

**SUDBURY BOARD OF SELECTMEN  
AGENDA  
TUESDAY, MARCH 20, 2012  
7:30 p.m., Town Hall, 322 Concord Road**

1. 7:30        Opening remarks
2. 7:35        Town Manager reports
3. 7:40        Reports from Selectmen
4. 7:45        **PUBLIC HEARING:** NStar Utility Petition #12-04 -- Question of approving NStar  
*Vote/Sign* Electric and Verizon New England, Inc. petitions and plans to obtain a Grant of Location to install 36' of conduit on Raymond Road at Pole 14/9 to provide underground electric service to Verizon Wireless Cell site.  
*(Christine Cosby, NStar representative, will attend for both entities.)*
5. 8:00        **TOWN FORUM:**  
8:00 - Conservation Commission  
*(Conservation Coordinator Debbie Dineen and Chair John Sklenak will attend.)*  
8:15 - Community Preservation Committee  
*(Chair Chris Morely, Committee member Jim Hill and other CPC members will attend.)*

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**Consent Calendar:**

6. *Vote*        Vote to approve the Regular Session minutes of March 7, 2012
7. *Vote/Sign*    Vote to proclaim April 22 -28, 2012 as Sudbury Earth Week and designating Saturday, April 28 as **Spring Cleanup Day** for the annual roadside cleanup, with a rain date of May 5.
8. *Vote/Sign*    Vote to enter into the Town record and congratulate Nicholas Lathrop Strahan, 26 Suffolk Road, Daniel Patrick Gorman, 15 Wake Robin Road and Christopher Emerson St. George, 752 Concord Road, of Troop 60, on achieving the high honor of Eagle Scout.
9. *Vote/Sign*    As the Licensing Authority for the Town of Sudbury, in accordance with MGL c138, vote to approve a Change of Manager for Bellino's Restaurant Group, LLC, d/b/a Bistro20, 120 Boston Post Road, from Shane Manfred to Ali Bigdeliazari, as requested in an application dated March 13, 2012.

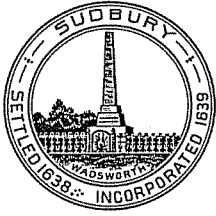
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**Miscellaneous (untimed items):**

10. *Vote*        Question of accepting a flagpole to be erected at the Goodnow Library, 21 Concord Road, donated by HOPEsudbury on the occasion of the 10<sup>th</sup> anniversary of its founding.
11. *Vote*        To designate the position of Special Counsel in connection with the development of a solar power generation facility at the Landfill and associated matters as a Special Municipal Employee under M.G.L. c.268A and matters related thereto.

*These agenda items are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.*

12. *Vote* Consideration of Sudbury's potential participation as a Green Community in the Massachusetts Clean Energy Center's (MassCEC) Solarize Massachusetts program to increase education and outreach regarding residential solar PV installation as set forth in the MassCEC RFP
13. *Vote* Annual Town Meeting Actions:  
- Further consider positions on Town Meeting Articles.
-



## TOWN OF SUDBURY

Office of Selectmen

[www.sudbury.ma.us](http://www.sudbury.ma.us)

Flynn Building  
278 Old Sudbury Rd  
Sudbury, MA 01776-1843  
978-639-3381  
Fax: 978-443-0756

Email: [selectmen@sudbury.ma.us](mailto:selectmen@sudbury.ma.us)

### Utility Petition 12--04

### NOTICE OF PUBLIC HEARING

In conformity with the requirements of sections 21 and 22, Chapter 166 of the General Laws, you are hereby notified that a Public Hearing will be held by the Board of Selectmen, Sudbury, Massachusetts, in Lower Town Hall, 322 Concord Road, on **Tuesday, March 20, 2012, at 7:45 p.m.** on the petitions of NStar Electric and Verizon New England, Inc, for the purpose of obtaining a Grant of Location to accommodate the following:

#### RAYMOND ROAD:

Westerly, approximately 1,030 ft. south of Boston Post Road, a distance of about 36 ft. of conduit at pole 14/9

The purpose of this work is necessary to provide underground electric service to Verizon Wireless Cell site.

#### SUDBURY BOARD OF SELECTMEN

By: *Maureen G. Valente*  
Maureen G. Valente  
Town Manager

February 24, 2012

Post: Town Hall

cc: NSTAR Electric  
Verizon NE, Inc.  
DPW Director  
Abutters



One NSTAR Way  
Westwood, Massachusetts 02090

*Agenda*  
3/20

February 7, 2012

Board of Selectmen  
Town of Sudbury  
Sudbury, Ma 01776

Re: Raymond Road  
Sudbury, Ma  
Work Order: #1800215

RECEIVED  
BOARD OF SELECTMEN  
SUDBURY, MA  
2012 FEB 17 P 12:02

Dear Members of the Board:

The enclosed petition and plan is being presented by the NSTAR Electric Company for the purpose of obtaining a Grant of Location to install conduit at Pole 14/9.

This work is necessary in order to provide Underground Electric Service to Verizon Wireless Cell Site.

Your prompt attention to this matter would be greatly appreciated. If you have any questions, please contact Christine Cosby, Right of Way Agent, at (508) 305-6989

Very truly yours,

Richard M. Schifone, Supervisor  
Rights and Permits

RMS/la

**PETITION OF NSTAR ELECTRIC COMPANY FOR LOCATION FOR  
CONDUITS  
AND MANHOLES**

To the **Board of Selectmen** of the Town of **SUDBURY** Massachusetts:

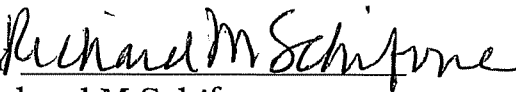
Respectfully represents **NSTAR Electric Company** a company incorporated for the transmission of electricity for lighting, heating or power, that it desires to construct a line for such transmission under the public way or ways hereinafter specified.

WHEREFORE, your petitioner prays that, after due notice and hearing as provided by law, the Board may by Order grant to your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by **A. Debenedictis Dated March 9, 2011**, and filed herewith, under the following public way or ways of said Town:

**Raymond Road – Westerly, approximately 1030 feet South of Boston Post Road, a distance of about 36 feet of conduit @ pole 14/9**

( WO 1800215 )

**NSTAR ELECTRIC COMPANY**

BY   
Richard M Schifone  
Rights & Permits, Supervisor

**Dated this 15 th day of February, 2012**

Town of **SUDBURY** Massachusetts

Received and filed \_\_\_\_\_ 2012

ORDER FOR LOCATION FOR CONDUITS AND MANHOLES  
Town of SUDBURY

WHEREAS, NSTAR ELECTRIC COMPANY has petitioned for permission to construct a line for the transmission of electricity for lighting, heating or power under the public way or ways of the Town thereafter specified, and notice has been given and a hearing held on said petition as provided by law.

It is ORDERED that NSTAR ELECTRIC COMPANY be and hereby is granted permission to construct and a location for, such a line of conduits and manholes with the necessary wires and cables therein under the following public way or ways of said Town:

Raymond Road- Westerly, approximately 1030 feet South of Boston Post Road, a distance of about 36 feet of conduit @ pole 14/9

(WO. 1800215)

All construction work under this Order shall be in accordance with the following conditions:

1. Conduits and manholes shall be located as shown on the plan made by A.Debenedictis, Dated March 9, 2011 on the file with said petition.
2. Said shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and manholes.
3. Company All work shall be done to the satisfaction of the Board of Selectmen or such officer or officers as it may appoint to supervise the work.

1	_____	
2	_____	Board of Selectmen
3	_____	the Town of
4	_____	SUDBURY
5	_____	

CERTIFICATE

We hereby certify that the foregoing Order was adopted after due notice and a public hearing as prescribed by Section 22 of Chapter 166 of the General Laws (Ter. Ed.), and any additions thereto or amendments thereof, to wit:-after written notice of the time and place of the hearing mailed at least seven days prior to the date of the hearing by the Selectmen to all owners of real estate abutting upon that part of the way or ways upon, along or across which the line is to be constructed under said Order, as determined by the last preceding assessment for taxation, and a public hearing held on the \_\_\_\_\_ day of \_\_\_\_\_ 2011 at \_\_\_\_\_ in said Town.

1	_____	
2	_____	Board of Selectmen
3	_____	the Town of
4	_____	SUDBURY
5	_____	

CERTIFICATE

I hereby certify that the foregoing are true copies of the Order of the Board of Selectmen of the Town of SUDBURY, Massachusetts, duly adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2012 and recorded with the records of location Orders of said Town, Book \_\_\_\_\_, Page \_\_\_\_\_ and of the certificate of notice of hearing thereon required by Section 22 of Chapter 166 of the General Laws (Ter.Ed.) and any additions thereto or amendments thereof, as the same appear of record.

Attest: \_\_\_\_\_  
Clerk of the Town of SUDBURY, Massachusetts

**ORDER FOR POLE & CONDUIT LOCATION**

The Board of Selectmen of Sudbury, Massachusetts **ORDERED:**

That permission be and hereby granted **VERIZON NEW ENGLAND INC.** to lay and maintain underground conduits and manholes, with the wires and cables to be placed therein, under the surface of the following public way or ways as requested in petition of said Company dated the 15<sup>th</sup> day of February, 2012.

**Raymond Road:**

Westerly, approximately 1030 feet south of Boston Post Road, a distance of approximately 36 feet of conduit at pole #14/9. Substantially as shown on plan marked **A.Debenedictis**, Dated **March 9, 2011**.

The foregoing permission is subject to the following conditions:

1. The conduits and manholes shall be located as shown on said plan
2. Work shall comply with the requirements of existing by-laws and as such as may hereafter be adopted governing the construction and maintenance of conduits and manholes.
3. All work shall be done to the satisfaction of the Board of Selectmen or such officer or officers as it may appoint to supervise the work.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the Town of Sudbury, Massachusetts, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Clerk of Selectmen

We hereby certify that on \_\_\_\_\_, 2012, at \_\_\_\_\_ o'clock \_\_\_\_\_ M. at Sudbury, Massachusetts, a public hearing was held on the petition of VERIZON NEW ENGLAND INC. for permission to place one pole and to lay and maintain underground conduits, manholes and connections, with the wires and cables to be placed therein, described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which said Company is permitted to construct the lines of said Company under said order. And that thereupon said order was duly adopted.

\_\_\_\_\_  
\_\_\_\_\_

The Board of Selectmen of Sudbury, Massachusetts

**CERTIFICATE**

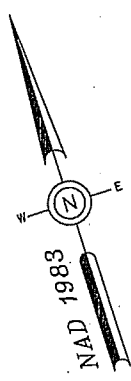
I hereby certify that the foregoing is a true copy of a location order, and certificate of hearing with notice adopted by the Board of Selectmen of Sudbury, Massachusetts, on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, and recorded with the records of location orders of said Town, Book \_\_\_\_\_, Page \_\_\_\_\_. This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

\_\_\_\_\_  
Town Clerk

UFA-04

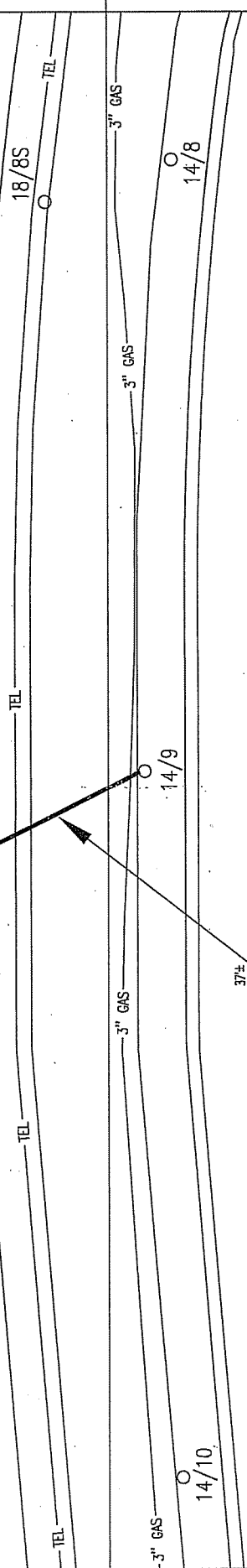
SAVERED/CAMER/GASLINES/SD/10/01/04/04/04



1030'± TO  
BOSTON POST ROAD  
APPROX. PT.  
OF PICKUP

**RAYMOND**

**ROAD**



INSTALL 2-4" PVC PIPES  
TYPE EB IN CONCRETE  
SECTION 2 FIGURE 1

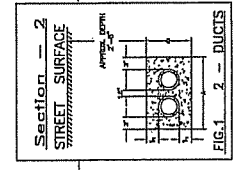
PURPOSE: TO PROVIDE UNDERGROUND ELECTRIC SERVICE TO VERIZON WIRELESS CELL SITE.

**NOTES:**

ALL UNDERGROUND LOCATIONS ARE APPROXIMATE.

WORK AREA WAS COVERED BY BOTH SNOW AND ICE. ALSO, NO EVIDENCE OF UTILITY GATES AND MANHOLES ALONG RAYMOND ROAD AT TIME OF SURVEY.

FIG.	4" DUCTS		5" DUCTS	
	A	B	A	B
1	1/2	1/2	1/2	1/2
2	1/2	1/2	1/2	1/2
3	1/2	1/2	1/2	1/2
4	1/2	1/2	1/2	1/2
5	1/2	1/2	1/2	1/2
6	1/2	1/2	1/2	1/2
7	1/2	1/2	1/2	1/2
8	1/2	1/2	1/2	1/2
9	1/2	1/2	1/2	1/2
10	1/2	1/2	1/2	1/2
11	1/2	1/2	1/2	1/2
12	1/2	1/2	1/2	1/2
13	1/2	1/2	1/2	1/2
14	1/2	1/2	1/2	1/2
15	1/2	1/2	1/2	1/2



**NSTAR ELECTRIC**  
GIS SERVICES  
1000 STATE ST. SUITE 200  
BOSTON, MA 02116

CH# 30-11  
Work Order# 180215  
Plan of RAYMOND ROAD SUBURBY

Surveys by: JBY/TQY/RBB  
Structures by: TQY  
Plotted by: SC  
Approved: A. DEBENEDECTIS  
Date: 03/09/2011  
Scale: 1" = 20'  
SHEET 1 OF 1

BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY IS MADE BY NSTAR ELECTRIC FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. NSTAR ELECTRIC AND ITS SUBSIDIARIES SHALL BE LIABLE FOR ANY LOSS OR DAMAGE CAUSED BY ANY NEGLIGENCE, CARELESSNESS, OR OMISSIONS IN THE PREPARATION OF THIS MAP. THE INFORMATION DOES NOT REPRESENT A SURVEY, AND WILL BE THE SOLE RESPONSIBILITY OF THE USER. THE INFORMATION DOES NOT REPRESENT A SURVEY, AND WILL BE THE SOLE RESPONSIBILITY OF THE USER. THE INFORMATION DOES NOT REPRESENT A SURVEY, AND WILL BE THE SOLE RESPONSIBILITY OF THE USER. THE INFORMATION DOES NOT REPRESENT A SURVEY, AND WILL BE THE SOLE RESPONSIBILITY OF THE USER.

**MASS. LAW**  
REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES BEFORE DIGGING BY ANYONE. CALLING-SAFE 1-888-344-7253



SCALE IN FEET



## McCormack, Mary

---

**Subject:** FW: Utility Petition - NSTAR

-----Original Message-----

From: Place, Bill  
Sent: Friday, February 17, 2012 2:53 PM  
To: McCormack, Mary  
Subject: RE: Utility Petition - NSTAR

A street opening permit will be required from the DPW. Street opening permits are normally granted April 1, depending on the weather.

Bill.

-----Original Message-----

From: McCormack, Mary  
Sent: Friday, February 17, 2012 2:27 PM  
To: Place, Bill  
Subject: Utility Petition - NSTAR

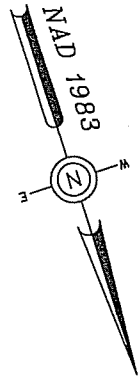
Hi Bill

Would you please review this and get back with any comments? I will put it on the 3/7 BOS mtg.

Thank you and have a great LONG weekend.

Mary

Mary McCormack  
Executive Asst. to the Town Mgr.  
278 Old Sudbury Road  
Sudbury, MA 01776  
Tel. 978-639-3382 Fax: 978-443-0756  
Email: [mccormackm@sudbury.ma.us](mailto:mccormackm@sudbury.ma.us)

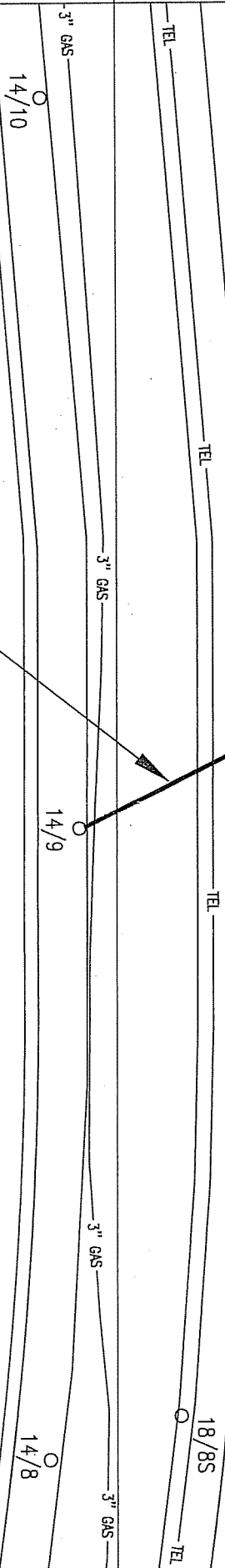


**RAYMOND**

**ROAD**

1030' ± TO  
BOSTON POST ROAD  
APPROX. PT.  
OF PICKUP

INSTALL 2-4" PVC PIPES  
TYPE EB IN CONCRETE  
SECTION 2 FIGURE 1



PURPOSE: TO PROVIDE UNDERGROUND ELECTRIC  
SERVICE TO VERIZON WIRELESS CELL SITE.

Section - 2  
STREET SURFACE

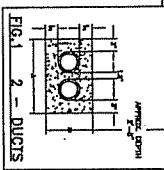
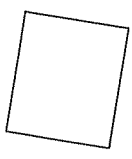
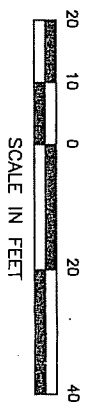


FIG.	4" DUCTS		5" DUCTS	
	A	B	A	B
1	7/10	7/10	7/11	7/11
2	7/10	7/10	7/11	7/11
3	7/10	7/10	7/11	7/11
4	7/10	7/10	7/11	7/11
5	7/10	7/10	7/11	7/11
6	7/10	7/10	7/11	7/11
7	7/10	7/10	7/11	7/11
8	7/10	7/10	7/11	7/11
9	7/10	7/10	7/11	7/11
10	7/10	7/10	7/11	7/11
11	7/10	7/10	7/11	7/11
12	7/10	7/10	7/11	7/11
13	7/10	7/10	7/11	7/11
14	7/10	7/10	7/11	7/11
15	7/10	7/10	7/11	7/11
16	7/10	7/10	7/11	7/11
17	7/10	7/10	7/11	7/11
18	7/10	7/10	7/11	7/11



By their use of the information contained in this plan, you agree that no warranty of any kind, express or implied, is made with respect to the reproduction, printing, copying, or distribution of this plan. The user of this plan shall be responsible for obtaining all necessary permits and for the accuracy of the information contained therein. The reproduction of this plan for any other purpose without the written consent of the engineer is prohibited. The reproduction of this plan for any other purpose without the written consent of the engineer is prohibited. The reproduction of this plan for any other purpose without the written consent of the engineer is prohibited.

**MASS. LAW**  
REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES BEFORE DIGGING BY ANYONE. CALL DIG-CALL 1-888-347-7235

NOTES:  
ALL UNDERGROUND LOCATIONS ARE APPROXIMATE.  
WORK AREA WAS COVERED BY BOTH SNOW AND ICE.  
ALSO, NO EVIDENCE OF UTILITY GATES AND MANHOLES  
ALONG RAYMOND ROAD AT TIME OF SURVEY.

Sheet #	30-11	Plan of RAYMOND ROAD
Work Order #	180215	STURBRIDGE
Supervised by	NER/RTJ/rhb	Showing PROPOSED CONDUIT LOCATION
Drawn by	SC	Scale 1" = 20'
Approved by	A. DEBRIDENIS	Date 03/09/2011
Fig. #	3	SHEET 1 OF 1



**2012 Town Meeting Warrant Articles – Community Preservation Committee**

**1. COMMUNITY PRESERVATION FUND – PANTRY BROOK FARM PRESERVATION RESTRICTION**

To see if the Town will vote to appropriate a sum, as recommended by the Community Preservation Committee, for the purpose of purchasing development rights to 94 +/- acres of land known as the Pantry Brook Farm located on Concord Road by the Town or another conservation organization, by the grant of an Agricultural Preservation Restriction or Conservation Restriction pursuant to M.G.L. c.184, s. 31-32; to see whether this sum shall be raised by borrowing, under the Community Preservation Act, or otherwise; and to appropriate a sum sufficient to pay the annual debt service from FY13 Community Preservation Fund Revenue including bond and note issuance expense; or act on anything relative thereto. All appropriations will be allocated to the Open Space category and funded from unrestricted reserves.

COMMUNITY PRESERVATION COMMITTEE REPORT: This article requests an appropriation to fund the purchase of a restriction on the Pantry Brook Farm, comprising approximately 94 acres of land on both sides of Concord Road just north of the Lincoln Sudbury Regional High School. The farm encompasses approximately 45 acres of land on the west side of Concord Road, and approximately 55 acres on the east side. Six (6) of the 45 acres on the west side of the road, which include the old farm house and barns, will not be encumbered by this restriction, however the owners will be working with Historic New England to preserve those features in a separate restriction. This article contemplates purchasing a restriction on the undeveloped portions of the property which will prevent future development of the parcel. The land will remain in private ownership and be farmed, or left undeveloped, in perpetuity. The preservation restriction will preclude non-agricultural development, tightly restrict and control allowable land uses, and afford limited public access to the property. The farm abuts land owned by the State of Massachusetts Division of Fisheries and Wildlife on the east side. This property is listed as the highest priority parcel for preservation in the 2009 Open Space and Recreation Plan, and a priority Heritage Landscape in the 2006 Heritage Landscape Inventory Report.

**2. COMMUNITY PRESERVATION FUND – PURCHASE AND RESTORE PROPERTY, 15 HUDSON ROAD**

To see if the Town will vote to appropriate an amount of Community Preservation Act Funds, as recommended by the Community Preservation Committee, for the purpose of purchasing the property located at 15 Hudson Road containing approximately one acre of land, and demolition of the structure thereon, or act on anything relative thereto. All appropriations will be allocated equally to the Open Space and Historic categories and funded from unrestricted reserves.

COMMUNITY PRESERVATION COMMITTEE REPORT: The Town has the opportunity to purchase property at 15 Hudson Road (Lot H09-Parcel 0003) located in the Town Center. The lot is comprised of a .998 acre parcel on which stands a circa 1938 single family residence. The property, flanked by Grinnell Park to the east and the Village Green commercial center to the west, is an integral component of the Town Center Historic District, designated a National Register Historic District in 1976. If purchased the town could use this property for either historic or open space purposes. The existing structure is anticipated to be torn down due to its dilapidated condition. The property, once part of the first settlement of Sudbury, makes it worth purchasing to ensure that the essential character of the Town is preserved.

**3. COMMUNITY PRESERVATION FUND – HISTORIC PROJECTS**

To see if the Town will vote to appropriate an amount not to exceed \$67,000 from the Community Preservation Act Funds, as recommended by the Community Preservation Committee, for the purpose of completing the following projects as recommended by the Sudbury Historical Commission: install a fire suppression system at the Hosmer House; restore timbers and wooden gate at the Town Pound; and survey no less than ten (10) Old

Homes as directed by the Massachusetts Historical Commission, or act on anything relative thereto. All appropriations will be allocated to the Historic category and funded from FY13 Revenue.

COMMUNITY PRESERVATION COMMITTEE REPORT: This Article requests an appropriation not to exceed \$67,000 to fund three projects in the historic category which have been identified as priority projects by the Sudbury Historical Commission. Two of the three projects are for restoration and stabilization, which will prevent further loss of the historic assets of the Town and alleviate potential public safety hazards. The fire suppression system would protect the Hosmer House, built in 1793, and the 400 + paintings in a rotating display there. The system would also provide a safety feature to patrons during open houses and community events. The work at the Town Pound will entail restoration of the 10” timbers on the top of the stone wall and restoration of the gate. The next phase of the Old Homes Survey, as required by the Massachusetts Historical Commission, will be undertaken as the third project in this group with 10 properties identified to be added to the Town’s inventory. The CPC believes these projects are necessary to protect and preserve the integrity of Town-owned assets and to promote an awareness of the town’s historic people and places.

#### 4. COMMUNITY PRESERVATION FUND – TOWN CLERK HISTORIC DOCUMENT PRESERVATION

To see if the Town will vote to appropriate an amount not to exceed \$106,000 from the Community Preservation Act Funds, as recommended by the Community Preservation Committee, for the purpose of restoring and preserving historic Town records, said work to be performed under the direction of the Town Manager with the advisement of the Sudbury Historical Commission or act on anything relative thereto. All appropriations will be allocated to the Historic category and funded from FY13 Revenue.

COMMUNITY PRESERVATION COMMITTEE REPORT: This Article requests an appropriation to fund the third phase of an on-going project to restore and preserve certain historic Town records identified by the Town Clerk as frequently used by the public and at greatest risk for further deterioration. While the documents undergo conservation treatment they will also be digitized, thus preserving them in perpetuity. Digitization will allow the public greater access to the records and will alleviate the need for constant physical handling of original documents. The CPC feels that preservation of historic documents was a fundamental reason for including the category of Historic Preservation in the Community Preservation Act and, as Sudbury has upheld a long-standing tradition of maintaining its historic records, the CPC supports the use of these funds for this project.

#### 5. COMMUNITY PRESERVATION FUND – TOWN HALL ARCHITECTURAL AND DESIGN STUDY

To see if the Town will vote to appropriate an amount not to exceed \$50,000 from the Community Preservation Act Funds, as recommended by the Community Preservation Committee, for the purpose of completing an architectural and design study of the Town Hall for the renovation, including historic rehabilitation and restoration, of the building, or act on anything relative thereto. All appropriations will be allocated to the Historic category and funded from FY13 Revenue.

#### COMMUNITY PRESERVATION COMMITTEE REPORT:

The Town Hall is a significant historic asset of the Town. Adaptive reuse of the building, including historic rehabilitation and restoration, is a long term goal of the Board of Selectman. Town Meeting has previously approved allocating CPA funds to the historic restoration of the building’s second floor windows. The study funded by this article will identify needed repairs to the building as it is currently used, and make recommendations for maximizing the utility of the building to the Town going forward over the next several decades, providing cost estimates for any work proposed. Any resulting project proposal would be eligible for CPA historic funds to the extent covered by statutory requirements, and would require the approval of a future Town Meeting. Restoration of Town Halls is a very popular use of CPA funds across the Commonwealth, and has been an identified CPA project in Sudbury since adoption of the Act.

## 6. COMMUNITY PRESERVATION FUND – TOWN CENTER LANDSCAPING RESTORATION

To see if the Town will vote to appropriate an amount not to exceed \$200,000 from the Community Preservation Act Funds, as recommended by the Community Preservation Committee, for landscaping restoration as part of the Town Center intersection project, or act on anything relative thereto. All appropriations will be allocated equally to the Open Space and Historic category and funded from FY13 Revenue.

COMMUNITY PRESERVATION COMMITTEE REPORT: This Article requests an appropriation to fund the historic landscaping and restoration for the construction phase of the Town Center intersection project. The construction estimate prepared by the Town's engineering consulting firm is \$1,870,000, of which \$200,000 is considered enhancements to the historical landscape above and beyond the basic landscaping in the project, and qualifies for CPA funding. These items include landscaping, stone wall construction, decorative walkways, ornamental lighting, and other site improvements to enhance the historic nature and open space qualities of the area, as well as the assistance of a Landscape Architect to design the improvements. If the construction funds are not approved at the 2012 Annual Town Meeting and/or ballot, this article will be Indefinitely Postponed.

## 7. COMMUNITY PRESERVATION FUND – TOWN-WIDE WALKWAYS

To see if the Town will vote to appropriate an amount not to exceed \$100,000 from the Community Preservation Act funds, as recommended by the Community Preservation Committee, for the purpose of constructing new walkways within the Town, such design and construction to be guided by the spirit and intent of the Town of Sudbury 2001 Master Plan, the February 2000 Report of the Walkway Committee, the July 2005 Sudbury Board of Selectmen directive regarding public works projects on Scenic Roads, and by recommendation of the Town of Sudbury Planning Board, the Director of Planning and Community Development, and the Director of the Department of Public Works, or act on anything relative thereto. All appropriations will be allocated to the Recreation category and funded from FY13 Revenue.

COMMUNITY PRESERVATION COMMITTEE REPORT: This Article requests an appropriation to fund the engineering, design and construction of priority new walkways within the Town. The walkways funded will be selected by the DPW Director, based primarily on the neighborhood walkway planning initiative and with the recommendation of the Planning Board, from the list of walkways identified in the February 2000 Report of the Walkway Committee. The CPC firmly believes that the design and construction of walkways should be guided by the spirit of the Town's 2001 Master Plan as it pertains to Town character, and by the July 2005 directive from the Board of Selectmen regarding public works projects on Scenic Roads. The CPC believes that Sudbury's walkways provide a relatively low-maintenance/low-operational cost opportunity for neighborhood recreation, and recommends this sixth appropriation for this recreational use. This opportunity, in addition to the safety benefits that walkways confer, contributes greatly to the quality of life in Town, and has been repeatedly identified as desirous by residents not only at Town Meeting, but in other forums and studies as well.

## 8. COMMUNITY PRESERVATION FUND – SUDBURY HOUSING TRUST 10% ALLOCATION

To see if the Town will vote to appropriate an amount not to exceed \$200,000 of Community Preservation Act Funds, as recommended by the Community Preservation Committee, for the purpose of providing funds to the Sudbury Housing Trust in support of its efforts to provide for the preservation and creation of affordable housing, or act on anything relative thereto. All appropriations will be allocated to the Community Housing category and funded from FY13 Revenue.

COMMUNITY PRESERVATION COMMITTEE REPORT: This article requests an appropriation to fund the Sudbury Housing Trust using the ten percent (10%) of FY13 anticipated revenues that the Act requires be set aside for affordable housing. The Trust was created at the 2006 Annual Town Meeting, provided with start-up funding at the 2007 Annual Town Meeting, and funded with the ten percent (10%) allocation each year since 2008. This appropriation will go toward implementing the Housing Trust's multi-pronged housing strategy. The

goal of all these community housing efforts is to make progress toward the state-mandated number of affordable housing units in town, and to provide an increased diversity among Sudbury's housing options. The CPC understands that as long as progress is not made toward that goal, the Town suffers a lack of control over not only the location, but also the construction parameters of multi-unit housing (40B developments) anywhere in town.

#### 9. COMMUNITY PRESERVATION FUND – AMEND ARTICLE 43 OF THE 2006 ANNUAL TOWN MEETING, SUDBURY HOUSING AUTHORITY UNIT BUY-DOWN

To see if the Town will vote to amend Article 43 of the 2006 Annual Town Meeting which authorized the expenditure of \$360,000 for the purchase by the Sudbury Housing Authority of housing units within the Town for use as affordable rental residences, expending no more than \$90,000 on any one unit. The amendment seeks to increase the per unit subsidy so that no more than \$180,000 per unit can be expended under this article, as recommended by the Community Preservation Committee, or act on anything relative thereto.

COMMUNITY PRESERVATION COMMITTEE REPORT: This Article requests raising the amount of subsidy for each unit of rental housing to convert market rate housing to affordable. Despite efforts over the last five years to purchase condominiums designated as affordable housing, as required by law in c.40B developments, the Sudbury Housing Authority has not been able to complete any purchases and there does not appear to be any likelihood that the original concept can be realized. Therefore, the Housing Authority seeks to increase the per unit cap to \$180,000 to create at least two affordable housing units. This price is similar to the subsidies used by the Sudbury Housing Trust in its successful Home Preservation Program.

#### 10. COMMUNITY PRESERVATION FUND – GENERAL BUDGET AND APPROPRIATIONS

To see what sum the Town will vote to appropriate from Community Preservation Act funds, as recommended by the Community Preservation Committee, for the FY13 Community Preservation Act budget, or act on anything relative thereto.

COMMUNITY PRESERVATION COMMITTEE REPORT: This article sets forth the entire FY13 CPA budget, including appropriations and reservations as required in connection with the administration of the CPA funds. The article appropriates funds for FY13 debt service obligations totaling \$1,171,498. These obligations arise from prior town meeting approval for the bonding of four projects: 1) purchase of the Dickson property utilizing the Open Space (\$15,304) and Historic Preservation (\$10,203) categories; 2) purchase of land and development rights as well as construction of a sports field on the Cutting property utilizing the Open Space (\$353,872) and Recreation (\$43,737) categories; 3) purchase of the Libby property utilizing the Open Space (\$203,238) category; and 4) purchase of development rights on the Nobscot Boy Scout Reservation phases I and II utilizing the Open Space (\$545,144) category.

The article also appropriates funds for administrative and operational expenses of the CPC in the amount of \$82,750. The administrative fund can be used by the CPC to pay for technical staffing and expertise, consulting services (e.g. land surveys and engineering), property appraisals, legal advertisements, publication fees and other administrative expenses. By statute the CPC can budget up to five percent (5%) of its annual budget for administrative expenses, or \$102,000 based upon the revenue projection of \$2,040,000 in FY13. Any funds remaining in the administrative account at fiscal yearend revert back to the CPA Fund Balance, as they have for the past seven years, and need to be re-appropriated for administrative use in subsequent years. The CPC believes that having access to administrative funds is critically important, in that it allows it to conduct business on a time-sensitive basis - a vital component of the CPA.

The article may also reserve the requisite statutory minimum of ten percent (10%) of the CPA budget in each of the core CPA categories of Open Space, Community Housing and Historic Preservation. This minimum is mandated by the state CPA statute, and funds not spent in each of these three core categories must be reserved

for future expenditure in those same categories. The actual amount reserved each year depends upon whether or not that Town Meeting has appropriated money totaling less than 10%, or not appropriated any money at all, in any of these three core categories. If there is a balance of unspent CPA funds from that fiscal year after such reservations and after Town Meeting has voted the CPA articles, it is budgeted in the unrestricted reserve account for future CPC projects in all three categories. To date, only the Historic category includes Reserves. Both the Community Housing and Open Space categories have expended the requisite 10% minimum allocations.

IN BOARD OF SUDBURY SELECTMEN  
WEDNESDAY, MARCH 7, 2012

Present: Chairman Lawrence W. O'Brien, Vice-Chairman Robert C. Haarde, Selectman John C. Drobinski and Town Manager Maureen G. Valente

The statutory requirements as to notice having been complied with, the meeting was convened at 7:32 p.m. in the Lower Town Hall, 322 Concord Road.

**Opening Remarks**

At 7:34 p.m., Chairman O'Brien opened the meeting. He thanked everyone who helped to coordinate the Presidential Primary Election yesterday. Chairman O'Brien announced Lincoln-Sudbury Regional High School (L-SRHS) Business Manager Judy Belliveau has resigned her position for a new opportunity in Wellesley. On behalf of the Board, he wished Judy well, and he thanked her for her dedicated service to Sudbury.

Chairman O'Brien announced House Chair of the Committee on Revenue Rep. Jay Kaufman will be at the Sudbury Grange on March 12, 2012 at 3:15 p.m. to discuss the status of Sudbury's senior tax relief bill, and Chairman O'Brien invited the public to attend. He also invited the public to attend a public forum regarding rail trail issues on March 19, 2012 at 7:30 p.m. in Town Hall. Board members and Rail Trail Conversion Advisory Committee members will be in attendance to discuss the two non-binding resolution questions which will be on the Town Ballot and be presented as resolutions at Town Meeting. Chairman O'Brien stated the forum would be taped and available for cable television and online viewing.

**Proclamation – 1<sup>st</sup> Lt. Nick Rahall**

Chairman O'Brien welcomed Debbie Poirier to the meeting to accept, on behalf of her son, a proclamation from the Board and Town of Sudbury honoring 1<sup>st</sup> Lt. Nick Rahall, USMC, for his service to his country. Chairman O'Brien read aloud the proclamation.

Selectman Drobinski commended Nick for his service in the combat area of Afghanistan, and as a parent, he noted how difficult this experience must have been for Ms. Poirier and that she should be proud of her son. Vice-Chairman Haarde asked that the Board's thanks be expressed to Nick on his return from Camp Lejeune.

Ms. Poirier stated she and Nick are touched by the Town's recognition, and she thanked the Board for this honor. She is proud of Nick and her other son, who is also currently serving in the military in Spain.

It was on motion unanimously

VOTED: To sign a proclamation for 1<sup>st</sup> Lt. Nick Rahall, a United States Marine Corps soldier, acknowledging his safe return from a tour of duty in Afghanistan and proclaiming Friday, March 9, 2012 as 1<sup>st</sup> Lt. Nick Rahall Day in Sudbury.

**Reports from the Town Manager**

Town Manager Valente announced she will be publishing a newsletter twice a month, which will highlight updates from Town departments and committees. The newsletter will be available on the Town website and the public can sign on to subscribe.



Town Manager Valente also stated Board of Selectmen Meeting Agenda documents will soon be available on the Town website on the Monday prior to scheduled meetings. She has received positive feedback from residents about this endeavor.

Town Manager Valente reported also receiving positive feedback from Wayland residents regarding the mutual aid temporarily being offered to the Pelham Island neighborhood by Sudbury public safety departments.

Town Manager Valente reported a movie, starring Tom Hanks, will begin filming later this month in the Sudbury and Lincoln areas. She will keep the community apprised as more information becomes available.

Town Manager Valente thanked the Town Clerk's Office, Police, Building and Public Works departments and the Election workers for the great job done to make yesterday's Election a success.

### **Reports from the Board of Selectmen**

Selectman Drobinski reported the Board met with the Finance Committee last week to review the FY13 budget recommendations, which he believes are generally positive for residents.

Vice-Chairman Haarde stated collective bargaining discussions continue with the Sudbury Public Schools. He also stated the Route 20 Sewer Advisory Committee and the Route 20 Sewer Citizens' Advisory Committee are actively working on issues.

Chairman O'Brien attended a Chamber of Commerce meeting. He also stated the Board participated in the Haynes School Reading Day. Chairman O'Brien stated the Finance Committee has indicated that the Town and Sudbury Public Schools (SPS) will likely achieve enough savings through the health insurance changes made by joining the Group Insurance Commission to avoid the need for a tax override request. However, the Finance Committee was not able to recommend whether an override should be presented to the public for Lincoln-Sudbury Regional High School (L-SRHS) at this time. The Committee has requested more information from the School Committee regarding out-of-district costs to better determine its position prior to Town Meeting.

Chairman O'Brien and Town Manager Valente met with Wayland Town Administrator Fred Turkington and Board of Selectmen Chairman Tom Fay to discuss possible mitigation ideas for Sudbury regarding Wayland's proposed housing development on the former joint Septage Facility site. He reported Wayland has downsized the project in anticipation of its Town Meeting, and the project is still being formalized.

### **Minuteman Regional Vocational Technical High School – Joint Discussion with School and District School Committee Representatives**

Present: Minuteman Regional Vocational Technical High School Superintendent Dr. Edward Bouquillon, Minuteman District School Committee Chair Alice DeLuca and Minuteman Regional School District Committee Sudbury Representative David Manjarrez

At 7:45 p.m., Chairman O'Brien opened a discussion with representatives of Minuteman Regional Vocational Technical High School and its District School Committee. The Board was previously in receipt of copies of a memorandum from Town Manager Valente dated March 2, 2012 and the draft resolution previously sent by the board to Minuteman officials. In addition, Minuteman representatives distributed two handouts tonight entitled, "Minuteman FY13 Budget" and several spreadsheets comparing non-member student operating costs and revenue to those of Sudbury and other member town students. As the Board's liaison to Minuteman, Vice-Chairman Haarde led the discussion.

Vice-Chairman Haarde stated the focus of tonight's discussion is the percentage of out-of-district students attending the High School, and that these students and their sending towns do not contribute to capital costs. He stated this has been a much discussed impediment to Minuteman's proposed capital project receiving support from Sudbury. Vice-Chairman Haarde asked for an update on solutions to this issue and what strategy the School has for allocating the capital costs more proportionately. He highlighted that approximately 43% of Minuteman's student population is from non-member towns, and that they do not contribute to capital costs.

Minuteman Regional Vocational Technical High School Superintendent Dr. Edward Bouquillon stated he and the School Committee have long been aware (as far back as 1992) of the high percentage of non-member students at the School. He has held several meetings with member Town Managers and Boards of Selectmen and has also discussed issues with Massachusetts School Building Authority (MSBA) and State Department of Education (DOE) officials. Superintendent Bouquillon believes the awareness for the problem is now prevalent.

Superintendent Bouquillon referenced the handout materials. He explained the State DOE sets the rate each year that can be charged for non-member students. Superintendent Bouquillon stated in FY12, Minuteman has, for the first time, charged these students the maximum allowed. In response to a question from Selectman Drobinski, Superintendent Bouquillon stated member towns are charged differently through an assessment system. In response to a question from Vice-Chairman Haarde, Superintendent Bouquillon stated there is not a three-year rolling average presently used to determine costs, but this has been suggested as a future recommendation. He further noted that the FY13 proposed Sudbury per pupil assessment would be \$17,945, which is lower than the projected non-member rate of \$19,046. He also reviewed the similar rates for Special Education.

Chairman O'Brien clarified that the estimated non-member student revenues for the year are used to offset the projected member assessments. He asked if all the Special Education services are handled within the School. Superintendent Bouquillon stated most are. Vice-Chairman Haarde asked who pays for sending a student elsewhere if their needs cannot be met at Minuteman – the member towns or the sending town of the student. Superintendent Bouquillon stated 99% of the time, the sending town of the student pays for those services.

Superintendent Bouquillon stated that, regarding capital costs, it is true member towns subsidize non-member town students. He described efforts made by him and the School Committee with State legislators, the MSBA and DOE to rectify this, including asking for a legal opinion of how the State formula is derived. Minuteman has presented a proposal which would allow the School to charge up to 20% more than the base "tuition rate" for a district which is comprised of more than 25% non-resident student enrollment for each year over a ten-year period. Superintendent Bouquillon stated the proposal has been received with eagerness for further study. He noted very few regional schools would meet the proposal's criteria, and that he believes only Minuteman and Assabet Regional Vocational High School would currently qualify. Superintendent Bouquillon stated he hopes to hear a final opinion on the proposal by the end of March, and if accepted, this could provide member towns some relief. In response to a question from Vice-Chairman Haarde, Superintendent Bouquillon explained what sources were used to formulate the proposal.

Vice-Chairman Haarde stated this operating surcharge fee would help offset capital costs, but it could fluctuate depending on how many students a non-member town sent to the school each year. He is apprehensive that, if it begins to cost non-member towns more to send students to Minuteman, they may decide to send their students elsewhere; thus the financial burden would still revert back to the member

towns. Superintendent Bouquillon stated he thinks this is unlikely because there is nowhere else to send the students, since most of the regional vocational schools are full and maintain waiting lists for admission.

Vice-Chairman Haarde asked if more can be done to induce non-member towns to become members. Superintendent Bouquillon stated MSBA has agreed to apply reimbursement for non-member student tuition enrollments at the same rate as member student enrollments.

Vice-Chairman Haarde asked if the School Committee has the authority to set a cap on the number of out-of-district students who can attend the School. Superintendent Bouquillon and Minuteman District School Committee Chair Alice DeLuca explained any changes to the admissions policy process would need to be voted by the School Committee and submitted to the DOE for approval.

Vice-Chairman Haarde asked if the Superintendent or School Committee foresee a situation where they would consider invoking Chapter 71 Section 14B which would circumvent the need for unanimous approval by the 16 member Town Meetings for a capital project. Superintendent Bouquillon stated the School Committee would make this decision only if the risk of the building's condition outweighed several other factors. He further stated the school building is in serious disrepair, the roof is failing and the building was condemned by the Lexington Fire Department last year, necessitating \$500,000 to be spent to update equipment.

Vice-Chairman Haarde stated Sudbury supports the School and the need for a new building. He emphasizes the Town's only issue is with the out-of-district towns not contributing to capital costs. Selectman Drobinski concurred, stating Sudbury acknowledges Minuteman's building is in need of renovation, but this Board needs to be sure the economic impact of such renovation is fairly apportioned to all who use the School. Ms. DeLuca stated she believes Minuteman will receive some financial relief soon from State entities. She stated that, when the time is right, Minuteman will ask for the support of its member towns to bring this relief to fruition with the powers that be. Vice-Chairman Haarde stated Sudbury wants to help Minuteman achieve this goal and has wondered why it is taking so long to develop a strategy to make it happen.

Minuteman Regional School District Committee Sudbury Representative David Manjarrez referenced Page 3 of the Operational Costs handout distributed tonight. He asked if the projected costs per pupil for Sudbury include capital costs, and if not, how much would this add to the figures presented. Superintendent Bouquillon stated the capital costs are not included, and would add approximately \$800-\$900 to the figures.

Chairman O'Brien referenced the resolution Sudbury sent to Minuteman on December 8, 2011, from which he read aloud excerpts. He asked the Board if it should send copies of this resolution to the other member towns. Superintendent Bouquillon believes he has used Sudbury's letter to good advantage to convince the deciding powers of the importance of this issue and its potential ramifications. However, he believes sending it to other member towns could do more harm than good because it may not be understood within the same context of support in which Sudbury has presented it.

Vice-Chairman Haarde noted that a major Minuteman renovation is possibly three or four years in the making. He asked if this timeline would be accelerated if there were a major systems/structural failure in the meantime. Superintendent Bouquillon has discussed this with MSBA, and MSBA has stated it would help Minuteman in such circumstances on an emergency basis. He further stated the School expects to receive engineering reports in May, which will help illuminate these issues. Superintendent Bouquillon emphasized that, even in an emergency situation, Minuteman would not proceed with any action without communicating with member towns. Vice-Chairman Haarde reiterated his preference that a resolution be found for the non-member allocation of capital costs as soon as possible, in advance of a catastrophic event occurring.

Superintendent Bouquillon emphasized he and the School Committee are being as honest as possible about the current state of the building.

Chairman O'Brien asked why non-member towns do not want to join the district. Superintendent Bouquillon stated that, until recently, it has not been cheaper to do so, and thus money has been a concern, and there have also been political reasons for not joining. He further stated Minuteman has applied for a grant to fund exploratory analysis of cities and towns which would forecast these costs. Superintendent Bouquillon also stated he will meet with the DOE on March 22, 2012, and hopes to have more information following this meeting.

Minuteman Regional School District Committee member and member of Minuteman's Finance Committee Jeffrey Stulin stated he has worried for decades about a catastrophic failure causing a nightmare scenario, wherein the School would need to be closed and/or the School could not afford to fix the problem. Mr. Stulin stated Minuteman identified several issues which would need to be addressed before it could move forward with a capital project. He emphasized all of these issues have been addressed over the recent years, with the exception of the out-of-district contribution for capital costs. Mr. Stulin stated addressing issues takes time and information to do it successfully, and he highlighted the need to be patient with the process.

Selectman Drobinski recommended not sending Sudbury's resolution to the other member towns at this time. The Board concurred and Chairman O'Brien closed the discussion at 8:33 p.m.

**Public Hearing: Buddy Dog Humane Society, Inc. – Site Plan Application**

Present: Schofield Brothers of New England, Inc. Senior Vice President Bruce Ey, and Buddy Dog Board of Directors President Howard Levy

At 8:33p.m., Chairman O'Brien opened the Public Hearing regarding the Site Plan application by Buddy Dog Humane Society, Inc., located at 151 Boston Post Road, for proposed improvements. The Board was previously in receipt of copies of a draft "Site Plan Decision Sudbury Board of Selectmen Buddy Dog 151 Boston Post Road dated March 7, 2012."

Chairman O'Brien asked Schofield Brothers of New England, Inc. Senior Vice President Bruce Ey and Buddy Dog Board of Directors President Howard Levy if they have reviewed the draft Decision. Both gentlemen stated they had, and that they had no objections to the document. Mr. Ey commended Director of Planning and Community Development for drafting the language so well.

Selectman Drobinski stated the draft Decision includes all issues previously discussed by the Board, and it allows for review of the landscape plan.

Chairman O'Brien referenced Page 2, item #3, and he reminded the applicant that low shrubs and/or a small fence in the area between Buddy Dog and Bosse Sports would be appreciated. Mr. Ey stated the Buddy Dog staff is working on the landscaping plan, which he will submit to Ms. Kablack.

Vice-Chairman Haarde noted any new signage would need approval. Chairman O'Brien stated new signs would be reviewed by the Design Review Board.

Mr. Ey reported the project has received its Massachusetts Department of Transportation permit, and Sudbury's Conservation Commission has closed its process, which went well, and the applicant is awaiting the Commission's decision.

It was on motion unanimously

VOTED: To close the Public Hearing regarding the Application by Buddy Dog Humane Society, Inc., for Site Plan approval in accordance with Town of Sudbury Zoning Bylaw Section 6300 for property located at 151 Boston Post Road, Town Assessor's Map K11, Parcel 0020, zoned Industrial District #4.

It was on motion unanimously

VOTED: To approve the Application by Buddy Dog Humane Society, Inc., for Site Plan approval in accordance with Town of Sudbury Zoning Bylaw Section 6300 for property located at 151 Boston Post Road, Town Assessor's Map K11, Parcel 0020, zoned Industrial District #4.

### Town Forum

Present: Police Chief Rick Glavin, Fire Chief Bill Miles and Building Inspector Jim Kelly

At 8:40 p.m., Chairman O'Brien convened Town Forum to hear reports given by Town Department Heads.

**Police Chief Richard Glavin** reported several examples from the last year of how the work of patrol officers and detectives made a significant impact on the outcome of situations. Situations cited included recovering stolen property, working with a SWAT team to safely "talk out" a troubled adolescent without harming himself or others, responding to a L-SRHS bomb threat and responding to fatal accidents. Chief Glavin commended his staff, which cover difficult situations on their own for extended periods until reinforcements arrive. He also noted the staff works diligently to utilize the proper resources and is eager to learn.

Selectman Drobinski noted it is refreshing to see new staff members on the Police force who are also Sudbury residents. Chief Glavin stated it has been rewarding to have Sudbury youth aspire to working in the Department.

Chairman O'Brien noted the Police and Fire Departments have had especially tough situations to handle in late 2011, including several tragedies. He asked if personnel avail themselves of formal counseling at these times. Chief Glavin stated the staff is willing to participate in counseling which is made available to them, and that participation is recommended. Fire Chief Miles stated other staff members provide an excellent support system as well, making sure to watch out for each other during stressful times. Selectman Drobinski stated the Town also offers its employees formal counseling services.

Selectman Drobinski asked if the Department's equipment is satisfactory, and he stated he hopes all staff remain safe. Chief Glavin stated equipment is in good shape, and all officers now wear bullet-proof vests.

Chief Glavin stated officers work on a lot of traffic issues, and they utilize electronic signage to assist them. He stated the Department has worked closely with Lincoln-Sudbury Regional High School and the Sudbury Public Schools to improve and practice emergency procedures. He noted there have been some drug-related incidents this year, but that Sudbury is no different than any other town experiencing the same problems.

Vice-Chairman Haarde asked how officers stay physically fit. Chief Glavin stated some officers go to Longfellow, and that many young officers are health-conscious and work out on their own.

Chairman O'Brien asked about a Pawnbroker Warrant article submitted for the 2012 Town Meeting. Chief Glavin reported the article has been withdrawn for further study.

Chief Glavin suggested to the Board that the Annual Spring Sprint Triathlon be reduced in size for the 2013 year. He believes the event has become unmanageable from a safety standpoint, due to too many bike participants (typically 500). Chief Glavin noted other communities cap participation at 300-350. He noted the biking aspect of the race can be dangerous in certain locations when near traffic on Route 27 and Hudson Road. Chief Glavin does not suggest altering this year's events because it is too late in the process, but an additional officer will be added for traffic detail. However, he will submit recommendations for next year.

**Fire Chief Bill Miles** reviewed his Department's operating structure for the Board. The Department has 32 full-time firefighters, an Assistant Chief and two and a half dispatchers. Chief Miles stated the three Fire Stations are in good structural shape, and the newest one on Hudson Road, celebrates its 20<sup>th</sup> anniversary this year.

Chief Miles provided the Board with highlights of Department activities. He reported the Department fielded 2,332 calls last year. He noted 52% of these calls were for medical assistance. Chief Miles stated revenues received from ambulance services have increased, but so have the expenses to provide these services. He highlighted the Department utilizes high-quality apparatus, which is properly maintained and is annually certified. There are two ambulances, one of which was purchased in 2003 and replacement will be requested next year.

Chief Miles stated he and his staff continue to pursue Federal and State grants, but funding has diminished in recent years. The Department was successful in procuring a \$27,000 thermal camera grant this year. Chief Miles stated training is ongoing, and new hires attend the Massachusetts Fire Academy Program. Staff is also busy throughout the year conducting home and business inspections, including all nursing homes and restaurants.

Chief Miles stated the Department has worked closely with the Community Emergency Response Team (CERT) volunteers during the 2011 storms, and has relied on their expertise. He thanked the CERT members for their dedication to the community and helping to provide shelter assistance at the Fairbank Center, when it was needed. Chief Miles stated Sudbury owes its gratitude to the CERT volunteers for their efforts.

Chief Miles has worked with Chief Glavin towards combining Police and Fire dispatch services to better comply with the new State emergency dispatch mandate. He briefly explained the current processes and how the consolidation would improve services.

Chief Miles stated Sudbury relied heavily on mutual aid from surrounding towns in the past year, utilizing out-of-town ambulances on 130 occasions. The Department hopes to reduce this dependence in the coming years.

Chief Miles emphasized the cooperation he receives from the Town Manager, Department Heads, and both School Departments, which helps him and his staff do their jobs.

Selectman Drobinski asked if the Department's equipment is up-to-date. Chief Miles stated the equipment is of a high-quality. He noted he has applied for a FEMA grant to upgrade the Department's breathing apparatus. Town Manager Valente highlighted this is a matching grant. Thus, if it is received, she stated Sudbury residents will be asked to re-appropriate funds previously approved for a traffic light at Fire

Station 2 towards this equipment. Vice-Chairman Haarde asked when the Town will know about the outcome of the grant application. Chief Miles stated an answer is expected by March 15, 2012.

Chairman O'Brien asked if a combined dispatch will allow the Town to access enhanced 911 funds as designated on phone bills. Chief Glavin responded the surcharge added to phone bills is used, and that there is some grant funding for developing regional dispatch centers.

Town Manager Valente commended both Chiefs on the outstanding jobs they have done hiring personnel who serve Sudbury so well. She noted significant time is put into making quality decisions which will be right for the community.

**Jim Kelly**, Building Inspector, highlighted the work his Department does each day to administer and oversee all building permits, which manages building codes intended to construct safe buildings and to prevent injury and/or catastrophes. Mr. Kelly highlighted the thoroughness of his Department's work makes it possible for the Fire and Police Department to hopefully answer fewer emergency calls.

Selectman Drobinski shared positive feedback he received from a builder regarding Sudbury's permit and inspection process and how fair and thorough the systems are compared to other towns. Mr. Kelly stated he enjoys working with the contractors to achieve their goals, while ensuring that Sudbury residents get the quality construction they deserve.

Mr. Kelly reported 2100 permits were issued in 2011, which generated \$384,000 in fees. He also noted significant time is spent on remaining up-to-date with new and amended codes, which have changed numerous times in the past four years. Mr. Kelly is pleased with the implementation of the Stretch Energy Code, and he reported it is working as was expected. He stated there is discussion that a Stretch Sprinkler Code for new construction may be put forth which towns will have the option to adopt. Fire Chief Miles stated the proposal has met stiff opposition to date.

Mr. Kelly stated he and his staff also inspect all Town buildings. He also is involved in zoning issues, and he fields many calls from residents asking what projects require a Special Permit and what is permissible without one. Mr. Kelly also works with the business community enforcing portable sign laws, and 36 permits for them were issued last year. These signs are vital for the business community to attract customers.

Mr. Kelly stated a zoning bylaw change has been proposed for the 2012 Town Meeting regarding allowing the ownership of chickens by right, but requiring a Special Permit for ownership of roosters.

In response to a question from Chairman O'Brien, Mr. Kelly provided a brief explanation of a proposed article for Town Meeting regarding the Natatorium HVAC and associated roofing. He explained this 25-year old HVAC unit controls the air at the Fairbank Pool and needs to be replaced. The recommendation is to replace the unit and the roof at the same time. The project is estimated to cost \$416,000, but the new equipment is expected to provide energy savings in the short and long term. Chairman O'Brien asked if it would be presented as part of the Capital Budget, and Mr. Kelly stated it would not.

Sudbury firefighter Robert Boyd expressed to the Board his belief that the current Fire and Police dispatch services currently work well. He hopes proper time will be taken by the Town to allow for public discussion to determine if consolidation of these services is the right thing for Sudbury. Mr. Boyd stated he has heard there may be a three-month extension given by the State for implementation. He believes the emergency medical dispatch services for the Fire Department should continue to be handled by the Fire Department.

At 9:34 p.m., Chairman O'Brien concluded the Town Forum.

**Ameresco – Investment Grade Audit Agreement – Approval**

Present: Building Inspector Jim Kelly and Energy and Sustainability Green Ribbon Committee Chair Bill Braun

The Board was previously in receipt of copies of a “Memorandum of Understanding For Energy Management Services Solicited By The Massachusetts Area Planning Council (MAPC) For its Member Communities” and attachments, an “Investment Grade Audit Agreement for Ameresco” and accompanying exhibits.

Energy and Sustainability Green Ribbon Committee Chair Bill Braun provided a brief history of the Massachusetts Area Planning Council’s (MAPC) efforts to allow towns to regionalize procurement and provide audit services to reduce energy costs. Mr. Braun explained the process is designed to guarantee savings equal to the costs of implementing systems to meet recommended performance standards. He highlighted audit participation has been recommended by the Energy and Sustainability Green Ribbon Committee.

Chairman O’Brien asked if the audit will review structures as well as equipment. Mr. Braun stated the audits typically focus primarily on systems and controls, but they may assess other items as well.

Selectman Drobinski asked if the roof improvements needed for Town buildings would be included. Mr. Kelly stated roofs alone are not covered.

Vice-Chairman Haarde stated he believes this is a good program for the Town, and he has supported it from the beginning of the process.

It was on motion unanimously

VOTED: To authorize the Town Manager to sign an Investment Grade Audit Agreement with Ameresco, Inc. pursuant to a Memorandum of Understanding with the Massachusetts Area Planning Commission (MAPC) for Energy Management Services.

**Sudbury Landfill – Solar PV Facility – Discussion**

Present: Building Inspector Jim Kelly and Energy and Sustainability Green Ribbon Committee Chair Bill Braun

Chairman O’Brien opened a discussion regarding a Power Purchase Agreement for a solar photovoltaic (PV) facility at the Sudbury Landfill. Copies of a draft “Letter of Intent for Ameresco to Exclusively Develop, Finance, Construct, Own and Operate a Solar PV Facility on the Sudbury Landfill” from Town Manager Valente dated March 7, 2012, were distributed to the Board.

Energy and Sustainability Green Ribbon Committee Chair Bill Braun explained that the Esco Agreement also includes contracting for solar generation facilities. Mr. Braun noted that Board of Selectmen members have all been actively involved in pursuing a Power Purchase Agreement for a solar PV facility at the Sudbury landfill. He reported many companies have been considered and interviewed. Mr. Braun stated the Green Ribbon Committee recommends contracting with Ameresco, Inc., based on the company’s expertise and positive reputation in the field. He explained such an agreement would provide advantages for the Town by allowing for direct negotiations with Ameresco, and it may reduce the time for completion.



Selectman Drobinski announced he would need to recuse himself from any vote on this matter, due to a potential conflict with his employer.

It was on motion

VOTED: To authorize the Town Manager to sign and send the "Letter of Intent for Ameresco to Exclusively Develop, Finance, Construct, Own and Operate a Solar PV Facility on the Sudbury Landfill," dated March 7, 2012, as reviewed tonight.

### **Minutes**

It was on motion

VOTED: To approve the Regular Session minutes of January 31, 2012.

Selectman Drobinski recused himself from the vote on the Regular Session minutes of January 31, 2012, since he was absent from the meeting.

It was on motion unanimously

VOTED: To approve the Regular and Executive Session minutes of February 14, 2012.

### **River Stewardship Council - Appointment**

It was on motion unanimously

VOTED: To appoint, for indefinite terms, Ponds and Waterways Committee member Anne Slugg, 14 King Philip Road, as Sudbury's representative to the River Stewardship Council, replacing John Drobinski, who will become the alternate appointee, filling a vacancy occasioned by the resignation of Susan Crane, who has moved from Town.

### **Friends of the Sudbury Youth Commission – Donation**

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a \$1,199.37 donation from the Friends of the Sudbury Youth Commission to be used for youths experiencing financial hardship in participating in Town programs, said funds to be expended under the direction of the Youth Coordinator, and to send a letter of appreciation to the Friends of the Sudbury Youth Commission.

### **FY12 Bus Revolving Fund – Limit Increase**

It was on motion unanimously

VOTED: To approve an increase in the limit of the FY12 Bus Revolving Fund, established under M.G.L. Chapter 44, Section 53 E ½, from \$400,000 to \$450,000, due to the increased numbers of seventh and eighth graders who pay fees to ride the bus, as requested by the Sudbury Public Schools' School Committee in a letter dated February 23, 2012, from Mary M. Will, Director of Business and Finance.

**Sudbury Historical Commission - Appointment**

It was on motion unanimously

VOTED: To approve Town Manager's appointment of Diana Peck Cebra, 20 Metacomet Way, to the Sudbury Historical Commission for a term to expire on May 31, 2014, filling a vacancy occasioned by the term expiration of Ellen M. Given, as recommended by Historical Commission Chair Lyn MacLean in an email dated February 29, 2012.

**Annual Election Warrant**

It was on motion unanimously

VOTED: To sign the Annual Town Election Warrant for March 26, 2012, as requested by Town Clerk Rosemary Harvell.

**Annual Sudbury Spring Sprint Triathlon**

It was on motion unanimously

VOTED: To grant permission for the Annual Sudbury Spring Sprint Triathlon on Sunday, May 6, 2012, from 7 a.m. to 10 a.m., and the third Annual TriSprouts Children's Triathlon on Saturday, May 5, 2012, at 9:00 a.m. as requested in a letter dated February 21, 2012, from Race Director, Bill Fiske, subject to conditions and permits required by the Park and Recreation Dept. and a meeting with the Sudbury Police Department prior to the Sunday event, (preferably at the conclusion of Saturday's children's event), regarding safety concerns and/or weather issues, and the applicant providing for cleanup of any litter created by race participants and staff.

**Annual Town Meeting Actions**

The Board was previously in receipt of a draft list of the "2012 Annual Town Meeting Warrant Articles," dated February 22, 2012. The Board reviewed the list and determined the Board would designate articles for the Consent Calendar and take positions as deemed appropriate.

Chairman O'Brien stated Article #16 regarding the Pawnbroker Bylaw has been withdrawn for further study.

It was on motion unanimously

VOTED: To accept the withdrawal of Article #16, as noted on the listing below.

The Board reviewed the list of articles below to determine which articles would be designated for the Consent Calendar in the Town Warrant.

It was also on motion unanimously

VOTED: To approve articles to be included on the Consent Calendar as noted on the listing below by "CC," as Articles #10, 11 and 12 and to remove Article #20 as a suggested Consent Calendar article.

It was also on motion unanimously

VOTED: To Report at Town Meeting (RTM) the Board's positions for Articles # 9, 14, 17, 18, and 19 as noted on the listing below.

It was further on motion unanimously

VOTED: To take the position of supporting Articles 1, 10, 11 and 12 and to hold on taking positions on all other articles listed below at this time.

Regarding Article #13, Chairman O'Brien asked if Minuteman Regional Vocational School District needs a unanimous vote from all 16 member towns to establish a stabilization fund. Town Manager Valente stated only a two-thirds majority vote is needed. The Board requested Town Manager Valente obtain input from the Finance Committee and the Town of Wayland regarding this article.

Chairman O'Brien noted that Articles #14, 17, 18 and 19 are money articles, which would require funding resources to be determined. He suggested it is useful for the public to hear the Town Meeting presentations on these projects, even if the articles are eventually indefinitely postponed. Town Manager noted Article #17 for the Nixon Roof Replacement would need to be deliberated differently from Articles #14, 18 and 19. She also distributed copies to the Board of information from Building Inspector Jim Kelly regarding Articles #17 and 18.

Vice-Chairman Haarde noted that all monied articles would require a Town-wide vote if the funds fall outside of the tax levy.

The Board requested the Planning Board and the Community Preservation Committee be invited to future meetings to discuss articles they have recommended for the 2012 Town Meeting.

Town Manager Valente asked for clarification from the Board as to whether the wording should be the same in the Town Warrant for the two non-binding Rail Trail Resolutions as they have been drafted for the Town Ballot. The consensus of the Board was that the wording should be consistent.

- #1 - Hear Reports - Position - Support
- #2 - FY12 Budget Adjustments - Position -
- #3 - Stabilization Fund - Position -
- #4 - FY13 Budget - Position -
- #5 - FY13 Capital Budget - Position -
- #6 - FY13 Transfer Station Enterprise Fund Budget - Position
- #7 - FY13 Pool Enterprise Fund Budget - Position
- #8 - FY13 Recreation Field Maintenance Enterprise Fund Budget - Position
- #9 - Unpaid Bills - Position - **RTM**
- #10 - Chapter 90 Highway Funding - Position - Support - **CC**
- #11 - Real Estate Exemption - Position - Support - **CC**
- #12 - Town/School Revolving Funds - Position - Support - **CC**
- #13 - Establish Stabilization Fund - Minuteman Regional Vocational School District - Position -
- #14 - Town Center Traffic Improvements - Position - **RTM**
- #15 - Fire Department Safety Equipment Purchase - Position -
- #16 - **WITHDRAWN** - Pawnbroker Bylaw
- #17 - Nixon Roof Replacement & Repair - MSBA Program - Position - **RTM**
- #18 - Natatorium HVAC & Associated Roofing - Position - **RTM**
- #19 - Town and School Roofs - Position - **RTM**

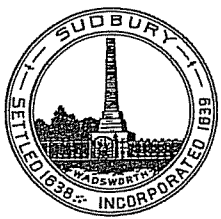
- #20 - Amend Zoning Bylaw Article IX, Appendix A – B.6 – Update definition of Agricultural Use - Refer to Planning Board - Position – **RTM**
- #21 - Amend Zoning Bylaw Article IX –Appendix A – Sec. 2313 Regulate raising of roosters. – Refer to Planning Board - Position – **RTM**
- #22 - Amend Zoning Bylaw Article IX – Section 5331 – Senior Residential Community – Refer to Planning Board - Position – **RTM**
- #23 - Amend Bylaw – Art. V(f) – Stormwater Management Bylaw – Refer to Planning Board - Position – **RTM**
- #24 - Community Preservation Fund –Town Hall Architectural and Design Study - Position –
- #25 - Community Preservation Fund – Town Center Landscaping Restoration - Position –
- #26 - Community Preservation Fund – Historic Projects - Position –
- #27 - Community Preservation Fund – Town-Wide Walkways - Position –
- #28 - Community Preservation Fund – Town Clerk Historic Document Preservation - Position –
- #29 - Community Preservation Fund - Sudbury Housing Trust 10% Allocation - Position –
- #30 - Community Preservation Fund - Pantry Brook Farm Preservation Restriction - Position –
- #31 - Community Preservation Fund – Purchase and Restore Property - 15 Hudson Road - Position –
- #32 - Community Preservation Fund - Amend Art. 43 of the 2006 Town Meeting, Sudbury Housing Authority Unit Buy Down - Position –
- #33 - Community Preservation Fund - General Budget and Appropriations - Position –
- #34 - Resolution – Rail Trail - Position –
- #35 - Resolution - Rail Trail- Position –

At 10:24 p.m., Chairman O'Brien announced the close of the regular meeting.

There being no further business, the meeting adjourned at 10:24 p.m.

Attest: \_\_\_\_\_

Maureen G. Valente  
Town Manager-Clerk



**TOWN OF SUDBURY**

*Office of Selectmen*  
*www.sudbury.ma.us*

Flynn Building  
278 Old Sudbury Rd  
Sudbury, MA 01776-1843  
978-639-3381  
Fax: 978-443-0756

Email: [selectmen@sudbury.ma.us](mailto:selectmen@sudbury.ma.us)

***PROCLAMATION***

***WHEREAS:*** The citizens of Sudbury take pride in the beauty of their Town and wish to maintain its attractiveness for the enjoyment of visitors and townspeople alike; and

***WHEREAS:*** It is the responsibility of every American to conserve resources and preserve the environment for the needs of future generations;

***NOW, THEREFORE,***

The Selectmen of the Town of Sudbury hereby proclaim the week of

April 22 to April 28, 2012 as

**SUDBURY EARTH WEEK**

and designate

**Saturday, April 28, 2012 -- SPRING CLEANUP DAY**

and urge all residents to make conservation a part of daily life, and further urge all educational institutions to organize special programs to teach respect and interest in protecting and improving the environment.

We invite all residents to join a Town-wide effort to pick up litter from Sudbury roadsides on Saturday, April 28, 2012. Trash bags may be picked up behind Town Hall from 9:00 a.m. to 12 noon.

**BOARD OF SELECTMEN**

Lawrence W. O'Brien

Robert C. Haarde

John C. Drobinski

Dated: March 20, 2012

Item # 8



Boy Scout Troop 60  
Sudbury, Massachusetts

February 28, 2012

Board of Selectmen  
278 Old Sudbury Road  
Sudbury, MA 01776

Dear Sirs:

The Scouts, Leaders, and Members of Sudbury Massachusetts Boy Scout Troop 60, take great pleasure in announcing that:

Having completed the requirements for, and having been reviewed by  
An Eagle Scout Board of Review on February 27, 2012  
*Christopher Emerson St. George*  
Was found worthy of the rank Eagle Scout

In honor of this achievement, would you be so kind as to send Christopher a letter of greeting or certificate to be presented to him at an Eagle Scout Court of Honor.

Please address your letter or certificate to Christopher Emerson St. George in care of the following address: c/o Susan Oliveira, 72 River Ridge, Sudbury, MA 01776. All letters and recognitions will be compiled, placed in a suitable keepsake, and after they are read, displayed during this special occasion.

Thank you very much for taking the time from your extremely busy schedule to help this community and Sudbury Troop 60 recognize Christopher for achieving the rank of Eagle Scout.

Sincerely,

Susan Oliveira  
Troop Secretary, Sudbury Troop 60  
smwo89@verizon.net  
978-443-7264



Boy Scout Troop 60  
Sudbury, Massachusetts

February 8, 2012

Board of Selectmen  
278 Old Sudbury Road  
Sudbury, MA 01776

Dear Sirs:

The Scouts, Leaders, and Members of Sudbury Massachusetts Boy Scout Troop 60, take great pleasure in announcing that:

Having completed the requirements for, and having been reviewed by  
An Eagle Scout Board of Review in November 2011  
*Nicholas Lathrop Strahan*  
Was found worthy of the rank Eagle Scout

In honor of this achievement, would you be so kind as to send Nicholas a letter of greeting or certificate to be presented to him in honor of this achievement.

Please address your letter or certificate to Nicholas Lathrop Strahan  
in care of the following address: c/o Susan Oliveira, 72 River Ridge, Sudbury, MA  
01776.

Thank you very much for taking the time from your extremely busy schedule to help this community and Sudbury Troop 60 recognize Nicholas for achieving the rank of Eagle Scout.

Sincerely,

Susan Oliveira  
Troop Secretary, Sudbury Troop 60  
smwo89@verizon.net  
978-443-7264



Boy Scout Troop 60  
Sudbury, Massachusetts

February 28, 2012

Sudbury Board of Selectmen  
278 Old Sudbury Road  
Sudbury, MA 01776

Dear Sirs:

The Scouts, Leaders, and Members of Sudbury Massachusetts Boy Scout Troop 60, take great pleasure in announcing that:

Having completed the requirements for, and having been reviewed by  
An Eagle Scout Board of Review on September 19, 2011

*Daniel Patrick Gorman*

Was found worthy of the rank Eagle Scout

In honor of this achievement, would you be so kind as to send Daniel a letter of greeting or certificate to be presented to him at an Eagle Scout Court of Honor.

Please address your letter or certificate to Daniel Patrick Gorman in care of the following address: c/o Susan Oliveira, 72 River Ridge, Sudbury, MA 01776. All letters and recognitions will be compiled, placed in a suitable keepsake, and after they are read, displayed during this special occasion.

Thank you very much for taking the time from your extremely busy schedule to help this community and Sudbury Troop 60 recognize Daniel for achieving the rank of Eagle Scout.

Sincerely,

Susan Oliveira  
Troop Secretary, Sudbury Troop 60  
smwo89@verizon.net  
978-443-7264



Item # 9

Print Form

The Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION  
MONETARY TRANSMITTAL FORM

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE  
LOCAL LICENSING AUTHORITY.

REVENUE CODE: RETA

CHECK PAYABLE TO ABCC OR COMMONWEALTH OF MA: \$200.00

(CHECK MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL)

CHECK NUMBER

IF USED EPAY, CONFIRMATION NUMBER:

A.B.C.C. LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY):

LICENSEE NAME: Bellino's Restaurant group, LLC

ADDRESS: 120 Boston Post Rd

CITY/TOWN: Sudbury

STATE MA

ZIP CODE

01776

**TRANSACTION TYPE (Please check all relevant transactions):**

- |   |  |   |   |
|---|--|---|---|
| <input type="checkbox"/> New License                  | <input type="checkbox"/> New Officer/Director            | <input type="checkbox"/> Pledge of License          | <input type="checkbox"/> Change Corporate Name      |
| <input type="checkbox"/> Transfer of License          | <input type="checkbox"/> Change of Location              | <input type="checkbox"/> Pledge of Stock            | <input type="checkbox"/> Seasonal to Annual         |
| <input checked="" type="checkbox"/> Change of Manager | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Transfer of Stock          | <input type="checkbox"/> Change of License Type     |
| <input type="checkbox"/> Cordials/Liqueurs Permit     | <input type="checkbox"/> New Stockholder                 | <input type="checkbox"/> Issuance of Stock          | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> 6-Day to 7-Day License       | <input type="checkbox"/> Management/Operating Agreement  | <input type="checkbox"/> Wine & Malt to All Alcohol |   |

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS TRANSMITTAL  
FORM ALONG WITH THE CHECK, COMPLETED APPLICATION, AND  
SUPPORTING DOCUMENTS TO:

ALCOHOLIC BEVERAGES CONTROL COMMISSION  
P. O. BOX 3396  
BOSTON, MA 02241-3396

The Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

PETITION FOR CHANGE OF LICENSE

12500003

ABCC License Number

Sudbury

City/Town

The licensee Bellino's Restaurant group, LLC respectfully petitions the Licensing Authorities to approve the following transactions:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Change of Manager                                    | <input type="checkbox"/> Alteration of Premises |
| <input type="checkbox"/> Pledge of License/Stock   | <input type="checkbox"/> Cordial & Liqueurs     |
| <input type="checkbox"/> Change of Corporate Name/DBA                                    | <input type="checkbox"/> Change of Location     |
| <input type="checkbox"/> Change of License Type (\$12 ONLY, e.g. "club" to "restaurant") |   |

Change of Manager

Last-Approved Manager:

Shane Manfred

Requested New Manager:

Alireza Bigdeliazari

Pledge of License /Stock

Loan Principal Amount: \$

Interest Rate:

Payment Term:

Lender:

Change of Corporate Name/DBA

Last-Approved Corporate Name/DBA:

Requested New Corporate Name/DBA:

Change of License Type

Last-Approved License Type:

Requested New License Type:

Alteration of Premises: (must fill out attached financial information form)

Description of Alteration:

Change of Location: (must fill out attached financial information form)

Last-Approved Location:

Requested New Location:

Signature of Licensee

[Signature]  
(If a Corporation/LLC, by its authorized representative)

Date Signed

3/13/12

The Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

Personal Information Form

1. Licensee Information:

Legal Name of Licensee:	Bellino's Restaurant Group, LLC	Business Name (d/b/a):	Bistro20		
Address:	120 Boston Post Rd	ABCC License Number: (If existing licensee)	125000003		
City/Town:	Sudbury	State:	MA	Zip Code:	01776
Phone Number of Premise:	978-440-8855	EIN of License:			

2. Personal Information:

Individual Name:	Alireza Bigdeliazari	Home Phone Number:	508-533-8143		
Address:	18 Juniper Rd	E-mail Address:	bigdeli18@gmail.com		
City/Town:	Medway	State:	Ma	Zip Code:	02053
Social Security Number:		Date of Birth:	03/23/1962		
Place of Employment:	Bellino's Restaurant group, LLC				

Have you ever been convicted of a state, federal or military crime? Yes  No

If yes, attach an affidavit as to all charges and disposition.

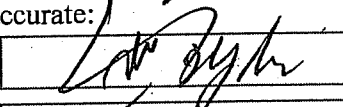
3. Financial Interest:

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

50% ownership in partnership

**IMPORTANT ATTACHMENTS:** For all cash contributions, attach last 3 months of bank statements for the source(s) of this cash.  
\*If additional space is needed, please use the last page\*

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature 

Date

Title

(If Corporation/LLC Representative)

The Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

**Manager Application**

All proposed managers are required to complete a Personal Information Form, and attach a copy of the corporate vote authorizing this action and appointing a manager.

**1. Licensee Information:**

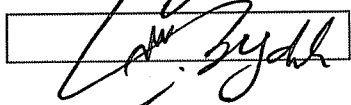
Legal Name of Licensee:	Bellino's Restaurant Group	Business Name (d/b/a):	Bistro20		
Address:	120 Boston Post Rd				
City/Town:	Sudbury	State:	MA	Zip Code:	01776
ABCC License Number: (If existing licensee)	125000003	Phone Number of Premise	978-440-8855		

**2. Manager Information:**

Name:	Alireza Bigdeliazari	Cell Phone Number:	781-726-0082
Are you a U.S. Citizen:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Court and Date of Naturalization:	Boston, 06/1988
(Submit proof of citizenship and/or naturalization such as Voter's Certificate, Birth Certificate or Naturalization Papers)			
List the number of hours per week you will spend on the licensed premises:	40 HRS		
Have you ever been charged or convicted of a state, federal or military crime?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
If yes, attach an affidavit as to all charges and disposition.			
Do you now, or have you ever, held any direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
If yes, please describe:			
Have you ever been the Manager of Record of a license to sell alcoholic beverages that has been suspended, revoked or cancelled?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
If yes, please describe:			
Have you ever been the Manager of Record of a license that was issued by this Commission?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
If yes, please describe:			
Please list your employment for the past ten years (Dates, Position, Employer, Address and Telephone):			
Owner, Heavenly fruit Juice, LLC, VP Performance Technology (PTIX), VP of Mapletree Networks			
<small>*If additional space is needed, please use the last page*</small>			

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature



Date

3/13/12

Corporate Authorization Vote  
Bellino's Restaurant Group, LLC

Voted:

That the position of Manager of Bellino's Restaurant Group, LLC will be transferred from Shane Manfred to Ali Bigdeliazari as of March 10, 2012. All responsibilities of the Manager as stated in the Bellino's Restaurant Group, LLC operating agreement will remain without any modification.

Voted:

That the extent that any of the actions contemplated by the foregoing authorization may already have taken, such actions be hereby approved, ratified and confirmed.

A TRUE COPY ATTEST:

  
SHANE MANFRED, MEMBER 3/13/12

  
ALI BIGDELIAZARI, MEMBER 3/13/12

## McCormack, Mary

---

**From:** Nix, Scott  
**Sent:** Thursday, March 15, 2012 11:31 AM  
**To:** McCormack, Mary  
**Cc:** Glavin, Richard  
**Subject:** RE: Chng. of Mgr. -- Bistro 20 application

Mary,

The police department does not have an issue with the transfer of managers.

Respectfully,

Lieutenant Scott Nix  
Sudbury Police Department  
415 Boston Post Road  
Sudbury, MA 01776  
(978) 443-1042  
[nix@sudbury.ma.us](mailto:nix@sudbury.ma.us)

-----Original Message-----

**From:** McCormack, Mary  
**Sent:** Wednesday, March 14, 2012 5:36 PM  
**To:** Glavin, Richard; Nix, Scott; Grady, Robert  
**Subject:** FW: Chng. of Mgr. -- Bistro 20 application

Hi All,

Would one of you please send some feedback on this application. It's on the BOS agenda for 3/20

Mary McCormack  
Executive Asst. to the Town Mgr.  
278 Old Sudbury Road  
Sudbury, MA 01776  
Tel. 978-639-3382 Fax: 978-443-0756  
Email: [mccormackm@sudbury.ma.us](mailto:mccormackm@sudbury.ma.us)

-----Original Message-----

**From:** Selectmen  
**Sent:** Wednesday, March 14, 2012 4:49 PM  
**To:** McCormack, Mary  
**Subject:** Chng. of Mgr. -- Bistro 20 application

This E-mail was sent from "RNPE00519" (Aficio MP 6000).

Scan Date: 03.14.2012 16:48:40 (-0400)  
Queries to: [selectmen@sudbury.ma.us](mailto:selectmen@sudbury.ma.us)



**HOPE**  
sudbury

P.O. Box 802  
Sudbury, MA 01776  
978-443-0849

Tax ID# 55-0796459

Board of Directors:

Marilyn Martino &  
Tracy Stewart  
Co-Presidents

Corinne Meyer  
Treasurer

Jackie Kabat  
Clerk

Beth Farrell  
Carole Ann Baer  
Rachel Goodrich  
Christina Granahan  
Robin Gunderson  
Jody Kablack  
Karen LaCamera  
Edie Ravenelle  
Kirsten Roopenian  
Ana Schwartz  
Jill Stansky

March 7, 2012

Mr. Lawrence W. O'Brien, Chair  
Sudbury Board of Selectmen  
278 Old Sudbury Road  
Sudbury, MA 01776

RECEIVED  
BOARD OF SELECTMEN  
SUDBURY, MA

2012 MAR 12 A 11: 20

Item #10  
Bd.  
Lib. Insp.  
Library Dir.

Dear Mr. O'Brien and Board members,

In recognition of HOPEsudbury's 10<sup>th</sup> anniversary, the Board of Directors would like to donate a flagpole to the Town of Sudbury to be erected at the Goodnow Library. The Town has been an active and important partner with HOPEsudbury in providing humanitarian aid to the residents of the Town, as well as needy people around the world. This gift demonstrates our appreciation of this wonderful partnership as we continue our joint efforts in support of those less fortunate in our community.

In our 10 year existence, we have raised more than \$350,000 and made contributions to nonprofits all over the world. The bulk of our annual fundraising had been targeted to residents of Sudbury through The HOPE Fund (formerly known as the Community Assistance Fund). While Sudbury may seem immune to some of the economic hardships facing many Americans, we know firsthand that many residents are struggling to keep afloat, and the need has been increasing each year.

We HOPE to continue working with the Board of Selectmen on behalf of the residents of Sudbury on projects that meet our mutual goals. Please accept this gift in gratitude of your support of our organization. A dedication ceremony is being planned for early May in conjunction with the Sudbury Military Families Support Network, who will be supplying a flag flown in Afghanistan for this flagpole. We hope you can join us at the dedication, and will inform you of the date and time.

Sincerely,

Marilyn Martino  
HOPEsudbury Co-President

HOPE Sudbury is a 501(c)(3) nonprofit organization. All contributions are tax deductible to the extent allowed by law. For more information, please contact us at 978-443-0849.

## McCormack, Mary

---

**From:** Kelly, James  
**Sent:** Wednesday, March 14, 2012 4:23 PM  
**To:** McCormack, Mary  
**Subject:** RE: Library flagpole letter

No, we are actually installing the pole next week, this is a nice gift, and the Library should have a Flag displayed

Jim Kelly  
Building Inspector  
978-443-2209

-----Original Message-----

**From:** McCormack, Mary  
**Sent:** Tuesday, March 13, 2012 2:41 PM  
**To:** Kelly, James  
**Subject:** Library flagpole letter

Hi Jim,

FYI. Do you have any issues about this? We plan to put it on the BOS 3/20 agenda.

Thank you, Jim

M

Mary McCormack  
Executive Asst. to the Town Mgr.  
278 Old Sudbury Road  
Sudbury, MA 01776  
Tel. 978-639-3382 Fax: 978-443-0756  
Email: [mccormackm@sudbury.ma.us](mailto:mccormackm@sudbury.ma.us)





TOWN OF SUBURBY  
*Office of the Town Counsel*

March 16, 2012

Maureen G. Valente, Town Manager  
278 Old Sudbury Rd.  
Sudbury, MA 01776

RE: Legal Services Agreement – Anderson & Krieger LLP

Dear Maureen:

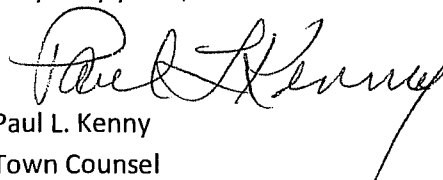
I have reviewed and approve the signing of the Legal Services Agreement forwarded by Atty. Kevin D. Batt of Anderson & Kreiger LLP for legal services in connection with the development of a solar power generation facility at the Sudbury Landfill. A letter of intention to pursue such development with Ameresco under the Memorandum of Understanding (MOU) between the Metropolitan Area Planning Council ("MAPC") and Ameresco has previously been issued.

I have also discussed the matter at length with Bill Braun, Chair of the Energy & Sustainability Green Ribbon Committee and concur in his belief that it is in the Town's best interest to obtain the services of Anderson & Kreiger in this very specialized matter. Atty. Kevin Batt has extensive experience with development of similar solar energy projects and has assisted the towns of Acton, Barnstable and Pittsfield with such development on municipal property.

In connection with this Agreement votes are required by the Board of Selectmen as follows: 1) to designate Special Counsel in connection with development of a solar power generation facility at the Landfill and associated matters as a Special Municipal Employee pursuant to M.G.L. c.268A, and 2) to approve an exemption under the Conflict of Interest statute to allow Attorney Kevin D. Batt and Anderson & Kreiger LLP, to serve as such Special Counsel, under the provisions of M.G.L. c.268A. In my opinion that does not present a conflict with their representation of the Town. I am further informed that Anderson & Kreiger LLP does business with Ameresco on other unrelated matters not involving the Town. They will be filing notification with the Town Clerk and you may acknowledge that it is acceptable for Anderson & Kreiger LLP to do so on unrelated matters.

Please be advised that as Town Counsel, I will be working closely with Atty. Batt in this matter.

Very truly yours,

  
Paul L. Kenny  
Town Counsel

# ANDERSON & KREIGER LLP

---

**Kevin D. Batt**  
[kbatt@andersonkreiger.com](mailto:kbatt@andersonkreiger.com)  
617-621-6514

March 16, 2012

Maureen Valente  
Town Manager  
Town of Sudbury  
Flynn Building  
278 Old Sudbury Road  
Sudbury, MA 01776

*Re: Legal Services Agreement*

Dear Ms. Valente:

This letter will confirm that the Town of Sudbury (the "Town") has retained Anderson & Kreiger LLP ("A&K") as special counsel to represent the Town in connection with solicitation and negotiation of contracts, including leases and power purchase agreements for development of solar power generations facilities on municipal property. Please arrange for the designation by the Board of Selectmen of Mr. Batt as a special municipal employer for this purpose. Also, please identify any other individuals (and their contact information) with whom I should consult as this work proceeds.

A&K will submit and the Town agrees to pay monthly bills for work on this project based upon the following hourly rate:

Kevin Batt:                   \$275 (discounted from \$340 standard rate)

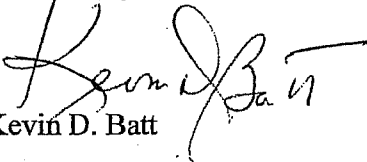
We will discount the standard billing rates of any other A&K lawyer or paralegal who may work on this matter by at least 10%. Each monthly bill will provide a detailed daily accounting of all time spent on this project by each timekeeper. The Town agrees to reimburse A&K for our reasonable out-of-pocket expenses associated with this project (including travel), charged at actual cost without mark-up. These costs will also be itemized and billed monthly.

Thank you very much for considering our firm for this interesting and important work. Please confirm the agreement by the Town to these terms of retention by returning to me a

March 16, 2012  
Page 2 of 2

countersigned copy of this letter. I have enclosed two originals, so that you can retain one for the Town's records.

Very truly yours,

  
Kevin D. Batt

C: William Braun, Sudbury Energy Committee  
Paul Kenney, Town Counsel c/o Elaine Jones  
William Lahey

Agreed:

Town of Sudbury

By: \_\_\_\_\_  
Maureen Valente, Town Manager

# ANDERSON & KREIGER LLP

---

**Kevin D. Batt**  
[kbatt@andersonkreiger.com](mailto:kbatt@andersonkreiger.com)

617-621-6514

March 16, 2012

Maureen Valente  
Town Manager  
Town of Sudbury  
Flynn Building  
278 Old Sudbury Road  
Sudbury, MA 01776

**RE: Waiver of Conflict of Interest**

Dear Ms. Valente:

Accompanying this letter is a letter agreement retaining Anderson & Kreiger LLP ("A&K") as special counsel in representing the Town of Sudbury in negotiations with Ameresco, Inc. ("Ameresco"). This letter serves to disclose a conflict of interest in our representation of the Town of Sudbury and requests that the Town consent to and waive this conflict.

Ameresco is one of A&K's clients. Currently, some of my colleagues represent Ameresco in litigation involving a contract dispute over a landfill gas-to-energy plant in another municipality. Previously, I represented Ameresco with respect to its proposal for solar project development in the another municipality. The latter matter has been concluded. This conflict of interest can be waived under Rule 1.7 of the Rules of Professional Conduct if (a) I reasonably believe that the representation of Sudbury would not adversely affect this firm's relationship with Ameresco; and (b) both Sudbury and Ameresco consent to our representation of Sudbury, after consultation. Ameresco has waived the conflict and agreed that we can represent Sudbury in this matter.

I am confident that A&K's representation of Ameresco in other unrelated matters will not affect our representation of Sudbury in this matter, nor will our representation of Sudbury affect my colleagues' representation of Ameresco in other unrelated matters. By means of this letter, I am advising you of this conflict and seeking consent of the Board of Selectmen for our representation of Sudbury in this matter.

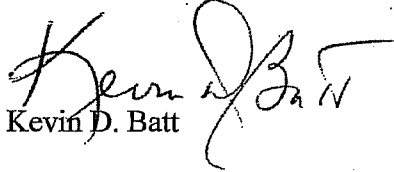
In addition to resolution of this conflict as required by the Rules of Professional Conduct, I have completed a disclosure form (see attached) under the State Ethics Act. While it is uncertain whether the Act requires me to file this disclosure, I am doing so in an abundance of caution.

We look forward to resolution of this conflict. Please discuss with the Selectmen this request for waiver of the conflict and advise me of their decision.

Maureen Valente  
March 16, 2012  
Page 2 of 2

Please feel free to call me with any questions or concerns. I look forward to hearing from you.

Very truly yours,

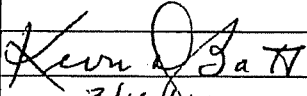
  
Kevin D. Batt

KDB/trn  
Enclosure(s)

C: William Braun, Sudbury Energy Committee  
Paul Kenney, Town Counsel  
William L. Lahey

**DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST  
AS REQUIRED BY G. L.C.268A §23(b)(3)**

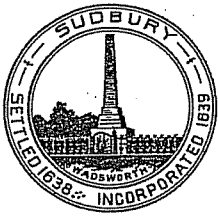
I make this disclosure pursuant to G.L.c.268 A, §23 (b)(3) in order to dispel any appearance of potential conflict of interest occasioned by the facts set out below, that I may be improperly or unduly influenced in the performance of my official duties, or that I would be likely to act or fail to act as a result of kinship, rank, position or the undue influence of any part or person.

Name:	Kevin D. Batt
Title or Position:	Counsel
Agency/Department:	Anderson & Kreiger LLP (A&K)
Agency address:	One Canal Park, Suite 200, Cambridge, MA 0214
Office Phone:	617-621-6500
I publicly disclose the following facts (Attach additional pages if necessary):	<p>Kevin Batt, counsel with A&amp;K, has been asked to represent the Town of Sudbury in negotiations with Ameresco, Inc. ("Ameresco"), whose business includes the development and operation of solar generating facilities. Ameresco is a client of A&amp;K in litigation involving a landfill gas-to-energy plant contract dispute in another municipality. That litigation is being handled by other attorneys at A&amp;K; Mr. Batt has not been nor will be involved in representing Ameresco in that litigation. Previously, Mr. Batt had advised Ameresco on its proposal and negotiations for the development of a solar generating facility in another municipality. Mr. Batt's involvement in the latter matter is now concluded.</p> <p>This disclosure is made in order to dispel any appearance of a conflict of interest in our continuing to represent and advise Sudbury in negotiating a final contract with Ameresco.</p>
Signature:	
Date:	3/16/12

G.L.c.268 A, §23 (b)(3): No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know, act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, discloses in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

**Appointed state, county and municipal officials and employees should file with their appointing authority.  
Elected state officials should file with the appropriate House or Senate Clerk or the Ethics Commission.  
Elected county officials should file with the county clerk.  
Elected municipal officials should file with the city or town clerk.**

Attach additional pages if necessary.



## TOWN OF SUDBURY

*Office of Selectmen*  
*www.sudbury.ma.us*

Flynn Building  
278 Old Sudbury Rd  
Sudbury, MA 01776-1843  
978-639-3381  
Fax: 978-443-0756

Email: [selectmen@sudbury.ma.us](mailto:selectmen@sudbury.ma.us)

March 7, 2012

Mr. Harold Meyer  
Ameresco, Inc.  
111 Speen Street, Suite 410  
Framingham, MA 01701

**RE: Letter of Intent for Ameresco to Exclusively Develop, Finance, Construct, Own, and Operate a Solar PV Facility on the Sudbury Landfill**

Dear Mr. Meyer:

In conformance with the Memorandum of Understanding (MOU) between the Metropolitan Area Planning Council ("MAPC") and Ameresco, dated December 13, 2011, the Town of Sudbury will enter into negotiations with Ameresco to provide Comprehensive Energy Management Services. Ameresco's services and negotiations with the Town of Sudbury are governed by Ameresco's Proposal submitted to MAPC on September 16, 2011, which was in response to the MAPC's issued Request for Qualifications ("RFQ") dated July 28, 2011 for Comprehensive Energy Management Services, under Massachusetts General Laws, Chapter 25A, Section 11I.

Ameresco's Comprehensive Energy Management Services include energy efficiency and operations cost savings under an Energy Performance Contract and a solar PV electricity supply agreement under a Power Purchase Agreement ("PPA").

Effective upon the date of this letter, the Town of Sudbury will negotiate exclusively with Ameresco to develop a solar generated power project at the Sudbury Landfill. As part of such negotiations, Ameresco will prepare solar PV layout drawings and electrical drawings of the proposed solar PV system, preliminary project schedule, PPA price, property tax payment, and a draft PPA and Lease Agreement ("PV Contracts"). Ameresco expects to provide drafts of the PV Contracts for the Town's review within sixty (60) days of the date of this letter.

The PV Contracts shall include all provisions required pursuant to Massachusetts General Laws, Chapter 25A, Section 11I, and shall be governed, construed, and regulated by the laws of the Commonwealth of Massachusetts.

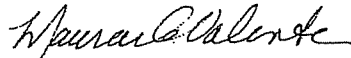
In the event the Town of Sudbury and Ameresco do not execute the PV Contracts within one-hundred and twenty (120) days after the date of this letter, then the Town of Sudbury and Ameresco may extend the

Page 2.  
March 7, 2012

Mr. Harold Meyers  
Ameresco, Inc.

exclusivity period, or end negotiations. Each party shall bear its own costs in negotiating the PV Contracts, whether or not the parties enter into the PV Contracts.

Sincerely,



Maureen G. Valente  
Town Manager



Draft Statement of Commitment - Solarize Mass program

March 21, 2012

Elizabeth Youngblood, Project Coordinator  
Solarize Massachusetts  
Massachusetts Clean Energy Center  
55 Summer Street, 9<sup>th</sup> Floor  
Boston, MA 02110

Dear Ms. Youngblood;

As voted by the Board of Selectmen at its meeting of March 20, 2012, the Town of Sudbury is fully committed to participating in Solarize Massachusetts: Phase 2, and will work in cooperation with the Mass CEC in all aspects of the program. Our Green Communities designation and our many completed, ongoing and planned energy conservation initiatives demonstrate that Sudbury is strongly committed to lowering municipal energy consumption. We are pleased that Solarize Massachusetts offers us the opportunity to engage our residents in the effort to promote energy sustainability.

The municipal representative who will serve as the point of contact for Sudbury's Solarize Massachusetts initiative is James Kelly, Building Inspector and Zoning Enforcement Officer, who will help to facilitate the program within Sudbury.

Sudbury's Community Solar Coach will be Rami Alwan, a Sudbury resident who is a member of the Town's Energy & Sustainability Green Ribbon Committee and a teacher at the Lincoln-Sudbury Regional High School. Mr. Alwan's statement is attached.

NSTAR has confirmed that there are no utility area networks in Sudbury, so that issue will not prevent any residents or business owners from participating in the Solarize program.

The Draft MassCEC – Green Community Contract has been reviewed by Town Counsel. The Town of Sudbury objects to section 6.a) Indemnification.

Thank you for your consideration of Sudbury's [joint] proposal with Lincoln and Wayland. We hope to have the opportunity to participate in the Solarize Massachusetts initiative.

Sincerely,

Maureen G. Valente  
Town Manager  
for and at the direction of the Board of Selectmen



**SOLARIZE MASSACHUSETTS: PHASE 2**

Request for Proposals from Green Communities

RFP ID: MassCEC 2012-SMP-02

Posting Date: 02/15/2012

**1. OPPORTUNITY SUMMARY:**

The Massachusetts Clean Energy Center (“MassCEC”), in conjunction with the Department of Energy Resources (“DOER”), is requesting proposals from Massachusetts cities and towns, designated as “Green Communities”<sup>1</sup>, to demonstrate local interest and engagement in participating in the second phase of Solarize Massachusetts. This program will drive community adoption of solar photovoltaic (PV) projects through a partnership focused on localized marketing and installation efforts, which in turn will help to drive down the installation cost of small-scale solar PV installations within the selected communities. Phase 2 of Solarize Massachusetts is based on the tremendous success of the initial Pilot, which took place in the towns of Hatfield, Harvard, Scituate, and Winchester during the summer of 2011. Read the *Solarize Massachusetts Pilot Overview* (posted at [www.MassCEC.com/solarizemass](http://www.MassCEC.com/solarizemass)) for more information on the pilot program, the results, and some important lessons learned.

MassCEC and DOER will plan to select a minimum of ten (10) communities to participate in the program. Applications will be evaluated competitively, and communities that demonstrate a clear and committed plan to increasing education and outreach around solar PV, as well as ideas on how to streamline the permitting processes around small-scale solar PV installations, will be highly competitive. If there is benefit to pooling resources or efforts, Green Communities may form partnerships and respond to this RFP as a group, as long as each community within the partnership is a Green Community and they are each located adjacent to at least one other community in the partnership (i.e. they are contiguously located). Note that if communities respond to this RFP as a group, each community will be responsible for demonstrating that it will meet the proposal requirements and evaluation criteria outlined below.

**A. PROGRAM OVERVIEW AND GOALS:**

**Program Description**

The aggregation of multiple small-scale solar photovoltaic (“PV”) installations within a community provides opportunities to realize economies of scale for the solar PV Installer (as that term is defined

<sup>1</sup> More information on the Green Communities designation can be found on DOER’s website at: <http://www.mass.gov/eea/energy-utilities-clean-tech/green-communities/>

below), and ultimately cost savings for the customer. Installation prices for small-scale solar PV installations are generally higher than large-scale installations, in part due to the extra cost of customer acquisition – including marketing, advertising, and negotiating with multiple customers. By educating the local community, streamlining marketing efforts, and aggregating sales, phase two of Solarize Massachusetts will help make solar PV a more accessible and affordable energy option.

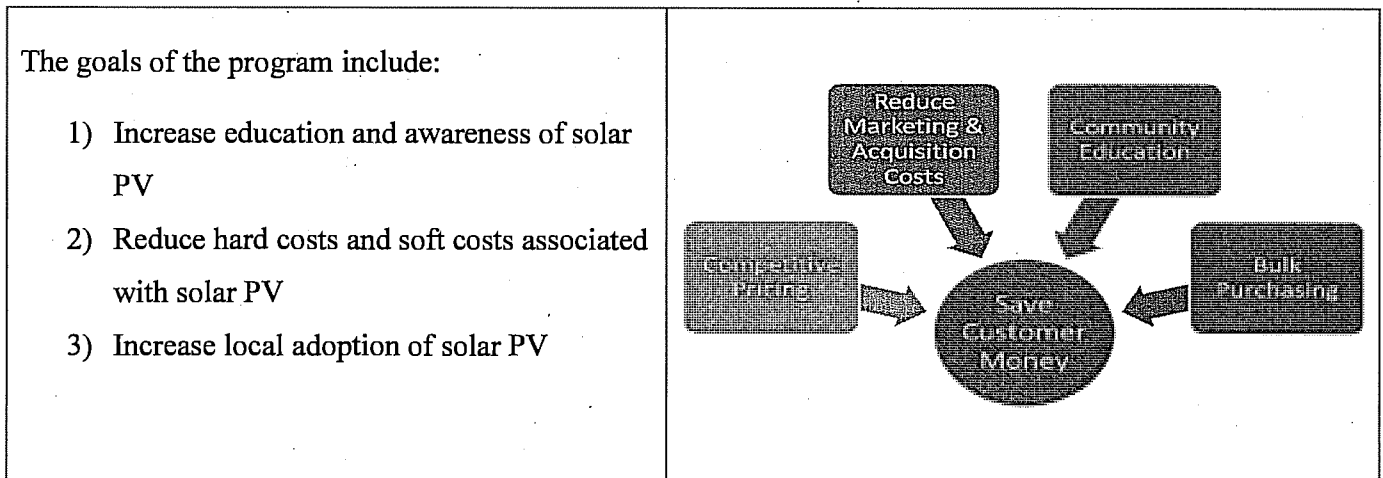


Figure 1. The goals of Solarize Massachusetts and the methods deployed to save the customer money on a solar PV project.

Through this Request for Proposals (“RFP”), MassCEC will competitively select a minimum of ten (10) communities to participate in the second phase of Solarize Massachusetts. Each community is required to designate a Community Solar Coach, and upon selection, the Community Solar Coach will be trained to assist during the program in answering common questions about solar PV, including incentives, for local residents. The Community Solar Coach will collaborate with MassCEC in organizing community meetings and identifying volunteers to support outreach efforts. The selected Green Communities will also help MassCEC procure a solar PV Installer for their community that will provide competitive, tiered pricing for solar PV installations. It is expected that the installed and power purchase agreement/leased price for solar PV systems will decrease as the total contracted capacity of solar PV within the community increases. Tiered pricing results in a progressively greater reduction in total cost for all customers in the community as higher tiers of aggregate capacity are reached.

The overall program goal is that marketing support from MassCEC, involvement of the community in the customer acquisition process, and competitive, tiered pricing from the Installer will form a three-way partnership that greatly accelerates the penetration of solar PV in a given community. The *Solarize Massachusetts Pilot Overview* describes the process and results of the pilot phase, which was conducted during the summer of 2011.

To help accomplish the program goals, MassCEC will assist the Green Community and the selected Installer to deploy a marketing strategy to enhance local interest in solar PV technology, as well as alleviate some of the marketing and acquisition costs associated with small-scale solar PV installations. Each Green

Community will receive standardized marketing materials, as well as up to \$2,000 to utilize for community-specific marketing needs (as approved by MassCEC). In addition to MassCEC’s marketing and education toolkit, MassCEC will lead certain outreach measures and events, including, but not limited to, strategic community meetings, such as Solar 101 education sessions, where various stakeholders, including Green Community and other municipal representatives, MassCEC, and the selected Installer will meet with residents to increase awareness of solar energy and its benefits. The general roles of each party are outlined in Figure 2.

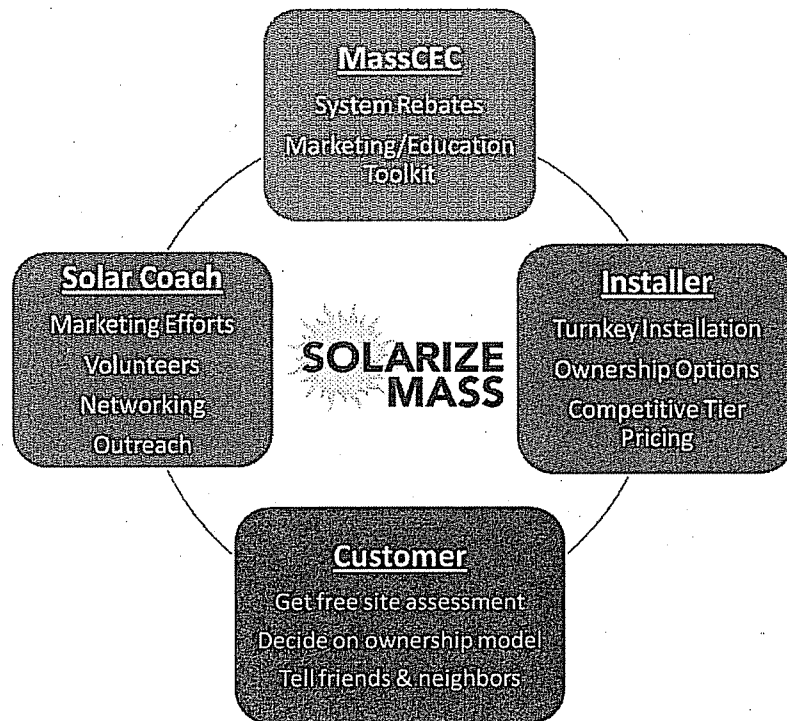


Figure 2. Anticipated roles of the different parties in Solarize Massachusetts

Starting in May, 2012, interested customers in the selected Green Community will be able to contact the Installer and sign up for a site assessment. If the customer’s site is deemed to be feasible for a solar PV project, they will have the option to contract with the Installer before the program deadline of August 31, 2012. The Installer will be responsible for assessing individual sites, working with interested customers to design appropriate systems, and contracting with the customer for installation of the solar PV system, which must be completed within one year of approval. Customers who choose to participate in the second phase of Solarize Massachusetts will be eligible for incentives equivalent to those available in the Commonwealth Solar II Rebate Program at the time of application. The Installer will assist individual customers in applying for rebates. Chart 1 below outlines the roles of the different parties under Solarize Massachusetts.

	MassCEC	Community Solar Coach	Municipal Representative	Installer
<b>Procurement</b>	<ul style="list-style-type: none"> <li>* Procure Green Communities</li> <li>* Release RFP to select Installers and determine if Installer proposals meet threshold requirements</li> <li>* Assist communities to select Installer</li> </ul>	<ul style="list-style-type: none"> <li>* Evaluate Installer proposals &amp; assist in selection</li> </ul>	<ul style="list-style-type: none"> <li>* Evaluate Installer proposals &amp; lead in the selection process</li> </ul>	<ul style="list-style-type: none"> <li>* Submit competitive proposal(s)</li> </ul>
<b>Reduce Cost to Customer</b>	<ul style="list-style-type: none"> <li>* Provide rebates</li> </ul>	<ul style="list-style-type: none"> <li>* Increase awareness of solar PV to drive down marketing &amp; customer acquisition costs</li> </ul>	<ul style="list-style-type: none"> <li>* Leverage other funds (if applicable).</li> <li>* Assist in streamlining the permitting process (if possible).</li> </ul>	<ul style="list-style-type: none"> <li>* Provide competitive tiered pricing</li> </ul>
<b>Marketing</b>	<ul style="list-style-type: none"> <li>* Provide Marketing &amp; Education Toolkit to community. (Will include lawn signs, banners, educational materials, etc. and tools for customer)</li> <li>* Attend some community events</li> </ul>	<ul style="list-style-type: none"> <li>* Reach out to local community organizations, potential partners, and volunteers.</li> <li>* Organize and mobilize community network over the course of program.</li> </ul>	<ul style="list-style-type: none"> <li>* Demonstrate municipal support for program</li> <li>* Leverage additional funds (if applicable)</li> </ul>	<ul style="list-style-type: none"> <li>* Partner with Community Organizer to disseminate information on program (as appropriate).</li> </ul>
<b>Education</b>	<ul style="list-style-type: none"> <li>* Educate Community Solar Coach on solar basics</li> <li>* Facilitate a Solar 101 community presentation.</li> </ul>	<ul style="list-style-type: none"> <li>* After Solar 101, serve as point person for questions on program mechanics and basic solar information.</li> </ul>		<ul style="list-style-type: none"> <li>* Serve as the technical expert on solar.</li> </ul>
<b>Communication</b>	<ul style="list-style-type: none"> <li>* Will provide a Solarize Mass website</li> </ul>	<ul style="list-style-type: none"> <li>* May develop communication tools unique to community (i.e. Facebook page, Google group, etc)</li> </ul>	<ul style="list-style-type: none"> <li>* Can utilize town-wide resources (i.e. email listings or website) if appropriate</li> </ul>	<ul style="list-style-type: none"> <li>* May work with Community Solar Coach to develop tools (as appropriate).</li> <li>* Will develop a portal to facilitate customer sign-up</li> </ul>
<b>Solar Installations</b>			<ul style="list-style-type: none"> <li>* Outline permitting process for solar PV projects in community</li> </ul>	<ul style="list-style-type: none"> <li>* Provide site assessments, system design, &amp; a turnkey installation to customers</li> </ul>

Chart 1: Outline of the anticipated roles of the different program participants.

**\*\*NOTE:** MassCEC, Community, & Installer will participate in a bi-weekly check-in call. In addition, all parties will agree to share communication email lists.

**B. ELIGIBLE APPLICANTS:**

In order for a municipality to be eligible to submit a proposal, the following requirements must be met:

- The municipality must be a designated “Green Community” as determined by DOER and not have previously participated in the Solarize Massachusetts Pilot;
- The applicant must provide MassCEC with a summary of ideas on how to make Solarize Massachusetts a successful marketing and adoption campaign;
- The applicant must provide a letter from the Green Community’s Chief Executive Officer committing to the municipality’s full participation and cooperation with the MassCEC in this program. The “Chief Executive Officer” is defined for purposes of this RFP as the manager in any city having a manager and in any town having a city form of government, the mayor in any other city, and the board of selectmen in any other town unless some other officer or body is designated to perform the functions of a chief executive officer under the provisions of a local charter or laws having the force of a charter; and
- The applicant must provide a complete application. Incomplete applications will be returned and only considered if complete by the deadline of March 21, 2012.

**C. FUNDING AVAILABILITY:**

MassCEC will provide each selected Green Community with the marketing and education toolkit, as well as \$2,000 to use for local marketing and outreach efforts. In addition, MassCEC will provide customers who contract with the selected Installer under the program with rebates equivalent to those available in the Commonwealth Solar II Rebate Program at the time of application.

**D. TIMELINE:**

A proposed timeline for the RFP process and program is outlined below. Please note that this is an estimated timeline and dates may be subject to change.

RFP for Green Communities: Released	February 15, 2012
Green Communities Bidders Conference in Harvard, MA	February 27, 2012
RFP for Green Communities: Proposals Due	March 21, 2012
Announce Selected Green Communities	March 29, 2012
RFP for Solar PV Installers: Released	March 29, 2012 (targeted)
RFP for Solar PV Installers: Proposals Due	April 12, 2012
Community Reviews Installer Proposals	Throughout April, 2012
Begin Community Solar Coach Education & Solar 101s	Throughout April, 2012
Announce Selected Solar PV Installers	May 4, 2012
Marketing Strategy Development	Early May, 2012
Customer Sign-Up Period Begins	Mid May, 2012
Customer Sign-Up Period Ends	August 31, 2012
Deadline for Applications to the Rebate Program	September 5, 2012
Final Report Due to MassCEC	September 15, 2012
Deadline for Installations	One year from Rebate Award Date

#### **E. APPLICATION DEADLINE:**

Responses to this RFP must be received by MassCEC **no later than 5:00pm on March 21, 2012**. Only complete, timely responses will be considered. MassCEC, at its sole discretion, may determine whether an application is complete.

#### **F. ANTICIPATED TERM OF CONTRACT:**

A draft MassCEC-Community contract is attached to this RFP (Attachment C). It is essential, in order to meet the program goals and timelines, that communities are prepared to execute a contract with MassCEC soon after their selection. Therefore, each applicant community must review the Terms and Conditions outlined in the draft MassCEC-Community contract and provide comments on those Terms and Conditions at the time of application. MassCEC's selection of a community pursuant to this RFP does not mean that MassCEC accepts all aspects of the proposal. MassCEC reserve the right to make modifications, which may be requested and agreed to during contract execution.

MassCEC anticipates that the term of the contract with each Green Community will commence in March, 2012 and continue for one year after the last system is awarded a rebate reservation.

#### **G. BIDDERS CONFERENCE:**

MassCEC and DOER will host a Bidders Conference in Harvard, MA on February 27, 2012. Town officials and other representatives from Green Communities are invited to attend the Bidders Conference in person or remotely via webinar to learn more about the Solarize Massachusetts Pilot and ask questions about the RFP. More information about this event will be provided via email and will be available on MassCEC's website at [www.MassCEC.com/solarizemass](http://www.MassCEC.com/solarizemass).

#### **H. QUESTIONS AND CONTACT INFORMATION:**

Please submit all questions to the Solarize Massachusetts Team, at [solarize@masscec.com](mailto:solarize@masscec.com) by March 2, 2012. "Solarize Massachusetts RFP – Green Communities" must appear in the email subject line. Responses to submitted questions, and other Frequently Asked Questions, will be posted by March 9, 2012 at 5pm at [www.MassCEC.com/solarizemass](http://www.MassCEC.com/solarizemass).

### **2. PERFORMANCE AND RESPONSE SPECIFICATIONS:**

#### **A. PROPOSAL REQUIREMENTS:**

**Proposals are due at the Massachusetts Clean Energy Center no later than 5pm (EDT) on March 21, 2012. The Proposal must be in electronic form, including a scanned signature page (Attachment A) and a completed Attachment B (if applicable), and should be submitted via email to the Solarize Massachusetts Team at [solarize@masscec.com](mailto:solarize@masscec.com). Please note that MassCEC will not accept electronic**

**signatures. “Solarize Massachusetts RFP – Green Communities” must appear in the email subject line.**

Proposals submitted after the deadline will not be accepted. Only complete proposals will be accepted. MassCEC at its sole discretion may determine whether an individual application is complete. An announcement of the selected Green Communities is expected by March 29, 2012.

Proposals must contain the following:

- Letter from Chief Executive Officer containing the following:
  - **Statement of Commitment:** A statement of commitment of the municipality’s full participation and cooperation with the MassCEC in this program.
  - **Municipal Representative:** Identification of a community official that will help to facilitate the program within the community.
  - **Community Solar Coach:** Identification of a local point of contact (paid staff or volunteer) to collaborate with MassCEC in organizing community meetings and identifying volunteers to support outreach efforts. This individual will be responsible for participating in MassCEC’s training program and facilitating events and outreach efforts around the program. MassCEC requests a signed, personal statement (no more than 250 words) from the appointed Community Solar Coach demonstrating their interest and commitment to the program.
  - **Utility Area Networks:** Acknowledgment that residences located in utility Area Networks may not be able to participate in program due to utility interconnection constraints.
  - **Contract Review:** MassCEC requests that each community review the outlined Terms and Conditions in the draft MassCEC-Community contract (Attachment C). If there are any objections to the terms of the contract, each Green Community must let MassCEC know when submitting the RFP proposal. If no comments are provided, it is expected that the selected community will sign the MassCEC-Community contract in a prompt manner.
  
- Community Outreach Plan containing the following:
  - **Team:** Provide a brief description of the members of the designated team for the community. Please list all community groups and organizations the municipality will collaborate with in conducting outreach for the Solarize Massachusetts. If possible, please include letters of support from these various groups or organizations.
  - **Marketing & Outreach:** Outline a marketing plan that describes methods to motivate community-driven solar PV installations. This may include community events, outreach methods through signs, mailings, social media, and any community partners that can be engaged to assist with these efforts. Describe ways in which a joint marketing strategy between the community and the selected Installer could expand the number of solar PV projects within the community. Provide a plan for implementation, including how to engage community members and volunteers. Include information on where community events could be held, including the Solar 101 meeting, which is anticipated to occur in April or early May, 2012. The community should



demonstrate that the available facility(ies) will be able to accommodate at minimum 100 attendees, and will have presentation capability (i.e. microphone, presentation slide, projector, etc.). Finally, demonstrate that the community's team has reviewed the *Solarize Massachusetts Pilot Overview* and is aware of the lessons learned under the initial pilot. Optional: If the community plans to provide additional financial assistance to the program, please outline how those funds might be used.

- **Permitting**: Identification of the local permitting process for solar PV projects within the community. This should include, but is not limited to, information on the building and electrical permitting process and fee structures, as well as any local Historic or Conservation Commissions that may require engagement on projects. Identify potential streamlining ideas or efforts in anticipation of large numbers of project permit applications.
- **Local Interest**: If applicable, demonstrate that there is significant interest in the community to drive a successful program. This is not a requirement, but may help strengthen a community proposal.
- **Group Proposal**: If applicable, partnering communities must demonstrate the benefit of responding to the RFP as a group. In addition, the communities must outline how marketing and outreach efforts will be deployed.

#### **B. EVALUATION CRITERIA:**

All proposals must meet Solarize Massachusetts objectives and must be responsive to the relevant scope of work and proposal requirements outlined above. Proposals will be generally evaluated on the criteria below:

- **Overall quality**: overall quality of proposal;
- **Team**: degree of team's experience and the breadth of partnerships identified in proposal;
- **Marketing Plan**: overall quality of marketing and outreach plan, demonstrating lessons learned from the first Solarize Mass Pilot;
- **Additional resources**: the extent to which additional resources (both financial and otherwise) are identified and potentially committed to the program;
- **Permitting**: degree to which a community can outline the permitting process for solar PV projects and identify any process or cost streamlining efforts;
- **Group proposal**: demonstrate the advantages to responding to the RFP as a group rather than individual communities;
- **Demonstration of innovative concepts**: additional consideration will be given to communities that can provide innovative outreach, marketing, and educational models; and
- **Proposed methodology**: ability of proposal to drive community-adoption of PV projects in order to drive down cost of residential and small-scale PV installations.

### **3. GENERAL REQUEST FOR RESPONSE CONDITIONS:**

#### **A. NOTICE OF PUBLIC DISCLOSURE:**

##### **General Statement**

As a public entity, MassCEC is subject to Massachusetts' Public Records Law, codified at Chapter 66 of the Massachusetts General Laws. Thus, any documentary material, data, or other information received by MassCEC from an applicant is a public record subject to disclosure. Materials that fall under certain categories, however, may be exempt from public disclosure under a statutory or common law exemption, including the limited exemption at Massachusetts General Laws Chapter 23J, Section 2(k) regarding confidential information submitted to MassCEC by an applicant for any form of assistance. For more information on how to assert a claim of confidentiality for these categories of materials, please see the Notice of Confidential Information Cover Letter in Attachment B.

#### **B. CONTRACTUAL REQUIREMENTS:**

Upon MassCEC's authorization to proceed with the proposal, MassCEC and the selected Green Community will execute a contract which will set forth the respective roles and responsibilities of the parties. See Attachment C for a draft version of this contract.

#### **C. WAIVER AUTHORITY:**

MassCEC reserves the right, at its sole discretion, to waive minor irregularities in submittal requirements, to modify the anticipated timeline, to request modifications of the application, to accept or reject any or all applications received, and/or to cancel all or part of this RFP at any time prior to awards.

#### **D. DISCLAIMER:**

This RFP does not commit MassCEC to award any funds, pay any costs incurred in preparing an application, or procure or contract for services or supplies. MassCEC reserves the right to accept or reject any or all applications received, negotiate with all qualified applicants, cancel or modify the RFP in part or in its entirety, or change the application guidelines, when it is in its best interests.

**Attachment A**

**Authorized Applicant Information and Acceptance Form**

**Applicant Information**

<b>Applicant: Green Community</b>	
City or Town Name <b>Sudbury</b>	Street Address <b>278 Old Sudbury Road</b>
Date of Green Community Designation <b>5/25/10</b>	City/Town <b>Sudbury</b> State <b>MA</b> Zip Code <b>01776</b>
<b>Municipal Contact</b>	
Municipal Contact Name <b>James F. Kelly</b>	Title <b>Building Inspector</b>
Telephone <b>978-443-2209</b>	Email <b>kellyj@sudbury.ma.us</b>
<b>Community Solar Coach</b>	
Community Organizer Name <b>Rami Alwan</b>	Title <b>Sudbury resident/ High School Teacher</b>
Telephone <b>978-443-1834</b>	Email <b>Rami_Alwan@lsrhs.net</b>

**Please list all community groups and organizations the municipality will collaborate with in conducting outreach for the Solarize Mass pilot. Also list any municipalities that you are partnering with in this application.**

Town of Lincoln	Sustainable Sudbury
Town of Wayland	Sudbury Public Schools
Lincoln Sudbury Regional High School	
Sudbury Chamber of Commerce	



**Applicant Acceptance**

The undersigned is the Chief Executive Officer of the Applicant listed below. The Applicant has read and understands the RFP requirements. The undersigned acknowledges that all of the terms and conditions of the RFP are mandatory and further represents that the Applicant has been designated as a Green Community by the Massachusetts Department of Energy Resources.

The Applicant understands that all materials, except certain materials that may be exempt under a statutory or common law exemption, submitted as part of the application are subject to disclosure under the Massachusetts Public Records Law, as explained in Section 3.A.of the RFP, and acknowledges and agrees that MassCEC has no obligation, and retains the sole discretion to fund or choose not to fund the application set forth herein, and that MassCEC's receipt of the application does not imply any promise of funding at any time.

The Applicant understands that, if selected by MassCEC, the Applicant and MassCEC will detail and execute a contract that outlines the respective roles and responsibilities of the parties.

I certify that the statements made in this application, including all attachments and exhibits, are true and correct to the best of my knowledge.

Green Community	
Printed Name of Chief Executive Officer	Maureen G. Valente
Signature of Chief Executive Officer	Date March 19, 2012



ATTACHMENT C

**Draft MassCEC – Green Community Contract**

[DATE ], 2012

[GREEN COMMUNITY]

*Re: Solarize Massachusetts Program*

Dear [GREEN COMMUNITY],

Congratulations on your participation in the Solarize Massachusetts Program. The Massachusetts Clean Energy Center ("MassCEC") is excited to collaborate with you to increase outreach, education, and adoption of solar photovoltaic ("PV") systems within your community.

This letter (the "Letter Agreement") will set out the mutual understanding between MassCEC and the [GREEN COMMUNITY] ("Town" or "City" if applicable) regarding the Town's participation in this program and the provision of marketing materials to the Town by MassCEC.

1. *Solarize Massachusetts Program*

a) The Town agrees to participate in the Solarize Massachusetts Program (the "Program") which will drive the community adoption of PV projects through a partnership with MassCEC and the integrator selected by MassCEC and the Town through a competitive process (the "Integrator"). The Integrator will provide customers within the community with reduced prices for solar installations and MassCEC will provide all eligible customers with a rebate, equivalent to that available under the Commonwealth Solar II Rebate Program at the time of application, for the duration of the Program.

2. *Marketing Grant*

a) MassCEC will provide the Town with marketing materials and in-kind services, including but not limited to, the marketing toolkit and trainings for the selected Community Solar Coach (the "Materials"). The Materials will be specific to the Solarize Massachusetts Program and will assist the community with its education, outreach and marketing efforts in order to gain attendance at local meetings and participation in the Program. MassCEC will also participate in certain community events, including leading the Solar 101 Town event.

b) MassCEC will provide the Town, in accordance with Section 4 below, with up to Two Thousand Dollars (\$2,000) for the reimbursement of any miscellaneous marketing expenses (the "Reimbursement Funds"), including, but not limited to, the costs of printing the Materials, postage

for mailings, and any fees/deposits necessary to secure venues for community meetings (the "Expenses"). The Parties agree that this is a maximum authorization, and MassCEC is under no obligation to transfer the full amount to the Town, or any amount, in the event the Town does not satisfy any requirements upon it to be completed prior to reimbursement.

3. Town Commitment and Deliverables

The Town agrees that it shall:

- a) Participate in the competitive selection of the Integrator;
- b) Cooperate and collaborate with the MassCEC, the selected Integrator, and the selected Community Solar Coach;
- c) Ensure that the Community Solar Coach agrees to, signs, and abides by the Program Duties and Commitments form;
- d) Refer to the Program as "Solarize Massachusetts" in all community outreach materials and marketing efforts and direct individuals interested in participating in the Program to [www.masscec.com/solarizemass](http://www.masscec.com/solarizemass);
- e) Link to MassCEC's Solarize Massachusetts website, in the event the Town sets up its own website to publicize the Program;
- f) Request approval from MassCEC for all Town-developed marketing materials in advance of distribution. The Town agrees that MassCEC shall have the right to make use of and disseminate, in whole or in part, all work products, reports, and other information produced by the Town in the course of the Program. Town agrees to include the "MassCEC", "Solarize Massachusetts" and "Integrator" logos on any additional outreach materials that may be developed directly by the Town;
- g) Provide MassCEC, upon request, with all email addresses of leads and contacts collected through the Program;
- h) Notify MassCEC in advance and collaborate with MassCEC on any press releases, events, or news conference concerning the Program. In any media produced by the Town, the Town will not represent that positions taken or advanced by it represent the opinion or position of MassCEC. All media produced by the Town is subject to MassCEC approval;
- i) Develop and track a plan to disperse marketing materials to be provided to MassCEC in order to evaluate how successful various disbursement methods were relative to the sign-up and adoption rate within the community;
- j) License or otherwise make available to MassCEC in perpetuity, without charge, all non-confidential materials prepared and produced for the Program, including without limitation, all plan and analyses developed in connection with the Program for MassCEC's use and public dissemination; and

k) Provide feedback at the end of the Program to assist MassCEC in the analysis of the efficiency of different outreach strategies and community drivers in increasing community adoption of solar.

4. Invoice and Payment Terms

a) All Expenses must be approved by MassCEC in advance (in writing by email) in order to be considered for reimbursement.

b) Town shall submit an invoice to MassCEC describing the approved Expense incurred and attach any applicable proof of payment by Town (i.e., receipts). Invoices shall become payable by MassCEC within thirty (30) days of receipt by MassCEC. If the Town is unable to receive reimbursement payments directly from MassCEC for reimbursement of the Expenses, the Town must select a single individual to be eligible to receive reimbursement payments on behalf of the Town (the "Appointed Individual"). The contact information for the Appointed Individual shall be listed on Attachment A attached hereto.

5. Term and Termination

a) This Letter Agreement shall take effect as of the first date listed above (the "Effective Date"), and shall remain in effect for the duration of the Program, which will last one year after the final PV system rebate award date (the "Term").

This Letter Agreement may be terminated by MassCEC by thirty (30) days written notice to the Town if the Town is in material breach of any term of the Letter Agreement, and such breach has not been cured within the thirty (30) day period. In the event of such termination, Reimbursement Funds shall be paid to the Town for Expenses approved and incurred prior to termination.

b) MassCEC may terminate this Letter Agreement in the event of loss of availability of sufficient funds for the purposes of this Letter Agreement or in the event of an unforeseen public emergency or other change of law mandating immediate MassCEC action inconsistent with performing its obligations under this Letter Agreement.

6. Required Legal Terms and Conditions

~~a) Indemnification. To the fullest extent permitted by law, the Town shall indemnify and hold harmless the Commonwealth, MassCEC, and each of their respective agents, officers, directors and employees (together with the Commonwealth, MassCEC the "Covered Persons") from and against any and all liability, loss, claims, damages, fines, penalties, costs and expenses (including reasonable attorney's fees), judgments and awards related to or arising out of the Materials or Reimbursement Funds (collectively, "Damages") sustained, incurred or suffered by or imposed upon any Covered Person related to or arising out of the Materials or Reimbursement Funds resulting from (i) the breach of any of the terms of this Letter Agreement or any false representation by the Town, or (ii) any negligent acts or omissions or reckless or intentional misconduct of the Town or any of the Town's agents, officers, directors, employees or subcontractors. Without limiting the foregoing, the Town shall indemnify and hold harmless each Covered Person against any and all Damages that may directly or indirectly arise out of or may be~~

~~imposed because of the failure to comply with the provisions of applicable law by the Town or any agents, officers, directors, employees or subcontractors. The foregoing notwithstanding, the Town shall not be liable for (i) any Damages sustained, incurred or suffered by or imposed upon any Covered Person resulting from any negligent acts or omissions or reckless misconduct of MassCEC, and (ii) except for liability for death or personal injury caused by the negligence or willful misconduct of Town or for claims of infringement of a third party's intellectual property by Town, the aggregate liability of the Town under this Letter Agreement shall not exceed the greater of the amount of the Materials and Reimbursement Funds received or the amount recovered under any applicable insurance coverage.~~

b) Compliance with Law. The Town agrees to comply with all applicable Federal and State statutes rules, and regulations, including, but not limited to, promoting fair employment practices or prohibiting employment discrimination and unfair labor practices and shall not discriminate in the hiring of any applicant for employment nor shall any qualified employee be demoted, discharged, or otherwise subject to discrimination in the tenure, position, promotional opportunities, wages, benefits, or terms and conditions of their employment because of race, color, national origin, ancestry, age, sex, religion, disability, handicap, sexual orientation, or for exercising any rights afforded by law.

c) Audit. At any time period prior to the conclusion of the Program and as otherwise provided in this Section, MassCEC will have the right to audit the Town's or the Town's other agents' records to confirm the use of the Reimbursement Funds provided. If such audit reveals that any portion of the Reimbursement Funds were utilized for purposes not permitted under this Letter Agreement, then the Town shall refund to MassCEC the amount determined by such audit within thirty (30) days of receipt of such audit and demand. The Town shall maintain books, records, and other compilations of data pertaining to the payments made under this Letter Agreement to the extent and in such detail as shall properly substantiate use of such payments. All such records shall be kept for a period of seven (7) years, starting on the first day after final payment under this Letter Agreement (the "Retention Period"). If any litigation, claim, negotiation, audit or other action involving the records is commenced prior to the expiration of the Retention Period, all records shall be retained until completion of the audit or other action and resolution of all issues resulting therefrom, or until the end of the Retention Period, whichever is later. MassCEC or the Commonwealth or any of their duly authorized representatives shall have the right at reasonable times and upon reasonable notice, to examine and copy of the Town's books, records, and other compilations of data which pertain to the Program. Such access may include on-site audits, review and copying of records.

d) Lobbying. No Reimbursement Funds may be used for any activities to influence any matter pending before the Massachusetts General Court or for activities covered by the law and regulations governing "legislative agent" or "executive agent" set forth in the Massachusetts Lobbying Law, M.G.L. c.3, §39.

e) Public Records. As a public entity, MassCEC is subject to the Massachusetts Public Records Law (set forth at M.G.L. c.66) and thus documents and other materials made or received by MassCEC and/or its employees are subject to public disclosure. All information received by MassCEC shall be deemed to be subject to public disclosure, unless the limited exception at M.G.L. c. 23J, Section 2(k) or another statutory exception applies. For more information, please see Chapter 66 of the Massachusetts General Laws.



f) Waivers. Conditions, covenants, duties, and obligations contained in this Agreement may be waived only by written agreement between the parties. Forbearance or indulgence in any form or manner by a party shall not be construed as a waiver, nor in any way limit the remedies available to that party.

g) Counterparts. This Letter Agreement may be executed in two or more counterparts, and by different parties hereto on separate counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument.

h) Amendments, Entire Agreement, and Attachments. All conditions, covenants, duties and obligations contained in this Letter Agreement may be amended only through a written amendment signed by the Town and MassCEC. The Parties understand and agree that this Letter Agreement supersedes all other verbal and written agreements and negotiations by the parties regarding the Program set forth herein.

MassCEC is excited to work with the Town to launch this innovative business model and increase solar adoption within your community. If you accept the terms and conditions referenced herein, please sign and return one original copy of this letter to the attention of Elizabeth Youngblood, Massachusetts Clean Energy Center, 55 Summer Street, Boston, MA 02110.

Very truly yours,

Patrick Cloney  
Chief Executive Officer

Accepted & Agreed

[GREEN COMMUNITY]

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**Attachment A**

**Authorized Individual:**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

Date: 3/09/12

## 2012 ANNUAL TOWN MEETING WARRANT ARTICLES

ART#	SUBJECT (SPONSOR)	AMOUNT	SPEAKER	POSITION	CONSENT CALENDAR
In Memoriam Resolution					
1.	Hear Reports (Selectmen)		_____	S	
2.	FY12 Budget Adjustments (Selectmen)	\$ _____			
3.	Stabilization Fund (Selectmen)	\$			
4.	FY13 Budget (Finance Committee)	\$ _____			
5.	FY13 Capital Budget (Capital Improvement Planning Committee)	\$			
6.	FY13 Transfer Station Enterprise Fund Budget (Finance Committee)	\$			
7.	FY13 Pool Enterprise Fund Budget (Finance Committee)	\$			
8.	FY13 Recreation Field Maintenance Enterprise Fund Budget (Finance Committee)	\$ _____			
9.	Unpaid Bills (Town Accountant)	\$ _____		RTM	
10.	Chapter 90 Highway Funding (Director of Public Works)			S	CC
11.	Real Estate Exemption (Board of Assessors)			S	CC
12.	Town/School Revolving Funds			S	CC
	Plumbing & Gas Inspectional Services	\$ 45,000			
	Portable Sign Admin. & Inspectional Svcs.	\$ 10,000			
	Cemetery - Cemetery Maintenance	\$ 20,000			
	Conservation - Wetlands	\$ 35,000			
	Conservation - Trail Maintenance	\$ 5,000			
	Council on Aging - Activities	\$ 35,000			
	Council on Aging - Van Transport. (MWRTA)	\$ 70,000			
	Fire Department - Permits	\$ 45,000			
	Goodnow Library	\$ 10,500			
	Recreation Programs	\$582,000			
	Teen Center	\$ 20,000			
	Bus	\$450,000			
	Instrumental Music	\$ 75,000			
	Cable Television	\$ 30,000			
	Regional Housing Services	\$150,000			
	Rental Property	\$ 40,000			
	Dog	\$ 50,000			
	Treasurer/Collector - Passport fees	\$ 13,000			
	Youth Programs (Park and Recreation)	\$ 50,000			
	Zoning Board of Appeals - Permits	\$ 25,000			

2012 ANNUAL TOWN MEETING WARRANT ARTICLES (Page 2)

ART#	SUBJECT (SPONSOR)	AMOUNT	SPEAKER	POSITION	CONSENT CALENDAR
13.	Establish Stabilization Fund - Minuteman Regional Vocational School Dist. (Board of Selectmen)				
14.	Town Center Traffic Improvements (Board of Selectmen)			RTM	
15.	Fire Dept. Safety Equipment Purchase (Fire Chief)				
16.	Pawnbroker Bylaw <b><u>WITHDRAWN FOR FURTHER STUDY</u></b> (Police Department)				
17.	Nixon Roof Replacement & Repair - (Bookmark) MSBA Program (School Committee and Sudbury Public Schools)			RTM	
18.	Natatorium HVAC & Associated Roofing (Building Department)			RTM	
19.	Town and School Roofs (Board of Selectmen and Sudbury Public Schools)			RTM	
20.	Amend Zoning Bylaw, Art. IX, Appendix A - B.6 - Update definition of Agricultural Use (Planning Board)			RTM	
21.	Amend Zoning Bylaw, Art. IX, Appendix A - Sec. 2313 - Regulate raising of roosters (Planning Board)			RTM	
22.	Amend Zoning Bylaw, Art. IX - Sec. 5331 - Senior Residential Community (Planning Board)			RTM	
23.	Amend Bylaw, Art. V(F) - Stormwater Management Bylaw (Planning Board)			RTM	
24.	Community Preservation Fund - Town Hall Architectural and Design Study (Community Preservation Committee)	\$			
25.	Community Preservation Fund - Town Center Landscaping Restoration (Community Preservation Committee)	\$			
26.	Community Preservation Fund - Historic Projects (Community Preservation Committee)	\$			
27.	Community Preservation Fund - Town-wide Walkways (Community Preservation Committee)	\$			
28.	Community Preservation Fund - Town Clerk Historic Document Preservation (Community Preservation Committee)	\$			

2012 ANNUAL TOWN MEETING WARRANT ARTICLES (Page 3)

ART#	SUBJECT (SPONSOR)	AMOUNT	SPEAKER	POSITION	CONSENT CALENDAR
29.	Community Preservation Fund - Sudbury Housing Trust 10% Allocation (Community Preservation Committee)	\$			
30.	Community Preservation Fund - Pantry Brook Farm Preservation Restriction (Community Preservation Committee)	\$			
31.	Community Preservation Fund - Purchase and Restore Property (15 Hudson Rd.) (Community Preservation Committee)	\$			
32.	Community Preservation Fund - Amend Art. 43 of the 2006 ATM, Sudbury Housing Authority Unit BuyDown (Community Preservation Committee)				
33.	Community Preservation Fund - General Budget and Appropriations (Community Preservation Committee)	\$			
34.	Resolution -(non-binding)- Rail Trail Concord Town Line to Union Avenue (Board of Selectmen)				
35.	Resolution -(non-binding)- Rail Trail (half-mile portion, Concord Town Line to Rt. 117 [North Road]) (Board of Selectmen)				

NOTES: S = Support  
RTM = Report at Town Meeting  
CC = Consent Calendar