begin process - meeting with Town Manager; Introductory memo for Selectmen's meeting

August 2012: Meet with Selectmen to determine questions and assumptions used in concept planning; schedule meeting with EOT; determine areas of responsibility and tasks for other groups (P&R, RTCAC, ConCom, Planning Board, etc.); speak with peers in other towns; review studies, surveys and RTCAC notebook

September 2012: Meet with EOT; hire consultant; begin identifying problem areas, high cost areas, areas with few concerns

October 2012 (estimated): Begin developing concept plan and rationale

November 2012 (estimated): Submit concept plan(s) to Board of Selectmen

AGENDA REQUEST- ITEM #7

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *August 9, 2012*

Requestor: *Town Manager Valente*

Action requested (Who, what, when, where and why):

Discussion concerning a draft letter to Minuteman High School Committee

Financial impact expected: *N/A*

Background information (if applicable, please attach if necessary):

See the attached material

Recommendations/Suggested Motion/Vote:

As needed based on the discussion

Person(s) expected to represent Requestor at Selectmen's Meeting:

Selectmen's Office Section:

Date of Selectmen's Meeting: *August 15, 2012*

Board's action taken:

Follow-up actions required by the Board of Selectmen or Requestor:

Future Agenda date (if applicable):

Distribution:

Town Counsel approval needed?

Yes ()

No (X)



Town of Sudbury


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Maureen G. Valente, Town Manager

<http://www.town.sudbury.ma.us>

Date: August 9, 2012
To: Board of Selectmen
From: Maureen G. Valente, Town Manager 
Subject: Draft Letter to Minuteman High School Committee

Last week I copied you on a memo I wrote to Dave Manjarrez regarding opinions from Paul Kenny, Town Counsel, regarding two issues related to the Minuteman Regional Vocational High School.

At your direction, the topic of Minuteman and possible action next action steps, has been added to the Agenda for August 15, 2012.

I have drafted a letter to send from the Board of Selectmen to the Chairman of the Minuteman Regional Vocational School Committee, referring to the opinions and the recent news that the MSBA has approved conducting a feasibility study for a smaller school that is based on the enrollments of just the member communities, rather than the potential enrollment from non-member towns.

I am including an email from Dave, also making suggestions for points to include in your letter. Please note that I agree with his points 1 and 4, and have so referenced in the draft letter. I am more cautious about the other points, and not personally knowledgeable enough on these points to make a recommendation to you on them.

The Town of Weston sent a letter to the Minuteman School last week and I have enclosed a copy of that for your information.

AGENDA REQUEST- ITEM # 18

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *August 9, 2012*

Requestor: *Maureen Valente*

Action requested (Who, what, when, where and why):

Discussion regarding NSTAR's planting proposal for the street crossings in the Town's right of way at Stock Farm and Pelham Island Roads

Financial impact expected: *N/A*

Background information (if applicable, please attach if necessary):

See attached material

Recommendations/Suggested Motion/Vote: *A vote or decision regarding NStar's plan for street crossings in/on the Town's right of way at Stock Farm and Pelham Island Roads.*

Person(s) expected to represent Requestor at Selectmen's Meeting:

None

Selectmen's Office Section:

Date of Selectmen's Meeting: *August 15, 2012*

Board's action taken:

Follow-up actions required by the Board of Selectmen or Requestor:

Future Agenda date (if applicable):

Distribution:

Town Counsel approval needed?

Yes ()

No (X)

Secondly, Mary McCormack called Libby Herland of US Fish and Wildlife regarding planting on the North Side of Pelham Island Road. As you may recall, NSTAR told town staff that F & W did not want ANY plantings on the north side. We were hoping to get an email or letter from Libby confirming that. Mary did make notes of her discussion with Libby, which are attached.

I did not hear from any other residents besides Stan, but they did appreciate being consulted.

Taking these comments together with your comments at the last Selectmen's meeting, I have drafted an approval letter for the planting plan for your consideration.

If you have suggested additions or changes before Wednesday night, please call or email and I can make edits and bring the edited version to the meeting for consideration by the full Board.

Thank you.



Town of Sudbury

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Maureen G. Valente, Town Manager

<http://www.town.sudbury.ma.us>

Date: August 9, 2012
To: Board of Selectmen
From: Maureen G. Valente, Town Manager
Subject: Question of approving the planting plan for Town
CC:

As approved by the Board, I have solicited the input of residents of the area impacted by the NSTAR tree clearing on the proposed re-planting plan submitted by NSTAR.

Resident Stan Kaplan took the initiative to show the proposed plan to Mike Coutu, a very well-respected landscape architect in Sudbury, for his thoughts. I have pasted in below Stan's summary of Mike's comments.

I have met with Mike Coutu for his professional expertise in evaluating these plans. His comments are as follows:

- 1. Overall, these plans are a reasonable replanting proposal accepting Debbie's suggestion.*
- 2. The height numbers written in the margin to the left of the planting items are the height of the individual planting at the time of maturity. Maturity is defined between 10 – 15 years.*
- 3. As these plantings are intended to provide prompt screening at these road crossings, Mike is suggesting that item # 15 (JUNCH170B119) in the Stock Farm quotation and item # 14 (JUNCH170B119) in the Pelham Island quotation be purchased at maturity (15') at the time of the planting instead of 6' which is what the quotations contemplates.*

*May I respectfully remind the Board of Selectman, Town Manager and Town Counsel that the trees at the crossings under NSAR's transmission lines over Stock Farm & Pelham Island Roads were the subject of intense litigation between the Town of Sudbury and New England Electric Company (NSTAR's predecessor) back in the late 1960s. These trees are the outcome of that litigation, which intend for these plantings to be screening trees and were made **conditional** to NSTAR's transmission lines crossing Stock Farm & Pelham Island Roads.*

So I believe it is reasonable and fully justifiable for the Town to now require NSTAR to plant the mature (15') trees as noted above for screening purposes in order for NSTAR to fulfill its legal obligations to the Town of Sudbury.

AGENDA REQUEST – Item #19

BOARD OF SELECTMEN

Requestor's Section

Date of request: *August 10, 2012*

Requestor: *Town Manager Valente and Mary McCormack*

Action requested: *Discussion regarding DRAFT Mission Statement for the proposed Sudbury Celebrates 375 Committee for planning and recruiting interested volunteers.*

Financial impact expected: *N/A*

Background information (if applicable, please attach if necessary):
See attached "draft" Mission Statement prepared by Town Manager Valente and Mary McCormack

Recommendations/Suggested Motion/Vote: *Discussion as needed to approve or revise a draft Mission Statement for the Sudbury Celebrates 375 Committee in order to begin a process of solidifying plans for the Town's milestone anniversary to be celebrated between 2013 and 2014*

Person(s) expected to represent Requestor at Selectmen's Meeting: *N/A*

Selectmen's Office Section

Date of Selectmen's Meeting: *August 15, 2012*

Board's action taken:

Follow-up actions required by the Board of Selectmen or Requestor:

Future Agenda date (if applicable):

Distribution:

Town Counsel approval needed? Yes () No (X)



Sudbury Celebrates 375 Committee

(Voted to establish August 15, 2012 by the Sudbury Board of Selectmen)

Mission Statement

It is the intention of the Selectmen in creating *Sudbury Celebrates 375 Committee* to provide an instrument for recognizing a significant milestone occurring in 2014 – the 375th anniversary of Sudbury's incorporation in 1639. As such, the Committee shall evaluate fitting events to properly commemorate such a prestigious occasion (anniversary) – events encompassing many Town boards and committees, such as agriculture, conservation/ environmental, cultural/ library, historical, public safety, sports and recreation, etc. The Committee shall be appointed by the Board of Selectmen and shall provide updates to the Board when requested to do so.

Responsibilities and Functions

The Committee shall meet with appropriate Town Boards and Departments (as needed) to develop the parameters of this commemoration and outline ideas and determine direction. A calendar of events and deadlines should be advanced after such meetings. A year-long program should be established and possibly encompass some crossover events with Wayland, which is celebrating a 375th year-long celebration beginning June 2013 and ending June 2014.

The Committee shall actively promote and/or initiate research necessary to bring about ideas that will support an informative and entertaining history lesson of Sudbury. Sub-committees should be formed to promote areas of particular interests and expertise.

The Committee shall monitor the progress of events against the timetable, assess sub-committee discussions for adherence to the calendar of events, and review requirements necessary to put forth ideas and commitments to carry out planned events. Members of the 375th Committee shall not engage/employ any outside organizations or entities without first receiving permission to do so by the Town Manager who will oversee expenditures once a budget has been established.

The following shall be considered in evaluating possible kick-off events:

- publicity – getting the word out
- soliciting applications for the committee
- fundraising events
- defining the era (1639- 2014)
- recognizing the past, acknowledging Sudbury's progress and saluting its future

This celebration should incorporate entertainment, community spirit and history.

It is hoped that the Committee will reach out to the Town of Wayland, which is also celebrating the incorporation date of 1639 and our shared 375th anniversary.

Membership and Officers

The *Sudbury Celebrates 375 Committee* shall have at least five members from the Sudbury community and the Board would encourage other Town entities such as the Newcomers Club, Sudbury Historical Society, the Chamber of Commerce, The Wayside Inn and others to join in on the planning and implementation of the celebration. All members would be appointed by the Board of Selectmen for terms to expire November 30, 2014.

Compliance with State and Local Laws and Town Policies

The *Sudbury Celebrates 375 Committee* is responsible for conducting its activities in a manner which is in compliance with all relevant State and local laws and regulations including, but not limited to the Open Meeting Law, Public Records Law, and Conflict of Interest Law. Committee members must limit their activities and scope to that described in this Mission Statement.

Open Session Meeting. All meetings of the Committee will be held in public sessions. One Committee member should be designated as Clerk of the Committee who shall be responsible for posting meeting notices and keeping minutes of all meetings.

In particular, all appointments are subject to the following:

- **The Code of Conduct for Selectmen Appointed Committee.** A resident or employee who accepts appointment to a Town committee by the Board of Selectmen agrees that he/she will follow this code of conduct.
- **The Town's Email Communication for Committee Members Policy.** Anyone appointed to serve on a Town committee by the Board of Selectmen agrees that he/she will use email communication in strict compliance with the Town of Sudbury's email policy, and further understands that any use of email communication outside of this policy can be considered grounds for removal from the Committee by the Selectmen.
- **Use of the Town's Website.** The *Sudbury Celebrates 375 Committee* will keep minutes of all meetings and post them on the Town's website. The Committee will post notice of meetings on the Town's website as well as at the Town Clerk's Office.