

SUDBURY BOARD OF SELECTMEN
AGENDA
WEDNESDAY, NOVEMBER 7, 2012
7:00 p.m., Town Hall, 322 Concord Road

1. 7:00 Open meeting in Town Clerk's Office and immediately vote to go into **Executive Session** to discuss Firefighter negotiations, wherein discussion in an open meeting may have a detrimental effect on the position of the Board. If necessary, the Executive Session will be suspended to the close of the regular meeting, which will begin in Lower Town Hall at 7:30.
2. 7:30 Update on Hurricane Sandy storm-related issues.
(Fire Chief Miles, Police Chief Glavin and DPW Dir. Bill Place will attend.)
3. 7:45 Discussion of Special Act Means Tested Senior Tax ballot question
(Jack Ryan, COA member, will attend for the Council on Aging.)
4. 8:00 Discussion regarding request from resident to purchase Town-owned land parcel on Boston Post Road and Lafayette Drive
5. 8:15 Interview Elizabeth Armstrong, candidate for appointment by the Town Manager to the
Vote Conservation Commission
6. 8:30 **PUBLIC HEARING** (To be continued): Site Plan application for Northern Band & Trust
Vote Company, applicant, and Colonial Auto of Sudbury, Inc., owner, for approval to construct a new 2,500 sq. ft. retail bank building at 430 Boston Post Road, zoned Business District, Town Assessor Map K08, Parcel 0077.
7. 8:45 Question of granting a Trailer Permit to Catherine Tremaine, 51 Jarman Road to allow a
Vote mobile home to be placed on her property for a period of 4 months while her home is being rebuilt due to damage from Hurricane Sandy.
8. 8:50 Reports from Town Manager
9. 8:55 Reports from Selectmen

Consent Calendar

10. **Vote** Vote to approve the regular session minutes of October 16, 2012
11. **Vote/Sign** Vote to appoint (subject to acceptance) the following applicants to the Sudbury Celebrates 375/Sudbury Day Committee: Lisa Barth, 286 Old Lancaster Road, Judith Gross, 9 Blandford Drive, Lisa Gutch, 64 Silver Hill Road, Marilyn MacLean, 209 Water Row, Elin Neiterman, 8 Red Oak Drive, Terry Rourke, 58 Colonial Road and Christine Wisniewski, 123 Moore Road, for terms to expire November 30, 2014.
12. **Vote** Vote to approve a Special Permit for the 8th annual Relay for Life, for May 18 and 19, 2013, as requested by Marisa Lutz, Relay for Life Volunteer in an email dated October 15, 2012, subject to compliance with conditions outlined by the Peter Noyes School, the Police and Fire Departments, as well as Park and Recreation and the Presbyterian Church.

13. **Vote** Vote to approve the annual L-SRHS Pre-Thanksgiving Day All Sports Ceremonial Bonfire on Wednesday, November 21, 2012 from 6:00 p.m. to 9:00 p.m., as requested in a letter dated October 22nd from David McCormick, Treasurer, Lincoln-Sudbury All Sports Boosters Club, Inc.
14. **Vote/Sign** Vote to sign a proclamation for SPC James Eckersley, acknowledging his safe return from a tour of duty with the U. S. Army in Southern Iraq and proclaiming Friday, November 2, 2012 as SPC James “Jake” Eckersley Day in Sudbury.
15. **Vote/Sign** Vote to sign the Warrant for the Special Town Election December 4, 2012, as Warrants must be delivered to residents by Tuesday, November 27th.
16. **Vote** Vote to accept three donations into Park and Recreation accounts: \$200 from the Haynes Organization of Parents, Inc. into the Teen Center Revolving Account; \$100 from the Marlborough Savings Bank for the Halloween 5K and Fun Run Senior Walk; and \$1,000 from Lucinda Lagasse for the Atkinson Pool Account, said funds to be expended under direction of the Park and Recreation Director.
17. **Vote/Sign** Vote to sign Cemetery deeds and access documents, pursuant to Article 27 of the 2011 Annual Town Meeting.
18. **Vote** Vote to approve a one-hour extension of the licensed closing hour and serving of alcoholic beverages for licensees who make application in advance to the Town Manager’s Office; and for Lavender Asian Cuisine & Bar, 519 Boston Post Road (from 1:00 a.m. to 2:00 a.m.) and bistro20, 120 Boston Post Road, (midnight to 1:00 a.m.) on Thursday, November 22, 2012, (Thanksgiving Day) on the condition that the kitchen remains open and food is served. Also, vote to approve a one-hour extension of bistro20’s Saturday night closing from 1:00 a.m. Sunday, November 25, to 2:00 a.m. to accommodate a Lt. Scott Milley fundraiser.

Miscellaneous (untimed items):

19. **Vote** Question of approving a Task Force Mission Statement for the Fairbank Building study.
20. **Vote** Question of accepting donations into the holiday lighting account to replace older LED blue/gray lighting in Grinnell Park
21. **Vote** Question of signing an Intermunicipal Agreement with the City of Marlborough for interim Veterans Services
22. **Vote** Question of approving and signing acceptance of four Conservation Restrictions under M.G. L. 40 s.8C: 1) for 460 Boston Post Rd., 2) for 75 Harness Lane and 94 Butler Rd., 3) for land off Bigelow Dr. and Rt. 20 and 4) for land off Camperdown Lane and Abbotswood
23. **Vote** Question of approving the Town Manager signing a “Disclosure by Municipal Employee of Financial Interest in a municipal Contract” as required by GL c268A, s.20(b) for ACCEPT Education Collaborative.

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.

AGENDA REQUEST- ITEM #4

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *July 2012*

Requestor: *Resident Robert Weiss*

Action requested (Who, what, when, where and why): *Discussion regarding a request to purchase a Town-owned land parcel on Boston Post Road and Lafayette Drive*

Financial impact expected: *None*

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

See attached material and Plan of Land

Recommendations/Suggested Motion/Vote: *As needed after discussion*

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

Robert Weiss

Selectmen's Office Section:

Date of Selectmen's Meeting: *November 7, 2012*

Board's action taken:

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

Future Agenda date (if applicable):

Distribution:

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



Town of Sudbury

Planning and Community Development Department

Jody A. Kablack, Director

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

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

kablackj@sudbury.ma.us

TO: Maureen Valente, Town Manager
FROM: JAK Jody Kablack, Director of Planning and Community Development
RE: Request to purchase a portion of Lafayette Drive
DATE: October 30, 2012

I am in receipt of a letter from Mr. Robert Weiss dated July 26, 2012 requesting the Town abandon a portion of a town right of way on Route 20 that fronts his property on Lafayette Drive. Mr. Weiss assumes that once abandoned, this property would revert to him as an abutter.

As background, the property Mr. Weiss is requesting for abandonment was originally part of the state-owned Route 20 which was discontinued by the state in 1990 pursuant to MGL c. 81, s. 21. The Town then accepted that portion as a town right of way, and reconfigured the intersection of Route 20 and Lafayette Drive to its present position. Therefore, the Town owns this land as a right of way and Lafayette Drive is within its boundaries.

Paul Kenny, Bill Place and I have reviewed Mr. Weiss' most recent request, as well as a similar request made by Mr. Weiss in 2001. In 2001 Mr. Weiss petitioned the Selectmen to help him acquire the ROW along his property line, and subsequently submitted a petition article to Town Meeting to transfer the land to him. The Selectmen at that time did not take any action, and Town Counsel opined that their vote would be necessary to proceed to Town Meeting and transfer the property, and that the petition article was not valid.

This recent request is a petition to the Selectmen, which is the appropriate way to proceed under MGL c. 82, s. 21. First the Selectmen have the authority to decide to alter a public way, and then Town Meeting can authorize discontinuation of the way via a vote. In order to sell the land to Mr. Weiss, a second Town Meeting vote would be necessary to dispose of public land, and then an RFP for high bid would be issued by the Town. It is likely that Mr. Weiss would be the only bidder. There is an alternate way to proceed which is to abandon the right of way under MGL c. 82, s. 32A, however since other properties front on this right of way, we do not think that abandonment is prudent as it may affect the entire right of way and frontage of other lots. Section 21 allows the Town to only alter/discontinue a portion of the ROW, leaving the other portion intact. Either way, it is a complicated, time consuming process, with specific statutory requirements for meetings and notice.

We have developed a list of pros and cons for proceeding with releasing this property from town ownership which the Selectmen can use to make their decision. However, we do not recommend proceeding with this request as the reasons against seem to significantly outweigh any reason to proceed.

PROS

- The Town would no longer have responsibility for this property.
- Proceeds from the sale of the property would go into the General Fund.
- It puts the property on the tax roll (although it would be nominal since it is only approximately 20,000 sq. ft.).

CONS

- Power lines exist on the land and an easement to the utility companies would be necessary.
- The abutting property owner may be able to subdivide his property to create a new lot with the added acreage. The price of the land should reflect this possibility.
- The Town might be responsible for cleaning up debris on the property.
- The process takes a fair amount of town staff effort to complete. Is this a priority?
- A survey plan would be needed.
- Lafayette Dr. is contained within this discontinued property, so we would need to create a plan abandoning only a portion of the ROW that would be transferred to the abutter.
- This may affect the property owner to the west, which considers the discontinued ROW its frontage. We would need to divide off this portion of the land as well.
- There is a question as to whether we can discontinue a portion of a ROW, or whether we need to discontinue the entire ROW.

Please let me know if you have any further questions.

cc: Town Counsel
Bill Place, DPW Director

July 26, 2012

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

RECEIVED
BOARD OF SELECTMEN
SUDBURY, MA

2012 JUL 30 P 12:43

Dear Selectmen,

I am the property owner at 7 Lafayette Drive which abuts and is the northerly property to Rte 20. There is a piece of land between Rte 20 and mine that anyone would assume is actually mine but I have never legally had this deeded over to me. This property was the old Rte 20 which was naturally the old State Road. This parcel was abandoned by the state probably 50 years ago and I am requesting of either the town who I believe now owns it or of the state for the right to capture this land under the rules of abandonment. For fifty years this parcel of land has been unkempt and never mind my personal interest and rights but the neighborhood as well is best served by a responsible party keeping this up. Additionally, there constantly are stray vehicles on this parcel and constant issues of my getting them off the property and in fact my own personal property as well.

I would like to address this as soon as possible ---- I intend to have nothing built there. Strictly for beautification of the land, privacy, protection and expanded landscaping I guess is the best way to put it. The rules of abandonment of roads clearly spell out that the abandoned land or discontinued street/road reverts to the nearest parcel of ownership and I am the only parcel as you are aware of the circumstances.

Please advise as to how I get this executed.

Sincerely,



Robert Weiss

McCormack, Mary

From: US Finance Group LLC <bob@usfinancegroup.com>
Sent: Thursday, August 02, 2012 1:05 PM
To: Selectmen
Subject: Sudbury land-for Larry , John, and Robert

Gentleman,

I have lived at 7 Lafayette Dr for nearly 10 years. I built the home myself and take pride in the property. My problem is that the most southerly part of the land is next to Rte 20. The last approx 75 feet of this land was once the old Boston Post Rd and was discontinued when Rte 20 was built I assume 50 plus years ago. My problem is that area is no man's land, has not been landscaped for 50 years and is an area that people feel they have a right to park there and it is an annoyance to myself and to the neighbors on the street. There also is and never will be any commercial value to this land as well.

The normal rules when state roads are discontinued is that the land reverts to the nearest owner---that being me as there are no other neighboring parcels other than the other side of the street (Rte 20). By right I would like to take this land, landscape it and beautify the property for myself and the rest of the street would certainly benefit as well. I would like to take this issue up with you all and quite frankly it is in my interest as well as the whole community for me to take this on as there is absolutely no other parties that would benefit . Jody Kablach had recommended I pursue this through you. I would clean it up and add a line of trees that would also eliminate for my sake any view of Rte 20 and eliminate stray cars that we have had to kick off the property and they also essentially are trespassing on my personal property as well. Town laws on paper roads, abandoned roads and discontinued roads clearly state ½ goes to the 2 owners on either side. In my case there is no other side because of the Rte 20 addition and quite frankly this should have been done years ago and I greatly would appreciate your assistance as the state has legally abandoned and the property now is Sudbury's/Mine. I would like to attend the Aug 15th Selectman's Meeting if at all possible to take this matter up.

Best regards,

Bob Weiss

Robert Weiss

US Finance Group LLC

7 Lafayette Drive

Sudbury, MA 01776

978-261-5531

978-261-5535 fax

508-254-2477 cell

bob@USFinanceGroup.com

From: Anna [<mailto:anna@usfinancegroup.com>]
Sent: Thursday, August 02, 2012 12:46 PM

AGENDA REQUEST – Item #6

BOARD OF SELECTMEN

Requestor's Section

Date of request: *November 2, 2012*

Requestor: *Shaun W. Briere, Attorney for
Northern Bank & Trust Company*

Action requested: **CONTINUATION OF HEARING:** *Approval of Site
Plan application of Northern Bank & Trust*

Financial impact expected: *Increase to the tax base*

Background information (if applicable, please attach if necessary):
See attached material and department/board reports

Recommendations/Suggested Motion/Vote: *Vote to **continue** the public
hearing Application of Northern Bank & Trust Company for Site Plan approval to
construct a 2,500 sq. ft. retail bank building on property located at 430 Boston Post
Road, to November 20, 2012 at 9:15 p.m.*

Person(s) expected to represent Requestor at Selectmen's Meeting: *None*

Selectmen's Office Section

Date of Selectmen's Meeting: *November 7, 2012*

Board's action taken:

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

Future Agenda date (if applicable):

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

MARY ELIZABETH MAWN
JAMES J. MAWN
SHARON L. RUSSELL
SHAUN W. BRIERE
VALERIE M. LEPINE

MAWN AND MAWN, P.C.

ATTORNEYS AT LAW
275 MISHAWUM ROAD 4TH FLOOR
WOBURN, MASSACHUSETTS 01801
OFFICE: 781-933-6650
FAX: 781-932-4623

THOMAS M. MAWN, JR.
1966-1995

JAMES J. MAWN
1957-2011

CATHERINE E. DURKIN
ALICIA J. MAWN-MAHLAU
Of Counsel

November 2, 2012

RECEIVED

NOV 05 2012

VIA EMAIL and FIRST CLASS MAIL

Lawrence W. O'Brien, Chairman
Board of Selectmen
Flynn Building, 2nd Floor
278 Old Sudbury Road
Sudbury, MA 01776

RE: Site Plan Review

Applicant:

Northern Bank & Trust Company

Owner:

Colonial Auto of Sudbury, Inc.

Property:

430 Boston Post Road

Dear Mr. O'Brien:

In connection with the above referenced Application for Site Plan Review, the Applicant respectfully requests a continuance of the public hearing scheduled for Wednesday, November 7, 2012 to the meeting of the Board of Selectmen on Tuesday, November 20, 2012. The Applicant is requesting the continuance in order to allow to consider and review the suggestions made by various city departments and Boards with respect to the design on the site.

Kindly file same in your usual manner. As always, feel free to contact me should you have any questions or require any additional information. Thank you very much for your anticipated cooperation in this matter.

Very truly yours,



Shaun W. Briere

AGENDA REQUEST – #7

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *November 2, 2012*

Requestor: *Lany Burrows, American Mobile Homes Inc. for Catherine Tremaine*

Action requested (Who, what, when, where and why): **See vote.**

Vote to approve a trailer permit for 51 Jarman Road during home renovations required from tree damage to the roof during Hurricane Sandy

Financial impact expected: *None*

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

See attached material.

Recommendations/Suggested Motion/Vote: *Vote to grant a special permit to Catherine Tremaine, 51 Jarman Road, for use of a mobile home for dwelling purposes over a four-month period through the end of February 2013 during renovations to her home; subject to issuance of a building permit for the renovation work, electrical and plumbing permits for the trailer, Board of Health approval involving connection of the trailer to septic system and water, and approval of the Fire Chief regarding the trailer's compliance with smoke and CO detector laws.*

Person(s) expected to represent Requestor at Selectmen's Meeting: *None*

Selectmen's Office Section:

Date of Selectmen's Meeting: *November 7, 2012*

Board's action taken:

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

Future Agenda date (if applicable):

Distribution:

Town Counsel approval needed? **Yes ()** **No (x)**



TOWN OF SUDBURY

Office of Selectmen
www.sudbury.ma.us

Open House
978-254-3444
Sudbury, MA 01776-1442
978-254-3444
Fax: 978-254-0734
Email: selectmen@sudbury.ma.us

NOTICE OF MEETING

BOARD OF SELECTMEN
November 7, 2012 - 8:45 p.m.

At its meeting of November 7, 2012, at 8:45 p.m. in the Sudbury Town Hall, 322 Concord Road, the Board of Selectmen will consider the question of granting emergency permission to Catherine K. Tremaine to temporarily park a mobile home on her property at 51 Jarman Road. This special permit is necessary due to storm-related damage during Hurricane Sandy, rendering the house non-habitable. The mobile home is for temporary housing while the house is being repaired which should be approximately four months.

The permit will be granted subject to reports of the Fire, DPW and the Building Inspector.

Abutters are invited to attend and provide comment, if desired. Also, abutters will receive a copy of this notice via U.S. Mail.

Patricia B. Golden
Patricia B. Golden
Selectmen's Office Manager

November 2, 2012

cc: Abutters, Building Inspector, Fire Chief, DPW Director, Board of Health

Catherine K. Tremaine, 51 Jarman Rd.

James E. & Lepak Scholten, 54 Jarman Rd.

Robert P. & Jo Ann Savoy, 48 Jarman Rd.

John & Julianne A. Blaser, 57 Jarman Rd.

Adam S. & Patricia Kibbe, 60 Jarman Rd.

Carina M. Ting, 45 Jarman Rd.

Eleanor R. Kallberg, 30 Rolling Ln.

Catherine Tremaine
James E. & Lepak Scholten
Robert P. & Jo Ann Savoy
Eleanor Kallberg
John & Julianne A. Blaser
Adam S. & Patricia Kibbe
Carina M. Ting
Eleanor R. Kallberg



AMERICAN MOBILE HOMES INC.

51 Moore Road
Weymouth, MA 02189
www.americanmobilehomes.com
(781) 331-0333
1-800 232-9991

November 2, 2012

Board of Selectmen
Town of Sudbury

RE: 51 Jarman Road

To whom it may concern,

I am writing to request your permission to place a temporary mobile home on the property of Catherine Termanine in Sudbury, MA. Her home was damaged when a tree fell through the roof during the hurricane and is not habitable. The mobile home will be used for temporary housing while they rebuild their damaged home. They expect the repairs should take approximately 4 months.

All utilities shall be connected through the existing utilities on the site by licensed plumbing and electrical contractors and permits shall be filed for the said work. If you have any questions or concerns please feel free to call our office. Please notify our office as soon as possible so I may schedule the delivery for Ms. Termanine as she is anxious for some housing.

Thanking you in advance for your anticipated cooperation in this matter.

Regards,



Lany Burrows

AGENDA REQUEST - Item #11

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *November 1, 2012*

Requestor: *Mary McCormack*

Action requested: **CONSENT CALENDAR**

*Appointment of seven applicants to the Sudbury Celebrates 375/
Sudbury Day Committee*

Financial impact expected: *None*

Background information: *N/A -- consent calendar item*

Recommendations/Suggested Motion/Vote:

Vote to appoint the following applicants to the Sudbury Celebrates 375/Sudbury Day Committee: Lisa Barth, 286 Old Lancaster Rd., Judith Gross, 9 Blandford Dr., Lisa Gutch, 64 Silver Hill Rd., Marilyn MacLean, 209 Water Road, Elin Neiterman, 8 Red Oak Dr., Terry Rourke, 58 Colonial Rd., and Christine Wisniewski, 123 Moore Rd., for terms to expire November 30, 2014.

Person(s) expected to represent Requestor at Selectmen's Meeting: *None*

Selectmen's Office Section:

Date of Selectmen's Meeting: *November 7, 2012*

Board's action taken:

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

Future Agenda date (if applicable):

Distribution:

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

AGENDA REQUEST - Item # 12

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *October 15, 2012*

Requestor: *Marisa Lutz, Relay for Life volunteer*

Action requested: **CONSENT CALENDAR**

To grant a special permit for the 8th annual Relay for Life to be held on the Peter Noyes parking lot grounds on Saturday and Sunday, May 18 and 19, 2013

Financial impact expected: *None*

Background information: *Provided to Town Manager – the police and fire chiefs have no issues with the event.*

Recommendations/Suggested Motion/Vote:

Vote to approve a Special Permit for the 8th annual Relay for Life, for May 18 and 19, 2013, as requested by Marisa Lutz, Relay for Life Volunteer in an email dated October 15, 2012, subject to compliance with conditions outlined by the Peter Noyes School, the Police and Fire Departments, as well as Park and Recreation and the Presbyterian Church.

Person(s) expected to represent Requestor at Selectmen's Meeting: *None*

Selectmen's Office Section:

Date of Selectmen's Meeting: *November 7, 2012*

Board's action taken:

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

Distribution:

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

AGENDA REQUEST - Item #13

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *October 22, 2012*

Requestor: *David McCormick for the L-S All Sports Boosters Club, Inc.*

Action requested: *Permission to hold a Pre-Thanksgiving Day All Sports bonfire at the high school on Wednesday, November 21, 2012.*

Financial impact expected: *None*

Background information: **CONSENT CALENDAR**

This is an annual event held without incident – no one has any issues with it.

Recommendations/Suggested Motion/Vote: *Vote to approve the annual L-SRHS Pre-Thanksgiving Day All Sports Ceremonial Bonfire on Wednesday, November 21, 2012 from 6:00 p.m. to 9:00 p.m., as requested in a letter dated October 22nd from David McCormick, Treasurer, Lincoln-Sudbury All Sports Boosters Club, Inc.*

Person(s) expected to represent Requestor at Selectmen's Meeting: *None*

Selectmen's Office Section:

Date of Selectmen's Meeting: *November 7, 2012*

Board's action taken:

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

Future Agenda date (if applicable):

Distribution:

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

AGENDA REQUEST - Item #14

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *October 12, 2012*

Requestor: *Maryanne Bilodeau*

Action requested: **CONSENT CALENDAR:**

To proclaim November 9, 2012 as SPC James (Jake) Eckersley Day in Sudbury celebrating his safe return from a tour of duty in Southern Iraq

Financial impact expected: *None*

Background information:

Jake has returned to Sudbury and will start college in January

Recommendations/Suggested Motion/Vote: *Vote to sign a proclamation for SPC James (Jake) Eckersley, an Army soldier, who has returned to Sudbury visit from a tour of duty in Southern Iraq and to proclaim Friday, November 9, 2012 as SPC James "Jake" Eckersley Day in Sudbury.*

Person(s) expected to represent Requestor at Selectmen's Meeting: *None*

Selectmen's Office Section:

Date of Selectmen's Meeting: *November 7, 2012*

Board's action taken:

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

Future Agenda date (if applicable):

Distribution:

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

AGENDA REQUEST – Item #15

BOARD OF SELECTMEN

Requestor's Section:

Date of request: November 2, 2012

Requestor: Mary McCormack

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

Review and sign the Special Town Election Warrant for December 4, 2012

Financial impact expected: N/A

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

Warrant attached

Recommendations/Suggested Motion/Vote: Vote to sign the Special Town Election Warrant for December 4, 2012, which must be delivered to residents by Tuesday, November 27th.

Person(s) expected to represent Requestor at Selectmen's Meeting: None

Selectmen's Office Section:

Date of Selectmen's Meeting: November 7, 2012

Board's action taken:

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

Future Agenda date (if applicable):

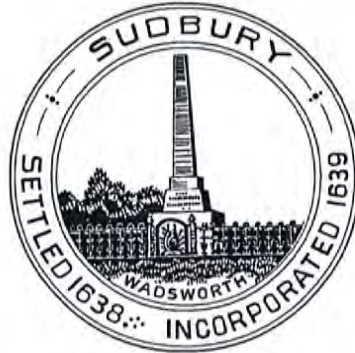
Distribution:

Town Counsel approval needed?

Yes ()

No (X)

**Town of Sudbury
Massachusetts**



OFFICIAL WARRANT

SPECIAL TOWN ELECTION

TUESDAY, DECEMBER 4, 2012
POLLS OPEN 7:00 A.M. – 8:00 P.M.

Precincts 1, 1A, 2 and 5: Fairbank Community Center, 40 Fairbank Rd.
Precincts 3 and 4: Town Hall, 322 Concord Rd.

If you are not a registered voter, the Town Clerk will have extended voter
registration hours from 9 a.m. – 8 p.m. on Wednesday, November 14, 2012
(deadline for registering to vote at the Special Town Election)



**TOWN OF SUDBURY
SPECIAL TOWN ELECTION WARRANT**

Commonwealth of Massachusetts
Middlesex, ss.

To the Constable of the Town of Sudbury:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Sudbury qualified to vote in Town Elections, that voters residing in Precincts 1, 1A, 2 and 5 should meet at the Fairbank Community Center and voters residing in Precincts 3 and 4 should meet at the Town Hall in said Town on Tuesday, December 4, 2012 between the hours of seven o'clock in the forenoon and eight o'clock in the evening, to cast their votes on the following question:

BALLOT QUESTION NO. 1

Shall the Town of Sudbury be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bonds issued in order to remodel, reconstruct, or make extraordinary repairs consisting of partial roof repair/replacement at the General John Nixon Elementary School at 472 Concord Road, including the payment of all costs incidental or related thereto?

YES ____

NO ____

SUMMARY: Under Article 4, of the September 24, 2012 Special Town Meeting, the Town voted to appropriate \$808,000 (\$788,000 project cost + \$20,000 issuance costs for debt) to perform partial roof repair/replacement and pay all expenses connected therewith at the General John Nixon School, 472 Concord Rd., which project is eligible for grant funding under the Massachusetts School Building Authority's (MSBA) Accelerated Repair Program with the exception of bonding costs. This ballot question seeks to exclude the principal and interest to pay for the Town's portion of this project from the Proposition 2 ½ levy limit whether or not the MSBA grant is awarded. Funding approval at the Special Town Meeting together with a favorable vote on this Ballot Question is a prerequisite of the MSBA grant.

As usual, the Town's share of the project would be temporarily funded during the course of construction through the issuance of Bond Anticipation Notes. The amount of the bond issued at the completion of the project would be net of MSBA grant funding received and would be based upon the actual costs incurred on the project. As an example, if the amount of the bond issued for the Town's portion of the project is \$532,000, the estimated annual debt service impact on the tax rate beginning in FY14 would be \$0.02 per \$1,000 of property assessment. In this example, the tax impact on a \$621,410 home valuation is estimated at \$10 in year one, declining to a low of \$9 over the ten-year bond period.

A "yes" vote on this question will authorize the Town to fund this project outside of the Town's levy limit and therefore allow the project to proceed; a "no" vote will mean the project cannot proceed.

ARGUMENT FOR PASSAGE: General John Nixon School, originally built during 1960 was renovated and reopened as an elementary school during 1991. A major addition was constructed during 1995 due to growing school enrollment. The roof over the original classrooms and administrative wing is now in critical need of a new roof with insulation conforming to the recently adopted stretch code.

This project has been reviewed by the Sudbury Permanent Building Committee [PBC], consulting engineering firms, Facilities Director and the Massachusetts School Building Authority [MSBA], which invited Sudbury to participate in its Accelerated Repair Program which will fund up to 36.89% of eligible, approved costs. The MSBA Accelerated Repair program offers a one-time opportunity to capture approximately \$290,000 in state funding for this important project. Sudbury should replace this roof before its failure disrupts school operations requiring expedited replacement. In any event, the roof requires replacement during the summer of 2013. Sudbury will also realize the energy benefits of a newly-insulated roof. Reducing energy consumption and annual repair/maintenance costs make this project a sound investment.

ARGUMENT IN OPPOSITION: In these difficult economic times any increase in the Town's debt, which is now in decline, will cause hardship to many residents because of the real estate tax revenue needed to pay debt service. Exempting the debt from the limits of Proposition 2 ½ and thus not affecting the levy limit also undermines the efforts of those seeking to control costs by limiting spending. This project should be included in a long-range capital financial plan which would review all projects both current and proposed and prioritize them in the context of need and debt.

BALLOT QUESTION NO. 2

Shall the Town of Sudbury accept Chapter 169 of the Acts of 2012, An Act Authorizing the Town of Sudbury to Establish a Means Tested Senior Citizen Property Tax Exemption, enacted by the Senate and House of Representatives in General Court and approved by the Governor on July 27, 2012?

YES ____

NO ____

SUMMARY: This Special Act results from the action of Sudbury voters at the January 19, 2011 Special Town Meeting to petition the Legislature to allow the Town of Sudbury to implement a means tested senior citizen property tax exemption. While preserving the current exemptions received by senior citizens, those seniors whose income qualifies them for the Circuit Breaker exemption and who make application under this program would be eligible to receive an additional property tax exemption, capped at 50%, if they meet the criteria set forth in the Act and are approved by the Board of Assessors. The criteria include 10-year Sudbury residency, age 65 and above with any joint applicant to be age 60 and above, and the value of the home no greater than the average Sudbury home plus 10%.

The funds for this program would be derived from a burden shift within the residential tax levy. In the first year of implementation, the total of all exemptions granted under this Act would equal 0.5% of the fiscal year's total residential tax levy; in the second and third years the total of the exemptions granted will be set by the Board of Selectmen in a range of 0.5% to 1% percent of the residential levy.

The Act expires in 3 years of implementation and may be revoked by ballot prior to expiration.

A "yes" vote means the Act shall take effect 30 days after the vote. A "no" vote means the Act shall not take effect.

ARGUMENT FOR PASSAGE: A "Yes" will provide relief to 200-300 senior residents who qualify, by limiting their property taxes to 10% of income. The funds will be provided by increasing the property tax on *all* residents by ½ to 1 percent (\$40 to \$80 for a property tax bill of \$8,000). Sudbury has struggled for almost fifteen years to find a way to support older residents of limited means whose property taxes are very big part of their income. In 2010 we finally found the right approach; it has been approved by Selectmen, Finance Committee, Town Meeting, Legislature and Governor.

THIS IS THE RIGHT WAY

1. Known beneficiaries: This bill helps only about 20% of senior families, those whose property taxes still exceed 10% of income after receiving the circuit-breaker credit.
2. Known costs: If the fund isn't large enough, the benefit will be scaled back. It can't cost more than ½ percent the first year, or more than 1 percent thereafter.
3. Strict income qualifications: At least 10 years in Sudbury; Age 65+; Large homes do not qualify. And, "assessors may deny an application if they find the applicant has excessive assets" (see section 2 below).
4. Maximum property tax reduction of 50% means beneficiaries still fully pay their share of town services.
5. Helping seniors stay in Sudbury helps reduce future tax increases for everyone because when senior families leave, younger families invariably move in, adding to our school costs.

ARGUMENT IN OPPOSITION: Applications for this benefit are restricted to property owners meeting eligibility requirements under the State Circuit Breaker income tax credit and other criteria set forth in the Act to provide relief of property tax up to 10% of their income. Income eligibility for a married couple for 2011 was capped at \$78,000 and at \$52,000 for a single applicant. This level of income may not indicate a real need. The assessed value of the domicile affected must be no greater than the prior year's average assessed value of a single-family residence plus 10%. Based on 2012, homes assessed at \$683,549 would qualify. This is higher than 68% of single family homes in Sudbury. Further, there is no definition of assets which may be held by an applicant and no requirement to disclose assets to the town. A homeowner could claim credit under this Act to preserve wealth for transfer to family or to accumulate additional assets for their heirs. All residences will be impacted by the "burden shift" in taxes under this exemption. This "burden shift" may have unintended consequences and may impose significant hardship on others who are unqualified for any relief, but are experiencing financial difficulties and struggling to keep their own homes. If this is a way to keep seniors in their homes, it should not penalize others. There are means currently in place to help seniors such as the Circuit Breaker income tax credit, reverse mortgages or utilization of Sudbury's tax deferment plan.

The full text of Chapter 169 of the Acts of 2012 is printed below.

An Act Authorizing the Town of Sudbury to Establish a Means Tested Senior Citizen Property Tax Exemption

SECTION 1. With respect to each qualifying parcel or real property classified as Class one, residential in the town of Sudbury there shall be an exemption from the property tax equal to the total amount of tax that would otherwise be assessed without this exemption less the sum of (i) 10 per cent of the total annual qualifying income for purposes of the state's "circuit breaker" income tax credit, and (ii) the amount of the state's "circuit breaker" credit the applicant was eligible to receive in the year prior to the application being filed. The percentage of total annual qualifying income may be raised by section 3. In no event shall property taxes be reduced by more than 50 per cent by this exemption. The exemption shall be applied to the domicile of the taxpayer only. For the purposes of this act, "parcel" shall be a unit of real property as defined by the assessors under the deed for the property and shall include a condominium unit.

SECTION 2. The board of assessors may deny an application if they find the applicant has excessive assets that place them outside of the intended recipients of the senior exemption created by this act. Real property shall qualify for the exemption under section 1 if all of the following criteria are met:

(a) the qualifying real property is owned and occupied by a person whose prior year's income would make the person eligible for the circuit breaker income tax credit under subsection (k) of section 6 of chapter 62 of the General Laws;

(b) the qualifying real property is owned by a single applicant age 65 or older at the close of the previous year or jointly by persons either of whom is age 65 or above at the close of the previous year and if the joint applicant is 60 years of age or older;

(c) the qualifying real property is owned and occupied by the applicant or joint applicants as their domicile;

(d) the applicant or at least 1 of the joint applicants has been domiciled in the town of Sudbury for at least 10 consecutive years before filing an application for the exemption;

(e) the maximum assessed value of the domicile is no greater than the prior year's average assessed value of a Sudbury single family residence plus 10 per cent; and

(f) the board of assessors has approved the application.

SECTION 3. The exemption under section 1 shall be in addition to any other exemption allowable under the General Laws, except that there shall be a dollar cap on all the exemptions granted by this act equal to .5 per cent of the fiscal year's total residential property tax levy for the town of Sudbury, including the levy for the regional high school if not included in the town of Sudbury's tax levy at some subsequent date with the total exemption amount granted by this act allocated proportionally within the tax levy on all residential taxpayers. After the first year of such exemption, the total cap on the exemptions granted by this act

shall be set annually by the board of selectmen within a range of .5 to 1 per cent of the residential property tax levy for the town of Sudbury, including the levy for the regional high school. In the event that benefits to the applicants may be limited because the percentage established annually by the selectmen would otherwise be exceeded, the benefits shall be allocated by raising the total annual qualifying income percentage as required in section 1 as necessary to not exceed the cap. In the event the cap exceeds the need for the exemption, the total cap on the exemptions granted by this act shall be reduced to meet the need.

SECTION 4. A person who seeks to qualify for the exemption under section 1 shall, before the deadline established by the board of assessors, file an application, on a form to be adopted by the board of assessors, with the supporting documentation of the applicant's income and assets as described in the application. The application shall be filed each year for which the applicant seeks the exemption.

SECTION 5. Acceptance of this act by the town of Sudbury shall be by an affirmative vote of a majority of the voters at any regular or special election at which the question of acceptance is placed on the ballot. Sections 1 to 4, inclusive, and sections 7 and 8 shall take effect 30 days after an affirmative vote by the town.

SECTION 6. This act may be revoked by an affirmative vote of a majority of the voters at any regular or special town election at which the question of revocation is placed on the ballot. Revocation of sections 1 to 4, inclusive, and sections 7 and 8 shall take effect 30 days after an affirmative vote by the town.

SECTION 7. No exemption shall be granted under this act until the Department of Revenue certifies a residential tax rate for the applicable tax year where the total exemption amount is raised by a burden shift within the residential tax levy.

SECTION 8. This act shall expire after 3 years of implementation of the exemption.

And you are required to serve this Warrant by posting an attested copy thereof at the Town Hall at least seven days before the time appointed for said meeting.

Hereof fail not and make due return by your doing thereon to the Town Clerk at or before the time of meeting aforesaid.

Given under our hands this seventh day of November, two thousand and twelve.

SELECTMEN OF SUDBURY:

Lawrence W. O'Brien
Robert C. Haarde
John C. Drobinski

Board of Selectmen
Sudbury, MA 01776

U.S. POSTAGE
PAID
Permit No. 4
Sudbury, MA 01776
ECRWSS

POSTAL PATRON
SUDBURY
MASSACHUSETTS 01776

SPECIAL TOWN ELECTION
Tuesday, December 4, 2012



AGENDA REQUEST - Item #16

BOARD OF SELECTMEN

Requestor's Section:

Date of request: October 12, 2012

Requestor: Nancy McShea

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

CONSENT CALENDAR

Accept funds from three different sources into three different Park & Rec accounts

Financial impact expected: Expendable funds into the Park & Rec accounts

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

See vote

Recommendations/Suggested Motion/Vote:

Vote to accept three donations into Park and Recreation accounts: \$200 from the Haynes Organization of Parents, Inc. into the Teen Center Revolving Account; \$100 from the Marlborough Savings Bank for the Halloween 5K and Fun Run Senior Walk; and \$1,000 from Lucinda Lagasse for the Atkinson Pool Account, said funds to be expended under direction of the Park and Recreation Director.

Person(s) expected to represent Requestor at Selectmen's Meeting: None

Selectmen's Office Section:

Date of Selectmen's Meeting: November 7, 2012

Board's action taken:

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

Distribution:

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

AGENDA REQUEST- Item # 17

BOARD OF SELECTMEN

Requestor's Section:

Date of request: 11/1/12

Requestor: Paul L. Kenny, Town Counsel

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

Financial impact expected: None

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

See Art. 27, 2011 ATM and Definitive Subdivision Decision, Peter's Way Extension, dated 9/18/12.

Recommendations/Suggested Motion/Vote:

Vote: To execute the following documents pursuant to Art. 27 of the 2011 Annual Town Meeting regarding exchange of land off Peter's Way with abutter for cemetery purposes, all land shown on plan entitled "Definitive Plan of Peter's Way Extension – Plan of Land in Sudbury, Massachusetts, Sheet 1 of 1, dated January 24, 2011, revised June 15, 2012, prepared by Sullivan Connors and Associates:

- 1) Quitclaim Deed from Town of Sudbury to JOC Trust for approximately 45,284 s.f. of land shown as Parcel 3B located off Peter's Way;
- 2) Acceptance of Quitclaim Deed & Access Easement to be executed by the JOC Trust for land shown as Parcel 1A, consisting of 2 acres to be used for Town of Sudbury cemetery purposes, with access over a portion of Parcel 3B, Peter's Way Extension up to station 5+90;
- 3) Acceptance of Access Easement to be executed by the JRH Trust for Peter's Way.

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

None

Selectmen's Office Section:

Date of Selectmen's Meeting: 11/7/12

Board's action taken:

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

Future Agenda date (if applicable):

Distribution:

Town Counsel approval needed?

Yes ()

No (X)



*At a legal meeting of the qualified voters of the Town of Sudbury,
held May 4, 2011 the following business was transacted under*

**Article 27– EXCHANGE OF LAND OFF PETER’S WAY WITH
ABUTTER**

UNANIMOUSLY VOTED:

To authorize and direct the Selectmen on behalf of the Town to execute a deed transferring a certain parcel of land owned by the Town, specifically Parcel – 3B consisting of approximately 45,284 s.f. located off Peter’s Way, a private way, as shown on “Plan of Land in Sudbury, Massachusetts”, last revised January 24, 2011, prepared by Sullivan, Connors and Associates, to Laura B. Abrams f/k/a McCarthy, Martha J. Keighley f/k/a Bartlett, and Dorothy M. Bartlett, Trustees of the JOC Trust, in exchange for a deed to the Town of Sudbury of Parcel – 1A on the aforementioned plan consisting of approximately two acres, said land to be used for cemetery purposes; said exchange is subject to subdivision approval of said plan pursuant to M.G.L. c.41 and the Town of Sudbury Planning Board Rules and Regulations governing the subdivision of land.

A true copy, Attest:

Rosemary B. Harvell
Town Clerk

AGENDA REQUEST – ITEM #18

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *November 1, 2012*

Requestors: *Christy Fong, Lavender and Ali Bigdeliazari, bistro20*

Action requested: **CONSENT CALENDAR**

Permission to extend the licensed closing hour and serving of alcoholic beverages by one hour on Thanksgiving Eve/Day. Also permission to extend bistro20's Saturday night (Nov. 24th) closing hour from 1:00 a.m. to 2:00 a.m. on Sunday morning (Nov. 25th) to accommodate a Lt. Scott Milley fundraiser.

Financial impact expected: *None*

Background information: *Annual one-hour Thanksgiving license extensions*

Recommendations/Suggested Motion/Vote:

Vote to approve a one-hour extension of the licensed closing hour and serving of alcoholic beverages for licensees who make application in advance to the Town Manager's Office; and for Lavender Asian Cuisine & Bar, 519 Boston Post Road (from 1:00 a.m. to 2:00 a.m.) and bistro20, 120 Boston Post Road, (midnight to 1:00 a.m.) on Thursday, November 22, 2012, (Thanksgiving Day) on the condition that the kitchen remains open and food is served. Also, permission to extend bistro20's Saturday night closing hour from 1:00 a.m. Sunday, November 25th to 2:00 a.m. to accommodate a Lt. Scott Milley fundraiser.

Person(s) expected to represent Requestor at Selectmen's Meeting: *None*

Selectmen's Office Section:

Date of Selectmen's Meeting: *November 7, 2012*

Board's action taken:

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

Future Agenda date (if applicable):

Distribution:

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

AGENDA REQUEST – Item #19

BOARD OF SELECTMEN

Requestor's Section

Date of request: *November 1, 2012*

Requestor: *Town Manager Valente*

Action requested: *Vote to approve a draft Mission Statement for the Fairbank Community Center Task Force*

Financial impact expected: *N/A*

Background information (if applicable, please attach if necessary): *See attached "draft" Mission Statement prepared by the Town Manager*

Recommendations/Suggested Motion/Vote: *Vote to approve the draft Mission Statement for the Fairbank Community Center Task Force*

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

Selectmen's Office Section

Date of Selectmen's Meeting: *November 7, 2012*

Board's action taken:

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

Future Agenda date (if applicable):

Distribution:

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



Town of Sudbury

Town Manager's Office

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

Maureen G. Valente, Town Manager

Townmanager@town.sudbury.ma.us

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

Date: November 2, 2012
To: Board of Selectmen
From: Maureen G. Valente, Town Manager 
Subject: Draft Mission Statement, Fairbank Community Center Task Force

Attached is the draft I developed for this proposed Task Force. You will note that I proposed a fairly limited set of tasks and a small group of individuals. Given the state of the roof, I focused on assembling enough information so that we can assess if going ahead with project would substantially limit options for the future. If the work of the task force shows that there are multiple options for expanding the building, or that the timeline for a new building is years into the future, that will influence the decision on the roof project.

Of course, if the Board desires to add more tasks to the list, expand the membership, change the due date for a report or make any other change, that is the Board's prerogative.

Dave Levington emailed to ask that you consider adding a member from the Goodnow Library Board of Trustees and a member of the Sudbury Cultural Council. I am passing along that suggestion via this memo.

Fairbank Community Center Study Task Force

Town of Sudbury

(Voted to establish November 7, 2012 by the Sudbury Board of Selectmen)

Mission: The Study Task Force is an ad hoc entity established by and reporting to the Board of Selectmen in order to provide a preliminary assessment of the capacity of the existing building to meet the current and future program and office needs and goals of the Park and Recreation Department, including the Teen Center and the Atkinson Pool, and the Council on Aging, but should also address meeting the current needs of the Sudbury Public Schools Administration as they are current tenants in the building and require office space until another location is available to them. The ultimate final product of the Task Force shall be to advise the Board of Selectmen as to the best options for dealing with the failing roof on the non-Pool section of the Fairbank Community Center. All suggestions and recommendations for space needs and potential financing plans shall be considered for planning purposes only and will need more detailed study and discussion in the future.

The Task Force shall confine its efforts to the mission and responsibilities described herein, unless the Board of Selectmen subsequently increases the mission or responsibilities.

Membership: The Task Force shall be appointed by the Board of Selectmen and shall be comprised of:

1. one or more member of the Board of Selectmen, or their designees;
2. one member of the Park and Recreation Commission
3. One member of the Council on Aging
4. One member of the Sudbury Public School Committee
5. Two members of the Permanent Building Committee
6. The Combined Facilities Director

Term of Appointment: This is a limited time Task Force, to help the Board of Selectmen determine the best option for dealing with an immediate question of replacing a section of the Fairbank Community Center roof. The Task Force will produce their final report to the Board of Selectmen by January 31, 2013 and dissolve at that time.

Responsibilities: In an attempt to develop a recommendation to the Board of Selectmen on roof replacement, the task force will concentrate on two primary issues:

1. What future space needs might the Recreation and Council on Aging programs and offices need in the future, and how could those needs be accommodated vis-à-vis the current building footprint? What additions to the building might be required and if so, what are options for those additions? What major sections might need to be changed or redeveloped? How would all these potential building changes be related to the proposed roof replacement? Can a reasonable total square footage number be preliminarily generated for cost estimation purposes?
2. What kind of community center facility have other towns constructed? What is the square footage? Do they include an indoor pool (natatorium)? How much did those facilities cost? How were they financed? How long did the project take from initial design to opening?

These questions are starting points in the overall goal of developing a report for the Board of Selectmen and the community on whether to move forward with the requested roof request at this time.

Staffing: The Town's Facilities Director will provide some staffing assistance, but task force members are expected to conduct the research and gather data as part of their committee service.

Compliance with State and Local Laws:

The task force is responsible for conducting its activities in a manner which is in compliance with all relevant State and local laws and regulations including but not limited to the Open Meeting Law, Public Records Law, and Conflict of Interest Law. Task force members must limit their activities and scope to that described in this mission statement.

All meetings of the Task Force will be held in public sessions. One member of the Task force should be designated as Clerk, and shall keep minutes of all meetings.

AGENDA REQUEST – Item #20

BOARD OF SELECTMEN

Requestor's Section

Date of request: *November 2, 2012*

Requestor: *Maureen Valente*

Action requested: *Accept a total of \$537 towards new lights at Grinnell Park*

Financial impact expected: *N/A*

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

Donation made by Pamela Skewes-Cox and an anonymous donor towards a replacement lighting cost projected at \$980.

Recommendations/Suggested Motion/Vote: *On behalf of the Town of Sudbury, vote to accept donations totaling \$537 towards new winter lights at Grinnell Park from Pamela Skewes-Cox and an anonymous donor, said funds to be expended under the direction of the Building Inspector.*

Person(s) expected to represent Requestor at Selectmen's Meeting: *None*

Selectmen's Office Section

Date of Selectmen's Meeting: *November 7, 2012*

Board's action taken:

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

Future Agenda date (if applicable):

Distribution:

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

AGENDA REQUEST- Item # 21

BOARD OF SELECTMEN

Requestor's Section:

Date of request: 10/30/12

Requestor: *Maureen Valente, Town Manager*

Action requested (Who, what, when, where and why): To approve the execution by the Town Manager of an "Intermunicipal Agreement" between the City of Marlborough and Town of Sudbury for shared veterans' services.

Financial impact expected: \$200/wk for 8 weeks

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

Recommendations/Suggested Motion/Vote:

Vote: Under the provisions provided in M.G.L. c.40, s.4A, to approve the execution by the Town Manager of an "Intermunicipal Agreement" between the City of Marlborough, MA and the Town of Sudbury, MA for shared recreation as set forth in said Agreement.

veterans services

Person(s) expected to represent Requestor at Selectmen's Meeting: None

Selectmen's Office Section:

Date of Selectmen's Meeting: 11/7/12

Board's action taken:

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

Future Agenda date (if applicable):

Distribution:

Town Counsel approval needed?

Yes ()

No ()

VETERANS' SERVICES INTERMUNICIPAL AGREEMENT
Between the City of Marlborough and the Town of Sudbury

Pursuant to M.G.L. c. 40, § 4A, this Intermunicipal Agreement, approved by the Marlborough City Council and the Selectmen of the Town of Sudbury (the "Parties"), is hereby entered into and is effective from 5th day of November, 2012 by and between the City of Marlborough ("Marlborough") and the Town of Sudbury ("Sudbury") in accordance with the following terms:

1. Purpose And Duties: This agreement contractually enables Gary Brown, the Director of Marlborough's Veterans' Services Department (the "Director") to perform the duties of such office for Sudbury. The Director will maintain separate accurate and comprehensive records of all services performed for Sudbury.
2. Term: The term of this agreement shall be from November 7, 2012 and shall continue for a period thereafter not to exceed eight (8) weeks until December 26, 2012.
3. Location and Time of Services: The Director shall perform his duties in an office to be provided by Sudbury. The Director will provide such duties during regularly scheduled business hours on one (1) day per each week for the term of this agreement.
4. Salary and Benefits: The Director shall be an employee of Marlborough, and his salary and benefits will be paid by the City of Marlborough. Sudbury agrees to pay to Marlborough the amount of two-hundred dollars (\$200.00) per week, by check made payable to the City of Marlborough, c/o Comptroller, 140 Main Street, Marlborough, MA 01752, for the duration of this agreement.
5. Distribution of Benefits to Veterans: It is understood and agreed that the distribution of benefits payments to Veterans in Sudbury under M.G.L. c. 115 shall be paid by the Treasurer of Sudbury.
6. Amendments: The Parties may modify this Agreement only by a writing signed by both Parties.

IN WITNESS WHEREOF, the parties hereunto set their hands and seals this ____ day of _____, 2012.

City of Marlborough

Town of Sudbury

Arthur G. Vigeant, Mayor

Maureen Valente, Town Manager

AGENDA REQUEST Item #22

BOARD OF SELECTMEN

Requestor's Section:

Date of request: 11/1/12

Requestor: Conservation Commission

Action requested (Who, what, when, where and why): See vote below.

Financial impact expected: None expected.

Background information (if applicable, please attach if necessary): See memo dated 10/31/12 from Debbie Dineen, Conservation Coordinator.

The documents have been reviewed and the language approved by Town Counsel's office and the MA Executive Office of Energy & Environmental Affairs (EOEEA).

Recommendations/Suggested Motion/Vote:

VOTE to approve and sign acceptance of the following Conservation Restrictions under M.G.L. c.40 §8C:

- 1) Grant of Paris Trust, LLC, dated 7/13/12, by Theodore Pasquarello, Mgr., of a 3.58+/- a. portion of a 4.82+/- a. parcel located at 460 Boston Post Rd. as shown on "Conservation Restriction Plan in Sudbury, MA" dated 3/21/11, by Schofield Brothers of New England, Inc.;
- 2) Grant of Alderice and Ann Marie Maillet owners of 75 Harness Ln, of land shown as "Lot 3B", and Marcel Maillet, Trustee of the Lou Realty Trust, owner 94 Butler Rd. of land shown as "Parcel A" and "Parcel C" all as shown on "Plan of Land in Sudbury, MA" dated July 28, 2012, by Thomas Land Surveyors;
- 3) Grant of William Senecal, Trustee of the Lot 5556 Realty Trust, of a 38,282+- s.f. portion of a 2.01+/- a. parcel of land located off Bigelow Drive and Rt. 20, shown as "Conservation Restricted Area" on Lot 56 on plan entitled "Conservation Restriction Easement Plan of Land at Lot 56 Bigelow Drive, Sudbury, Massachusetts", dated 4/16/10, by Foresite Engineering;
- 4) Grant of Greenspire, Inc. of portions of Lot 1, 2, 3, 4, 5, 12A, 13A, 14, 17, 18A and 19A located off Camperdown Lane and Abbotswood in the Town of Sudbury, and shown on plan entitled "Plan of Easements in Sudbury, Mass" prepared for John C. Cutting, dated September 1997, by David E. Ross Associates.

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

~~Beth Cosgrove (Greenspire Inc.) with original document (4) to be signed.~~

*brought
in earlier*



Town of Sudbury

CONSERVATION

275 Old Lancaster Rd.
Sudbury, MA 01776
978-443-2209 x1370
Fax 978-443-6128

Wetlands • Conservation Land Management • Land Protection • Stormwater

To: Board of Selectmen
Maureen Valente, Town Manager
From: Debbie Dineen, Conservation Coordinator
Date: Oct. 31, 2012
Re: Conservation Restrictions for BOS signature

Four Conservation Restrictions have been included on the Nov. 7, 2012 agenda for the Selectmen's signature. Here is the background on each individual Restriction:

460 Boston Post Rd.; Paris Trust, LLC

This CR covers 3.58 acres of a 4.82-acre parcel located between Chiswick Park and Middlesex Bank. The CR was required as part of the permitting of the Emerson Medical facility within the Park. The septic system for the medical facility is located on the balance of this parcel. Paris Trust has created, and maintains, a public walking trail through this parcel for access to the Rt. 20 walkway and crosswalk. The remainder of the parcel contains wetland, a vernal pool, and upland areas. These areas will be kept in their natural state.

75 Harness Lane and 94 Butler Rd.; Alderice and Ann Marie Maillet, & Marcel Maillet of Lou Realty Tr.

This is one CR which covers a total of just under 3 acres of land on both abutting parcels. The development of both lots required the CR as mitigation for permitting house (re)construction. The CR premises contains both upland and wetland areas bordering directly on Willis Lake. The portion of the CR on 75 Harness Lane includes an upland peninsula that is significant nesting habitat for turtles. An inspection this summer confirmed at least 17 successful turtle nests were located on this peninsula.

Lot 56 Bigelow Drive; William Senecal Lot 5556 Realty Trust

The Lot 56 Bigelow Drive CR covers almost one-half of a two acre lot and is directly abutting CRs on three sides of the lot and a parcel owned by the town for conservation purposes at Lot 58/59 Bigelow Drive. These CRs and permanently protected properties keep the wetland system of perennial and intermittent streams flowing from Nobscot intact to provide flood storage for runoff areas adjacent to Rt. 20. There are several vernal pools within this wetland system.

Run Brook Subdivisions: Camperdown, Abbotswood, Elderberry, Fairbank Roads; Greenspire, Inc.

The CR from Greenspire covers the open space areas within the Run Brook subdivision off of Fairbank Road and three frontage lots on Fairbank Road (Lots 3, 4 & 5). This CR was required for permitting under the Wetlands Protection Act and the local wetlands bylaw. The CR was first submitted and approved by the Conservation Commission and Selectmen in Sept. 1997, however the file was misplaced at the state level. This CR has been updated to current EOEEA requirements.

AGENDA REQUEST – Item #23

BOARD OF SELECTMEN

Requestor's Section

Date of request: *November 2, 2012*

Requestor: *Maureen Valente*

Action requested: *Signing of a disclosure by Municipal Employee for Beverly Beno on behalf of ACCEPT Education Collaborative*

Financial impact expected: *N/A*

Background information (if applicable, please attach if necessary):
See attached material

Recommendations/Suggested Motion/Vote: *Vote to approve the signing by Town Manager of a "Disclosure by Municipal Employee of Financial Interest in a municipal Contract" as required by MGL c268A, s.20(b) for ACCEPT Education Collaborative on behalf of Beverly Beno.*

Person(s) expected to represent Requestor at Selectmen's Meeting: *None*

Selectmen's Office Section

Date of Selectmen's Meeting: *November 14, 2012*

Board's action taken:

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

Future Agenda date (if applicable):

Distribution:

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