

SUDBURY BOARD OF SELECTMEN
AGENDA
TUESDAY, APRIL 23, 2013
7:30 p.m., Town Hall, 322 Concord Road

1. 7:30 Opening remarks by Chairman
2. 7:35 Report from Town Manager
3. 7:40 Reports from Selectmen
4. 7:45 **Vote** As the Licensing Authority for the Town, a discussion with Sudbury Police Lt. Scott Nix regarding liquor service violations which occurred on Thursday, February 21, 2013, for the following restaurants: Acapulcos, Bullfinch's and Oishii Too Sushi Bar.
(Lt. Scott Nix, SPD, will attend for Police Chief Glavin)
5. 8:00 **Vote** Discussion regarding PILOT Agreement for LSRHS Solar Canopy (ATM article #21), and question of voting the Selectmen's position on article. Also, opportunity for public Q & A.
(Kevin Batt and Jarryd Commerford (Sun Edison representative) will present.)
6. 8:20 Town Meeting Article Review with public Q & A:

Articles

16. Construct Police Headquarters
17. Fairbank Community Center Complex – Master Plan
18. Fairbank Community Center Roof Project
19. Town Center Traffic Improvements
20. PILOT Agreement – Solar Project at Landfill
21. PILOT Agreement – Solar Project at LSRHS (See #5 above.)
24. Energy Improvement Program – ESCO

Petitioners' Articles – 40 - 43

40. Amend Town Bylaws, Art. II, Government of Town Meeting – Add new section, Budget Changes
41. Amend Town Bylaws, Art. III, Town Affairs – Semi-annual Town Forum
42. Amend Town Bylaws, Art. III, Town Affairs – Add new Section 10, Chairmanship
43. Amend Town Bylaws, Art. IV, Finance Committee, s.5 – Expanded Reporting

Consent Calendar:

7. **Vote** Vote to approve the Regular Session minutes of April 4 and April 9, 2013.
8. **Vote** Vote to amend the Board's minutes of November 20, 2012, to reflect the presence of Kevin Matthews, a LSRHS District Committee member, whose name was inadvertently omitted from the list of Committee attendees.
9. **Vote** Vote to accept the recommendation of DPW Director Bill Place that the FY14 rates for Transfer Station stickers remain at the FY13 levels, as outlined in a letter dated April 2.
10. **Vote** Vote to amend the Fairbank Community Center Study Task Force Mission Statement, established by the Board of Selectmen on November 7, 2012, and amended on March 12, 2013, under "Membership", to increase the at-large members from three to five.

11. **Vote/Sign** Vote to appoint Timothy C. Coyne, 24 Taylor Road, and Gregory George, 39 Meadow Drive, as new at-large members to the Fairbank Community Center Study Task Force for terms to expire May 31, 2013, as previously recommended by the Board at its meeting of April 4.
12. **VoteSign** Vote to grant a one-day Wine and Malt License to Jessica Meyers, VP of Operations for Sudbury Cooperative Preschool, 6 Church Street, Sudbury, to accommodate an auction fundraiser at Camp Sewataro, on Saturday, May 18, 2013, from 6:00 p.m. to midnight, subject to use of a TIPS-trained bartender and receipt of a Certificate of Liability.
13. **Vote** Vote to accept, on behalf of the Town, a \$286 donation from Planet Aid in appreciation for allowing a clothing and shoe bin to be located at the Fairbank Community Center in 2012, as stated in a letter dated March 11, 2013, from Michael Tambosi, Planet Aid Operations Manager, said funds to be accepted into the Town's Discretionary Fund and expended under direction of the Town Social Worker.
14. **Vote** Vote to accept the resignation of Neil B. Minkoff, 175 Fairbank Road, from the Rt. 20 Sewer Citizens Advisory Committee, as requested in a letter dated April 15, 2013, and to send a letter of appreciation for his service to the Town.
15. **Vote** Vote to endorse the final site plan for Solar Sudbury One LF LLC, 20 Boston Post Road, as recommended by the Director of Planning and Community Development.

Miscellaneous (untimed items):

16. **Vote** Review and vote to release Executive Session minutes as no longer requiring Executive Session status.

AGENDA REQUEST- ITEM #4

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *April, 2013*

Requestor: *Richard Glavin, Police Chief*

Action requested (Who, what, when, where and why): *Discussion with Scott Richardson, Mgr. of Bullfinch's Restaurant, Jorge Moreno, Mgr. of Acapulcos Restaurant, and Chen Wu Ciang, Mgr. of Oishii Too Sushi Bar regarding a liquor violation (service to a minor) which occurred on February 21, 2013.*

Financial impact expected: *None*

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

See attached

Recommendations/Suggested Motion/Vote: *As the Licensing Authority for the Town of Sudbury, vote (as needed after discussion)*

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

Lt. Scott Nix for Chief Glavin

Selectmen's Office Section:

Date of Selectmen's Meeting: *April 23, 2013*

Board's action taken:

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

Future Agenda date (if applicable):

Distribution:

Town Counsel approval needed?

Yes ()

No (X)

Sudbury Police Department
415 Boston Post Rd.
Sudbury, MA 01776
(978) 443-1042
Incident Report



Incident Number: 201300002256
 File No: N/A
 Dispatch Incident Number: 201300002378
 Print Date: February 22, 2013
 Printed By: SHURLINGJR

By...
 2/23

Incident Information

| | | | | | | | | | | |
|---|-------------|-----------------|-----------|-------------------------|------------------------|--------------|--------------------------|-------------|-----------|-----------|
| Occurred On/From | Day of Week | Date | Time | Occurred To | Day of Week | Date | Time | Reported On | Date | Time |
| | Thurs | 02/21/2013 | 5:06:00PM | | Thurs | 02/21/2013 | 5:06:00PM | → | 2/21/2013 | 5:06:45PM |
| Reported As | | | | Incident Type - Primary | | | Arresting Officer | | | |
| Alcohol Compliance | | | | Investigation | | | | | | |
| Incident Address | | | | | | | Reporting Officer | | | |
| 415 BOSTON POST RD (W), SUDBURY, MA 01776 | | | | | | | Detective Stephanie Howe | | | |
| Sector | | Stat. Area | | Sub Stat. Area | | Census Tract | | Landmark | | |
| West | | Downtown Rte 20 | | | | | | | | |
| Business Name | | | | | Incident Types - Other | | | | | |
| SUDBURY POLICE DEPT | | | | | | | | | | |

Related Incident Summary

| Incident No. | Date | Nature | Notes |
|--------------|------------------|--------------------|-------|
| 201300002260 | 02/21/2013 17:06 | Alcohol Compliance | |
| 201300002261 | 02/21/2013 17:06 | Alcohol Compliance | |
| 201300002262 | 02/21/2013 17:06 | Alcohol Compliance | |

Associated Businesses Summary

| Type | Name | Primary Phone # | Secondary Phone # |
|--|------|-----------------|-------------------|
| No Associated Businesses reported for Incident #: 201300002256 | | | |

Involved Officers

| Officer Title | Officer Name | Officer Type | Division |
|---------------|---------------------|--------------------|-----------------|
| Detective | Wayne M Shurling Jr | Responding Officer | Patrol Division |
| Detective | Stephanie P Howe | Reporting Officer | Patrol Division |
| Detective | Stephanie P Howe | Responding Officer | Patrol Division |

IBR/UCR Offenses

| Offense Number | IBR Type | Chapter | Section | Statute ID / IBR Type Description |
|--|----------|---------|---------|-----------------------------------|
| No Incident Offenses Recorded for Incident #: 201300002256 | | | | |

Complaint Charges

| Seq # | Chapter | Section | Name (Last, First, MI) | Description of Offense |
|---|---------|---------|------------------------|------------------------|
| No Complaint Offenses Recorded for Incident #: 201300002256 | | | | |

Vehicle Info

| Vehicle No. | Vehicle Make | Vehicle Model | Vehicle Year | VIN | Primary Color | Secondary Color | Plate No. | State |
|---|--------------|---------------|--------------|-----|---------------|-----------------|-----------|-------|
| No Vehicle Info Recorded for Incident #: 201300002256 | | | | | | | | |

Property

No Property Info reported for Incident #: 201300002256

Citations

| Citation No | Code | Date | Status | Statute | Description |
|--|------|------|--------|---------|-------------|
| No Citations reported for Incident #: 201300002256 | | | | | |

Sudbury Police Department
415 Boston Post Rd.
Sudbury, MA 01776
(978) 443-1042
Incident Report



Incident Number: 2013000002256
File No: N/A
Dispatch Incident Number: 2013000002378
Print Date: February 22, 2013
Printed By: SHURLINGJR

Narratives for Incident Number 2013000002256 ? Yes

Other Narratives not authorized for print? None

Narratives this user authorized to print:

Narrative by: Detective Wayne Shurling Division: Patrol Division

| <u>Date & Time</u> | <u>Narrative Description</u> | <u>Entered by</u> | <u>Status</u> | <u>Reviewed by</u> | <u>Last Edit Date</u> |
|------------------------|------------------------------|--------------------------|---------------|--------------------|-----------------------|
| 02/22/2013 12:25 | Alcohol Compliance Checks | Detective Wayne Shurling | Open | | 02/22/2013 |

On February 21, 2013 I, Detective Wayne Shurling with Detective Stephanie Howe and Detective John Perodeau conducted an underage alcohol compliance sting on local establishments holding alcohol licenses within the town of Sudbury. We utilized three people who were under the age of twenty one, who's identities are known to us, recorded and will be referred to as UO-13-1, UO-13-2 and UO-13-3. The underage operatives were given a sum of money and instructed to enter the establishments and attempt to purchase or be served an alcoholic beverage. The underage operatives were instructed that they should attempt to purchase a six-pack of beer when they entered a store and if they were successful with a purchase they were to pay and leave with the alcohol and report directly to the detectives. The underage operatives were then instructed that when they entered a restaurant, they could either take a seat at the bar or get a table in the dining room and attempt to be served an alcoholic beverage. If they were served alcohol they were not to consume any and leave the establishment immediately. The underage operatives were outfitted with a body wire so that detectives could monitor them for their safety.

The following is a list of establishments that requested identification from the underage operatives upon their attempt to purchase or be served alcohol:

1. Sudbury Farms (Requested ID)
2. Kappy's Liquors (Requested ID)
3. Sudbury Wine and Spirits (Requested ID)
4. Rossini's (Requested ID)
5. Sierra's (Requested ID)
6. Bistro 20 (Requested ID)
7. Chilli Basil (Requested ID)
8. Franco's Trattoria (Requested ID)
9. Lotus Blossum (Requested ID)
10. Wayside Inn (Requested ID)
11. Paani Indian Cuisine (Requested ID)
12. Fugakyu Cafe (Requested ID)
13. Victory Cigar (Requested ID)
14. Lavender Asian Cuisine (Requested ID)

The following is a list of establishments that served alcohol to the underage operatives without requesting to see their identification:



Incident Report

Narrative by: Detective Wayne Shurling Division: Patrol Division (continued)

| <u>Date & Time</u> | <u>Narrative Description</u> | <u>Entered by</u> | <u>Status</u> | <u>Reviewed by</u> | <u>Last Edit Date</u> |
|------------------------|------------------------------|--------------------------|---------------|--------------------|-----------------------|
| 02/22/2013 12:25 | Alcohol Compliance Checks | Detective Wayne Shurling | Open | | 02/22/2013 |

1. Oishii Too Sushi Bar (served a Kirin Beer to the underage operative)
2. Bullfinch's Restaurant (served a Budlight Beer to the underage operative)
3. Acapulco's Restaurant (served Budlight Beers to two underage operatives)

The following establishments were not part of this operation due to different circumstances that are outlined below:

1. Bosse Sports Club (Private club with no access to the general public without membership)
2. American Legion Post #191 (Private club with no access to the general public without membership)
3. Pongal II Restaurant (this restaurant is no longer in business)
4. Soul of India Restaurant (Former Pongal II is currently waiting for the town to issue liquor license)

Upon completion of this operation, I then returned to the establishments that served the underage operatives alcohol. I was able to identify the server and manager in each establishment and advised them of the violation as well as gave them a written notice of the violation in hand.

Oishii Too Sushi Bar

Owner/Manager: Chien Wu Chiang
Server: Namoi Yinsakulchai

Bullfinch's Restaurant

Owner/Manager: Scott Richardson
Server: Timothy Bradlee

Acapulco's Restaurant

Manager: Juan Jimenez
Server: Andres Diaz

This report will now be forwarded to the Chief of Police and the Sudbury Board of Selectmen for further review.

Detective Wayne Shurling
Sudbury Police Department
February 22, 2013 15:20Hrs.

Sudbury Police Department
415 Boston Post Rd.
Sudbury, MA 01776
(978) 443-1042



Incident Number: 201300002256

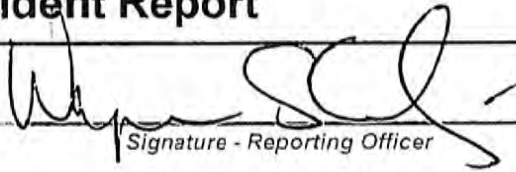
File No: N/A

Dispatch Incident Number: 201300002378

Print Date: February 22, 2013

Printed By: SHURLINGJR

Incident Report


Signature - Reporting Officer

Signature - Reviewing Officer

Incident Dispatcher Remarks:

Create User ID: system

Date & Time

02/21/2013 17:07:55

COMPLIANCE CHECK

Call Takers Remarks:

Create User ID:

Date & Time

No Caller Remarks Listed



TOWN OF SUDBURY

Office of Selectmen

Website: www.sudbury.ma.us

278 Old Sudbury Road
Sudbury, Massachusetts 01776-1843
Tel: (978) 639-3381
Fax: (978) 443-0756
E-mail: selectmen@sudbury.ma.us

June 21, 2010

Mr. Carlos Jimenez, Manager
Acapulco's Restaurant
694 Boston Post Road
Sudbury, MA 01776

IN BOARD OF SUDBURY SELECTMEN

June 1, 2010

All Alcoholic Beverages License Violation – Acapulco's Restaurant – Discussion

Present: Acapulco's Manager Carlos Jimenez and Police Chief Richard Glavin

At 9:56 p.m., Chairman Drobinski welcomed Police Chief Richard Glavin to the meeting to describe a license violation incident which occurred on Saturday, May 15, 2010, at Acapulco's Restaurant.

Police Chief Glavin read the Police Report of the incident regarding the serving of alcohol to a minor.

Chairman Drobinski asked Acapulco's Manager Carlos Jimenez if he wished to respond to, or comment on, the incident. Mr. Jimenez declined the offer. Chairman Drobinski stated that the Board takes seriously such violations and believes it is important to let the community know its position.

Selectman Haarde asked how the Board has handled similar situations in the past. Chairman Drobinski stated that, fortunately, such violations do not occur often, and the last time, a warning was given because the establishment had no prior violations on record.

Selectman Haarde asked how long Acapulco's has been a business in Sudbury. He was informed it has operated for approximately ten years without a prior infraction. He also asked how long the current management has been in place and how the violation was handled internally at the restaurant. Mr. Jimenez stated he has been the manager for about nine months. Police Chief Glavin asked if any remedial training was given to the employees. Mr. Jimenez stated that he spoke to all his employees, whom he said were all TIPS-certified, after the incident. Police Chief Glavin recommended, at a minimum, that all employees be required to be re-Tips-certified and that the establishment be issued a warning.

Vice-Chairman O'Brien noted that the Restaurant has an Identification Scanner, but that the machine apparently is not being appropriately utilized. He also opined that the Police Report implies that it is possible other violations have occurred previously, but were not reported and/or witnessed by the Police. Thus, Vice-Chairman O'Brien stated that he is inclined to consider a stronger penalty than a warning, such as a one-day suspension. He emphasized that the Town is pleased to have Acapulco's as a corporate citizen. However, Vice-Chairman O'Brien reiterated the responsibility that comes with the issuance of an All Alcoholic Beverages License and that it must be carefully controlled.

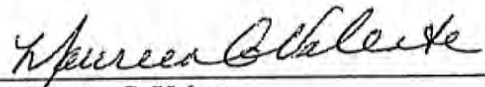
Chairman Drobinski asked Police Chief Glavin for his recommendation. Police Chief Glavin responded that he was initially conflicted because the Department had informally broached this subject with the Restaurant three days prior to the violation. However, Chief Glavin stated that the Police Department's historical philosophy has been that the best way to elicit compliance is with progressive sanctions, which encourage a willing conformity to the rules and regulations and responsibility to the community. Thus, Chief Glavin recommended an official warning be issued.

Chairman Drobinski agreed with Chief Glavin, but cautioned Mr. Jimenez not to underestimate the seriousness of the warning. He also recommended that Restaurant staff be re-Tips-certified within 30 days and that the Identification Scanner machine be placed in a more prominent position in the Restaurant and used appropriately.

It was on motion

VOTED: As the Licensing Authority for the Town of Sudbury, to issue a warning to Acapulco's Restaurant regarding the appropriate implementation of its All Alcoholic Beverages License, requiring that all Restaurant employees be re-Tips-certified within thirty (30) days, and that the Restaurant's Identification Scanner machine be placed in a more prominent position in the Restaurant and used appropriately.

Vice-Chairman O'Brien opposed the vote.

Attest: 

Maureen G. Valente
Town Manager

cc: Police Chief

Sudbury Police Department

415 Boston Post Rd.

Sudbury, MA 01776

(978) 443-1042

Incident Report



Incident Number: 201000005297

File No: N/A

Dispatch Incident Number: 201000005279

Print Date: May 16, 2010

Printed By: curranm

| Incident Information | | | | | | | | | | | |
|---|-------------|---------------------------|------------|---|-------------|------------------------|------------|---|-----------|------------|--|
| Occurred On/From | Day of Week | Date | Time | Occurred To | Day of Week | Date | Time | Reported On | Date | Time | |
| | Sat | 05/15/2010 | 11:25:40PM | | Sat | 05/15/2010 | 11:25:40PM | → | 5/15/2010 | 11:25:40PM | |
| Reported As Liquor Violation | | | | Incident Type - Primary Liquor Violation | | | | Arresting Officer | | | |
| Incident Address 694 BOSTON POST RD (W), SUDBURY, MA 01776 | | | | | | | | Reporting Officer Patrolman Michael Curran | | | |
| Sector West | | Stat. Area Rte 20 West | | Sub Stat. Area | | Census Tract | | Landmark | | | |
| Business Name ACAPULCO'S | | | | | | Incident Types - Other | | | | | |

| Associated Persons Summary | | | | | | | |
|----------------------------|------------------------|---------------|-----|----------------|----------------|--------------|---------------------------------------|
| Type | Name (Last, First, MI) | Date of Birth | Sex | Home Phone # | Cell Phone # | Work Phone # | Address |
| Other | OSTAR, REINA N | 6/22/1992 | F | N/A | (978) 604-1443 | N/A | 20 LINCOLN ST, MAYNARD, MA |
| Other | Garabedian, Alishan J | 11/3/1989 | M | (978) 443-3350 | N/A | N/A | 28 JULIAN'S WY, SUDBURY, MA 01776 |
| Offender | Cardenas, Carlos | 4/19/1979 | M | (508) 926-9939 | N/A | N/A | 8 Benefit Terrace, Worcester, MA |
| Other | Jimenez, Juan | 5/27/1972 | M | N/A | N/A | N/A | 40 Dean Street, Apt #: C, Norwood, MA |

| Associated Businesses Summary | | | |
|--|------|-----------------|-------------------|
| Type | Name | Primary Phone # | Secondary Phone # |
| No Associated Businesses reported for Incident #: 201000005297 | | | |

| Involved Officers | | | |
|-------------------|------------------|--------------------|-----------------|
| Officer Title | Officer Name | Officer Type | Division |
| Sergeant | Todd F Eadie | Responding Officer | Patrol Division |
| Patrolman | Michael B Curran | Reporting Officer | Patrol Division |
| Patrolman | Michael B Curran | Responding Officer | Patrol Division |

| IBR/UCR Offenses | | | | |
|--|----------|---------|---------|-----------------------------------|
| Offense Number | IBR Type | Chapter | Section | Statute ID / IBR Type Description |
| No Incident Offenses Recorded for Incident #: 201000005297 | | | | |

| Complaint Charges | | | | |
|---|---------|---------|------------------------|------------------------|
| Seq # | Chapter | Section | Name (Last, First, MI) | Description of Offense |
| No Complaint Offenses Recorded for Incident #: 201000005297 | | | | |

| Vehicle Info | | | | | | | |
|---|--------------|---------------|--------------|-----|---------------|-----------------|-------------------|
| Vehicle No. | Vehicle Make | Vehicle Model | Vehicle Year | VIN | Primary Color | Secondary Color | Plate No. / State |
| No Vehicle Info Recorded for Incident #: 201000005297 | | | | | | | |

| Property |
|--|
| No Property Info reported for Incident #: 201000005297 |

| Citations | | | | | |
|--|------|------|--------|---------|-------------|
| Citation No | Code | Date | Status | Statute | Description |
| No Citations reported for Incident #: 201000005297 | | | | | |

Sudbury Police Department
415 Boston Post Rd.
Sudbury, MA 01776
(978) 443-1042
Incident Report



Incident Number: 201000005297
 File No: N/A
 Dispatch Incident Number: 201000005279
 Print Date: May 16, 2010
 Printed By: curranm

Narratives for Incident Number 201000005297 ? Yes

Other Narratives not authorized for print? None

Narratives this user authorized to print:

Narrative by: Patrolman Michael Curran Division: Patrol Division

| <u>Date & Time</u> | <u>Narrative Description</u> | <u>Entered by</u> | <u>Status</u> | <u>Reviewed by</u> | <u>Last Edit Date</u> |
|------------------------|------------------------------|--------------------------|---------------|--------------------|-----------------------|
| 05/16/2010 16:22 | Liquor Violation | Patrolman Michael Curran | Open | | 05/16/2010 |

On 5/13/10 I fielded a walk-in complaint of an unrelated incident at the Sudbury Police station that eventually turned out to be out of jurisdiction. During my conversation with the complainant Reina OSTAR (06/22/92), she informed me that her ex-boyfriend Alishan "Sean" GARABEDIAN (11/03/89) frequents Acapulco's in Sudbury on a normal basis and is served alcohol despite being only 20 years of age. I alerted Sgt. EADIE to the situation. Sgt. EADIE made contact by phone with the manager of Acapulco's. Sgt. EADIE suggested to him for his staff to be more vigilant with checking identification due to the possibility of minors being served alcohol at their establishment.

On 5/16/10 I received a call at the Sudbury Police station from OSTAR who stated that GARABEDIAN was currently at Acapulco's on his motorcycle. I immediately notified Sgt. EADIE. Sgt. EADIE located two motorcycles at that location. One of those motorcycles was confirmed to be registered to GARABEDIAN by Dispatcher WHOOLEY. Sgt. EADIE and I entered Acapulco's and immediately observed a large group of customers seated at a table near the doorway. I immediately recognized GARABEDIAN having dealt with him in the past. GARABEDIAN had his hand on a pint glass filled with an amber colored liquid with a light layer of foam and a fruit slice on top. From my training and experience I believed this fluid to be beer. I asked the crowd who were the owners of the two motorcycles outside. GARABEDIAN and James KOHOUT (7/2/87) raised their hands. I asked the two to step outside with me. They complied.

As Sgt. EADIE and I escorted the two individuals outside, an employee followed us and asked if everything was ok. He seemed overly concerned and nervous. This individual was later identified as Carlos CARDENAS (4/19/79). We asked him to go back inside and that we would inform him as to the reason for our presence when done with GARABEDIAN and KOHOUT.

I asked the two males if they could produce identification. GARABEDIAN produced his military identification which clearly displayed his correct date of birth of 11/03/89. I allowed KOHOUT to go back inside. When asked, GARABEDIAN stated that he had only been drinking the one beer we saw him with when we arrived. He also stated that when asked for an ID by the wait staff, GARABEDIAN produced the same military ID he showed me. GARABEDIAN then volunteered to take a Portable Breath Test which confirmed his account of just having started drinking prior to our arrival as his test result was a 0.00 Blood Alcohol Content.

GARABEDIAN's friends soon exited the restaurant to join GARABEDIAN. We identified the other individuals as well. The others were identified as Erin MCDONALD (06/14/83), Stina MCKENNA (06/24/88), and Timothy DASILVA (05/10/90). DASILVA was also found to have been served alcohol despite being only 20 years old. DASILVA stated he also only had one beer and was not asked for any ID whatsoever.

Having identified all of the customers we began to return to the inside of the restaurant. I observed CARDENAS walking over to speak to GARABEDIAN before going inside to speak with us. I asked him to go inside immediately. Sgt. EADIE and I then spoke to CARDENAS and the manager, Juan JIMENEZ. JIMENEZ identified himself as the manager that Sgt. EADIE had spoken with on 5/13/10. CARDENAS admitted to having served GARABEDIAN and DASILVA the alcohol. Due to my interaction with CARDENAS during this incident as well as the information received leading up to the incident, I believe that these underage individuals frequented the restaurant in the past on a normal basis. JIMENEZ claimed not to have knowledge that the underage individuals were being served. During the conversation JIMENEZ also pointed out that they possess an ID scanner. The ID scanner was located at the back of the bar, behind a register and did not appear to be easily accessible for use.

[Signature]
 Reporting Officer

[Signature]
 Reviewing Officer

Incident Notes:

Create User ID:

Date & Time
 No Incident Notes Listed

A OEU



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

April 19, 2013

Via email: bullfinchs@aol.com

And hand delivered

Mr. Scott Richardson, Manager
BULLFINCH'S RESTAURANT
630 Boston Post Road
Sudbury, MA 01776

Dear Mr. Richardson:

It has been brought to the attention of the Board of Selectmen that your establishment was one of three who were in violation of the Rules and Regulations of the Board relative to your license for the sale of alcoholic beverages (service to a minor) on February 21, 2013.

As the Local Licensing Authority, the Board of Selectmen would like to meet with you on Tuesday, April 23, 2013, at 7:45 p.m. to discuss this incident. The Board meets in Lower Town Hall, 322 Concord Road.

We trust that this date and time are convenient for you and would appreciate hearing from you that you will or will not be able to attend the meeting by calling my assistant, Mary McCormack, at 978-639-3382 at your earliest convenience.

Sincerely,

Maureen G. Valente
Town Manager

cc: Police Chief
Lt. Scott Nix



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

April 19, 2013

Via email: oishiitookung@gmail.com
And hand delivered

Chen Wu Ciang, Manager
OISHII TOO SUSHI BAR
365 Boston Post Road
Sudbury, MA 01776

Dear Chen Wu Ciang:

It has been brought to the attention of the Board of Selectmen that your establishment was one of three who were in violation of the Rules and Regulations of the Board relative to your license for the sale of alcoholic beverages (service to a minor) on February 21, 2013.

As the Local Licensing Authority, the Board of Selectmen would like to meet with you on Tuesday, April 23, 2013, at 7:45 p.m. to discuss this incident. The Board meets in Lower Town Hall, 322 Concord Road.

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Sincerely,

Maureen G. Valente
Town Manager

cc: Police Chief
Lt. Scott Nix



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

April 19, 2013

Via email: galamoreno@hotmail.com

And hand delivered

Mr. Jorge Moreno, Manager
ACAPULCOS RESTAURANT
694 Boston Post Road
Sudbury, MA 01776

Dear Mr. Moreno:

It has been brought to the attention of the Board of Selectmen that your establishment was one of three who were in violation of the Rules and Regulations of the Board relative to your license for the sale of alcoholic beverages (service to a minor) on February 21, 2013.

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Sincerely,

Maureen G. Valente
Town Manager

cc: Police Chief
Lt. Scott Nix

AGENDA REQUEST – Item #5

BOARD OF SELECTMEN

Requestor's Section

Date of request: *April 10, 2013*

Requestor: *Nancy Marshall, LSRHS District Com. chair*

Action requested: *Discussion regarding Town Meeting article #21 (PILOT Agreement for LSRHS Solar Canopy) and question of voting the Selectmen's position on the article –opportunity for public Q&A*

Financial impact expected: *N/A*

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

Recommendations/Suggested Motion/Vote: *As needed based on discussion*

Person(s) expected to represent Requestor at Selectmen's Meeting:
Kevin Batt and Jarryd Commerford

Selectmen's Office Section

Date of Selectmen's Meeting: *April 23, 2013*

Board's action taken:

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

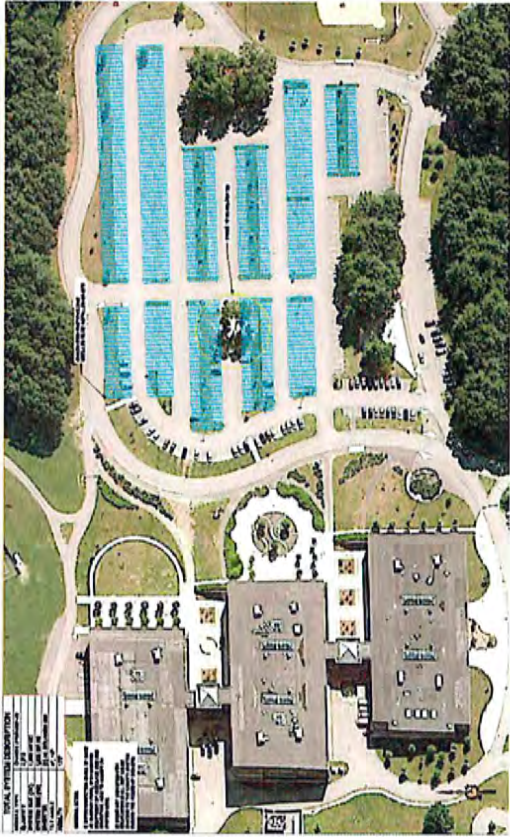
Future Agenda date (if applicable):

Distribution:

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

Lincoln-Sudbury Solar Power Purchase Agreement Fact Sheet

- L-S uses about 3.15 million kWh electricity annually. At 18.8 cents per kWh, current electricity costs for the high school are about \$600K annually.
- By engaging in a Power Purchase Agreement, L-S can obtain half of its electricity needs from the solar array at a lower fixed 13.5 cents per kWh for the solar-produced electricity.
- Half of the high school's electricity will come from the grid at a higher cost per kWh. Half from the solar array at a lower rate.
- First Year Projected Savings of \$90K
 - 1.5M kWh off grid = \$300K
 - 1.5M kWh off array = +\$210K
 - Total first year cost = \$510K vs. current \$600K
- As electricity costs are projected to escalate over the next 20 years, the savings will increase to about \$225K each year, given the low fixed rate.



The Solaire 360 T+F

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Environmentally responsible.
Fiscally responsible.



Lincoln-Sudbury RHS Solar Parking Canopy Project Proposal

L-S staff & student **GREEN TEAM** in partnership with
PowerOptions--energy buying consortium
SunEdison solar energy provider



A leveraged power-buying agreement

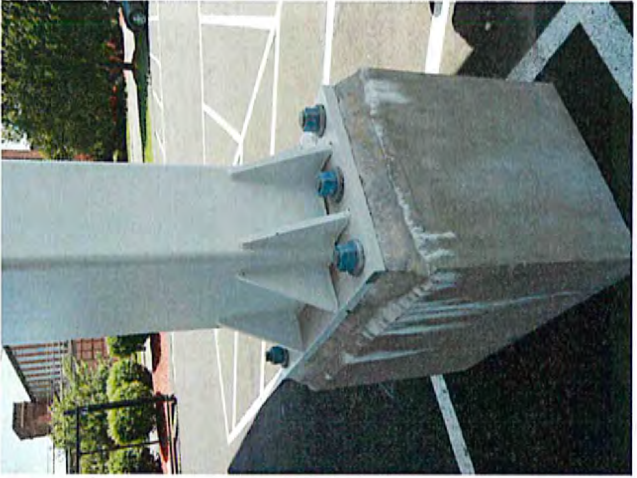
- SunEdison builds and maintains the facility--for public sector non-profits--No upfront costs to LS
- LS buys electricity from SunEdison at lower rate, through PowerOptions consortium
- Predictable energy pricing over 20 year contract--locked in to 2012 negotiated rate



The Solaire 360 T+F

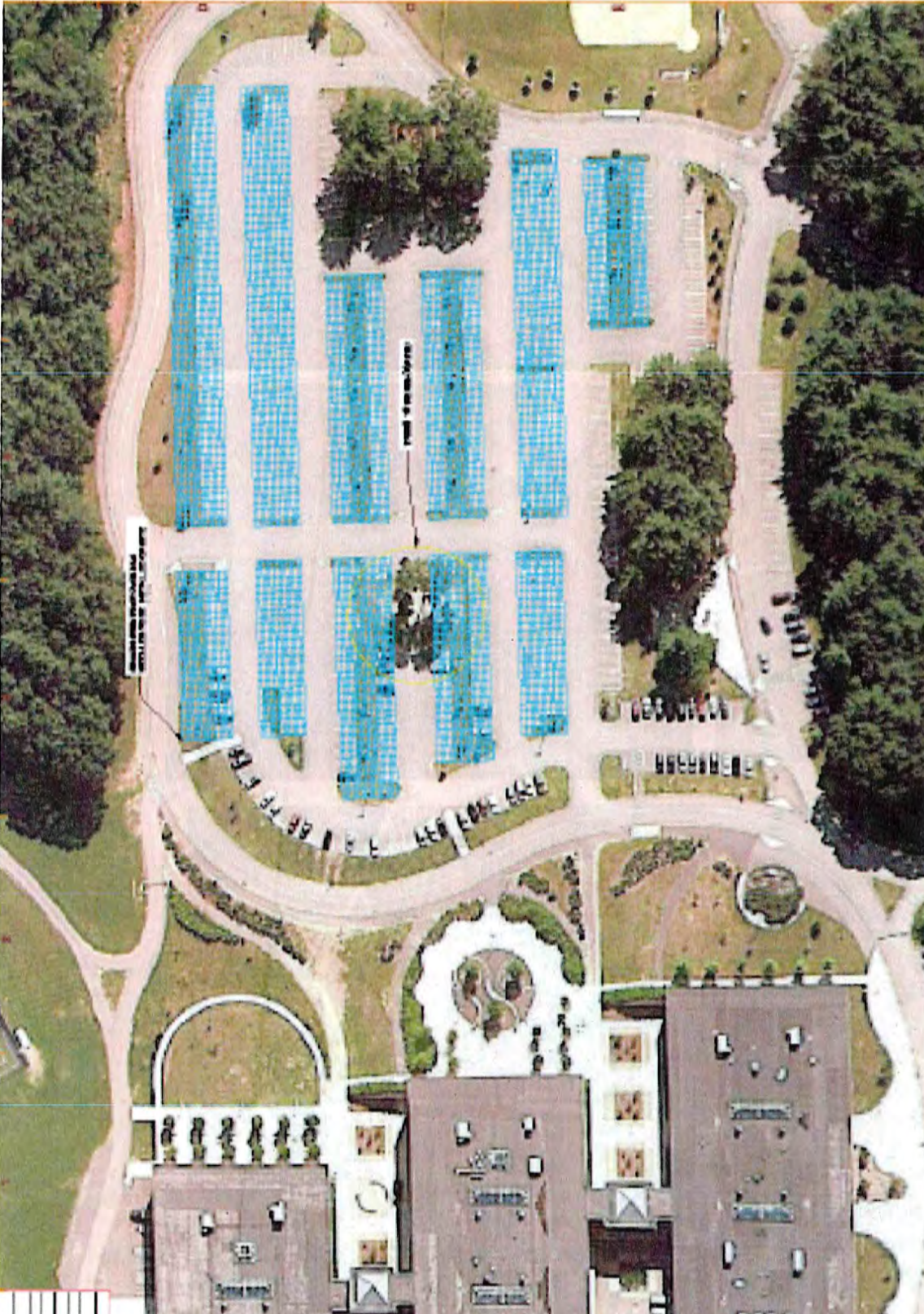


Copyright Solaira Generation Inc., 2011.



| TOTAL SYSTEM DESCRIPTION | |
|--------------------------|-----------------|
| BUILD TYPE | CHAIR TREATMENT |
| SERVICES | 1.281 |
| AREA CODE | 1.00000000 |
| PROJECT CODE | 1.00000000 |
| UNIT PRICE | 1.00000000 |
| AMOUNT | 1.00000000 |
| TOTAL | 1.00000000 |

FOR THE CITY OF LINCOLN SUEDELY, NEVADA
 PROJECT NUMBER: 15-00000000
 PROJECT NAME: LINCOLN SUEDELY - CANDOPY
 PROJECT LOCATION: 3225 N. LINCOLN SUEDELY BLVD., LINCOLN, NEVADA 89511
 PROJECT OWNER: LINCOLN SUEDELY, NEVADA
 PROJECT CONTACT: PROJECT MANAGER



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 A Sun World Company

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LINCOLN SUEDELY - CANDOPY
 3225 N. LINCOLN SUEDELY BLVD.
 LINCOLN, NEVADA 89511
 MA-13-0131

PROPOSAL SUBMITTAL

| | |
|----------|--|
| DATE | 2/20/2015 |
| TIME | 10:00 AM |
| LOCATION | 3225 N. LINCOLN SUEDELY BLVD., LINCOLN, NEVADA 89511 |

PROPOSAL SUBMITTAL

| | |
|----------|--|
| DATE | 2/20/2015 |
| TIME | 10:00 AM |
| LOCATION | 3225 N. LINCOLN SUEDELY BLVD., LINCOLN, NEVADA 89511 |

SOLAR ELECTRIC SYSTEM CLIENT:
 LINCOLN SUEDELY HS

With Power Purchase Agreement (PPA)--what kind of savings are we looking at?

- LS uses about 3.15 million kWh electricity per year
- Current rate, 18.8¢ per kWh rounds to about \$600,000/yr
- With the solar panels, we'd create 1/2 our annual electricity needed, or about 1.5 million kWh--paying only 13.5¢ per kWh
- 1.5m kWh at higher rate = \$300,000 + 1.5m kWh at lower rate = \$210,000
- Total \$510,000, or a savings of about \$90,000 the first year

Please refer to your PPA chart handout

Lincoln-Sudbury Regional High School

Starting PPA Rate: **\$0.135** kW DC Size: **1268**
 Annual Escalator: **0.00%** Yr. 1 Solar kWh: **1,543,156**



| Year | Utility Bill No Solar | \$/kWh | Solar kWh Production | Solar Bill | Remaining Utility Bill | Utility Bill Plus Solar Bill | Savings |
|--------------|-----------------------|-----------------|----------------------|--------------------|------------------------|------------------------------|--------------------|
| 1 | \$612,336 | 0.1350 | 1,781,000 | \$240,435 | \$277,012 | \$517,447 | \$94,889 |
| 2 | \$624,583 | 0.1350 | 1,772,095 | \$239,233 | \$284,262 | \$523,495 | \$101,087 |
| 3 | \$637,074 | 0.1350 | 1,763,235 | \$238,037 | \$291,683 | \$529,720 | \$107,354 |
| 4 | \$649,816 | 0.1350 | 1,754,418 | \$236,846 | \$299,278 | \$536,125 | \$113,691 |
| 5 | \$662,812 | 0.1350 | 1,745,646 | \$235,662 | \$307,052 | \$542,714 | \$120,098 |
| 6 | \$676,068 | 0.1350 | 1,736,918 | \$234,484 | \$315,007 | \$549,491 | \$126,577 |
| 7 | \$689,590 | 0.1350 | 1,728,233 | \$233,312 | \$323,149 | \$556,460 | \$133,130 |
| 8 | \$703,382 | 0.1350 | 1,719,592 | \$232,145 | \$331,481 | \$563,626 | \$139,756 |
| 9 | \$717,449 | 0.1350 | 1,710,994 | \$230,984 | \$340,007 | \$570,991 | \$146,458 |
| 10 | \$731,798 | 0.1350 | 1,702,439 | \$229,829 | \$348,732 | \$578,561 | \$153,237 |
| 11 | \$746,434 | 0.1350 | 1,693,927 | \$228,680 | \$357,660 | \$586,340 | \$160,094 |
| 12 | \$761,363 | 0.1350 | 1,685,458 | \$227,537 | \$366,796 | \$594,333 | \$167,030 |
| 13 | \$776,590 | 0.1350 | 1,677,030 | \$226,399 | \$376,144 | \$602,544 | \$174,047 |
| 14 | \$792,122 | 0.1350 | 1,668,645 | \$225,267 | \$385,710 | \$610,977 | \$181,145 |
| 15 | \$807,964 | 0.1350 | 1,660,302 | \$224,141 | \$395,496 | \$619,637 | \$188,327 |
| 16 | \$824,124 | 0.1350 | 1,652,000 | \$223,020 | \$405,510 | \$628,530 | \$195,594 |
| 17 | \$840,606 | 0.1350 | 1,643,740 | \$221,905 | \$415,755 | \$637,660 | \$202,946 |
| 18 | \$857,418 | 0.1350 | 1,635,522 | \$220,795 | \$426,237 | \$647,032 | \$210,386 |
| 19 | \$874,567 | 0.1350 | 1,627,344 | \$219,691 | \$436,961 | \$656,652 | \$217,914 |
| 20 | \$892,058 | 0.1350 | 1,619,207 | \$218,593 | \$447,932 | \$666,525 | \$225,533 |
| TOTAL | \$14,878,154 | \$0.1350 | 33,977,747 | \$4,586,996 | \$7,131,865 | \$11,718,861 | \$3,159,293 |

Confidential and Proprietary

Inputs Key

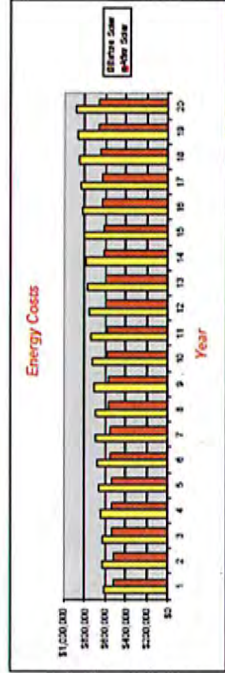
| | |
|--------------------------|-----------|
| FY2012 Utility Bill | \$612,336 |
| FY2012 kWh Usage | 3,252,289 |
| FY2012 Utility Rate | 0.1883 |
| Annual Utility Escalator | 2% |
| Annual PPA Escalator | 0% |
| Yr. 1 Solar kWh | 1,781,000 |

Net Present Value - NPV

\$1,663,193

Discount Rate

6%

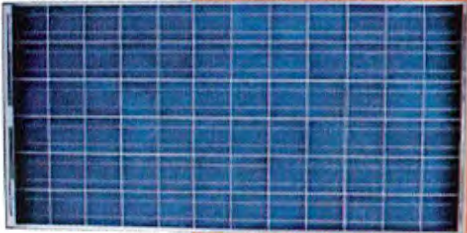


Contract Details--being negotiated with help of Atty. Kevin Batt

- Will include special considerations for school, concerning construction phase, student/staff safety concerns, CORI of all workers
- Timeline--ideally, construction would occur in summer 2013
- If not, then in stages through 2013-14 school year, keeping about 70% of the lot available for school use during all construction phases; staging areas, hours of operation, etc. will be spec'd
- Planned trip to see an installed system in Connecticut
- Interconnection permits can be major source of delay: any ideas?

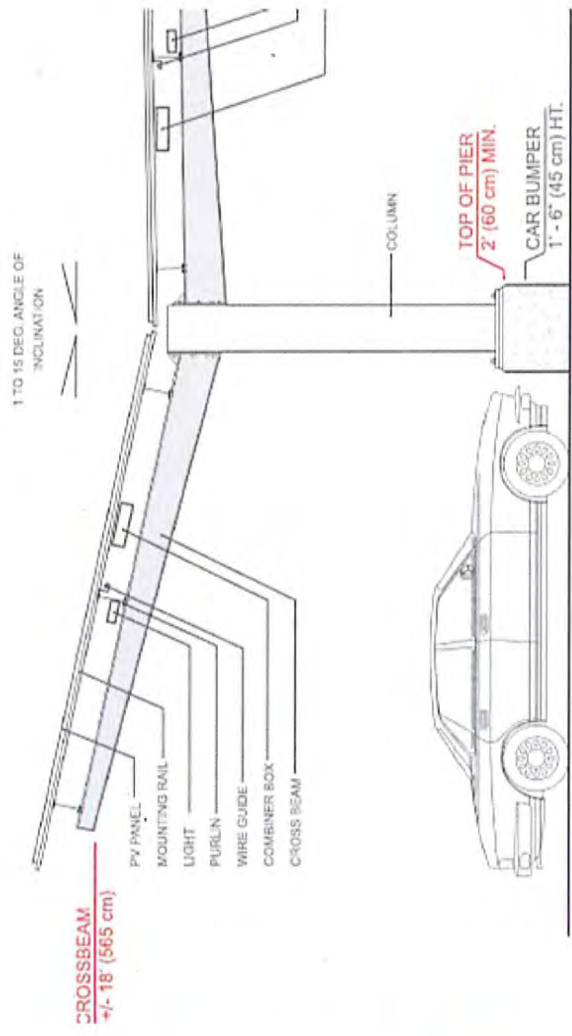
See handout on SPECS for panels, structures, inverters

Models and sizes TBD in design phase



P290 MODULE
MEMC's P290 module is a high-efficiency, monocrystalline silicon solar module. It features a 60-cell configuration and is designed for maximum power output. The module is built with a durable, weather-resistant frame and is suitable for both residential and commercial applications. MEMC's advanced manufacturing processes ensure consistent performance and reliability. With our vertically-integrated production, we can offer competitive pricing and fast lead times. Our solar modules factory is ISO 14001 certified, ensuring the highest quality and safety standards. Visit www.memc.com for more information.

MEMC
Silvantis P290
panel



Solaire 360
structure



TOWN OF SUDBURY
Office of the Town Counsel

April 19, 2013

TO: Maureen Valente, Town Manager
Board of Selectmen
Andrea Terkelsen, Finance Director
William Braun, Chair, Energy Committee
James Kelly, Facilities Director
Board of Assessors
Cynthia Gerry, Assistant Assessor
Lincoln-Sudbury School Committee

Ladies and Gentlemen:

Over the last month or so I have been discussing, reviewing, reading, and listening about the PILOT Agreements which appear necessary to the solar field at the Landfill site and the parking lot at Lincoln-Sudbury Regional High School.

The issue is somewhat different at the High School with regard to contracting for a tax PILOT agreement.

The contracts for the Town and for the Regional School District must be approved at the Town Meeting. Without this step, nothing can follow. The approval of Town Meeting is limited to authorization to enter into tax PILOT programs by the Town. Therein lies the difference since the Regional School District is not an entity authorized to tax nor can the Legislature grant such authorization without a constitutional amendment. Therefore, both agreements must be with the Town of Sudbury as payment is essentially in lieu of taxes.

I have considered asking for special legislation which is inappropriate for the following reasons: 1) length of time required; 2) I believe the Legislature would defer such requests based upon the present existence of such agreements and the present accommodations made in the tax laws.

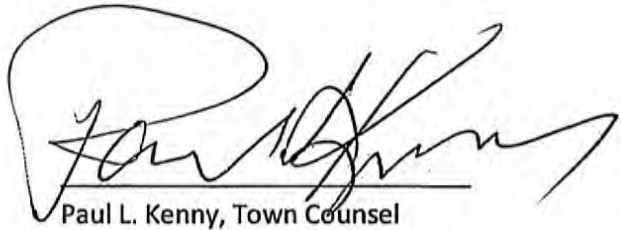
I do not believe that this is a simple document with regard to the signatory parties. Both contracts will be required to be between the Town and the entity providing the solar generating panel equipment and operation. In order to do this, it is my opinion that the Assessors must execute or at least approve this agreement in writing. In addition, the Agreement will be with the Town which requires that it be signed by the Town Manager and approved by the Board of Selectmen. Finally, since one of the solar arrays is going to be placed upon the property of Lincoln-Sudbury Regional School District, the L-S School Committee should be a signatory to that Agreement.

April 19, 2013

Page 2

I also have determined that both agreements contain protective language in the unlikely event that the Department of Revenue perceives the situation differently; however, I am confident based upon conversations, informational documents, and the DOR's interpretation of the existing statutory authority that these PILOT programs will not be challenged.

If I can provide any further information, please do not hesitate to advise.



Paul L. Kenny, Town Counsel

AGENDA REQUEST – Item #6

BOARD OF SELECTMEN

Requestor's Section

Date of request: *April 9, 2013*

Requestor: *Town Manager*

Action requested: *Town Meeting article review with public Q&A*

Financial impact expected: *N/A*

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

See attached articles list

Recommendations/Suggested Motion/Vote: *As needed based on discussion*

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

Selectmen's Office Section

Date of Selectmen's Meeting: *April 23, 2013*

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)

BOARD OF SELECTMEN POSITION: The Board of Selectmen unanimously supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

ARTICLE 15 WITHDRAWN

ARTICLE 16. CONSTRUCT POLICE HEADQUARTERS

To see what sum the Town will vote to raise and appropriate, or appropriate from available funds, to be expended under the direction of the Permanent Building Committee, for the purpose of constructing a new Police Department Headquarters and appurtenant structures on Town-owned land adjacent to the existing Fire Headquarters, site development, purchasing additional equipment, technology, furniture, landscaping, and all expenses connected therewith, including professional, engineering, and architectural services and preparation of plans, specifications and bidding documents, supervision of work, and relocation, and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Board of Selectmen.

(Two-thirds vote required, if borrowed)

BOARD OF SELECTMEN REPORT: This article requests funds for the design and construction of a new Police Station on Town owned property at 77 Hudson Road, adjacent to the Fire Headquarters building. A prior proposal to construct an 18,500 sq. ft. facility on this site was approved by Town Meeting in April 2007, but the authorization to exempt the debt for the project was subsequently defeated in a special election on October 16th, 2007. The Board of Selectmen then created a 13-member Blue Ribbon Police Station Committee to examine the prior planning that went into the proposed \$8.2 million project to determine what, if any, alternatives should be presented to Town voters.

Between November 2007 and February 2008, the Committee revisited the existing facility; toured and analyzed the features of recently constructed facilities in Hopkinton, Hansen and Acton; interviewed personnel using these facilities at length; reviewed research by individual members; and developed an iterative series of five design options to define Sudbury's needs in a police facility and develop the best approach to address those needs.

The Committee confirmed the structural and functional deficits of the existing facility presented to the 2007 Annual Town Meeting. The building lacks adequate space for its present-day function, and is in need of major repairs, design upgrades and infrastructure revisions to meet current standards and demands, including handicapped accessibility.

The Committee reviewed the rationale for each element of space contained in the proposed design, and developed an iterative series of design options to incorporate the needed functional elements, spaces and flow patterns in a more cost effective configuration. Options explored included expanding and remodeling the existing facility, and new construction on both the existing site and the previously-proposed Hudson Road site.

The present proposal for a 14,540 sq. ft. new facility to be built on the previously-proposed site adjacent to the main fire station represents the unanimous recommendation of the Committee as the most cost-effective approach to addressing the Town's need for a functional police station that meets current codes and standards.

Important improvements the proposed facility affords over the existing police headquarters include proper facilities for community interface and separation of police and public traffic, provision for safe handling of detainees and detention facilities that meet code, adequate and secure space for evidence processing and storage, adequate workspaces and locker facilities for personnel, appropriate space for expanding

technology, provision for combined police and fire dispatch, a combined public meeting, training and emergency command center, and ADA compliance.

The proposed building provides the elements of space and work flow patterns required in a present-day police headquarters at significantly reduced size and cost from the prior proposal.

The size and cost of the proposed facility also compare favorably with other recently constructed police stations in Massachusetts towns with features similar to Sudbury. The problems with the existing police headquarters must be addressed, solutions will not become less expensive, and construction of a new police headquarters has been included in the Town's financial planning for the upcoming reduced debt service now that debt service for other projects is being paid off.

BOARD OF SELECTMEN POSITION: The Board of Selectmen unanimously supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

ARTICLE 17. FAIRBANK COMMUNITY CENTER COMPLEX – MASTER PLAN

To see if the Town will vote to raise and appropriate, or appropriate from available funds, \$75,000, or any other sum, to be expended under the direction of the Permanent Building Committee, for the purpose of obtaining a master plan with needs assessment/marketing analysis, including identification of current conditions, for the entirety of the Fairbank building complex with the goal of producing a conceptual/schematic design for a renovated, including demolition where necessary, potentially expanded facility accommodating desired program changes with a construction budget.

Submitted by the Board of Selectmen.

(Majority Vote required)

BOARD OF SELECTMEN REPORT: In the fall of 2012, the Facilities Director requested \$608,000 to replace 20,600 square feet of deteriorated 22-year-old roofing at the Fairbank Community Center as it is experiencing leakage which is constantly under repair. A Town Meeting vote rejected the request for funds to replace the roof due to concerns as to whether the 20,600 square foot portion in question would be viable for future use in an expanded, redesigned community center if such was desired by the voters.

In response to that concern, the Board of Selectmen created the Fairbank Center Roof Task Force to advise the Town as to the best options for dealing with the facility roof on the non-pool section of the building located over the kitchen and the lobby, both adjacent to the Sr. Center, and over the old school "wing" comprising the boiler room, Park and Recreation administration offices, Atkinson Pool locker rooms and restrooms, and nine classrooms currently occupied by the Sudbury Public Schools Administration and Park and Recreation. The Task Force concluded that a Feasibility Study/Master Plan addressing both the needs of the community and the user/occupants and the future structural options for the Fairbanks Community Center should be conducted before a capital investment is made to the existing building.

This request is to raise and/or appropriate \$75,000 for the purpose of completing an Architectural Master Plan for the Fairbank Community Center. The study funded by this article will identify needed repairs to the building and make recommendations for a vision for a true community center that includes expanded recreation and fitness opportunities, health facilities, meeting rooms, senior services and programs for all ages.

BOARD OF SELECTMEN POSITION: The Board will report at Town Meeting.

FINANCE COMMITTEE REPORT: The Finance Committee will report at Town Meeting.

ARTICLE 18. FAIRBANK CENTER ROOF PROJECT

To see what sum the Town will vote to raise and appropriate, or appropriate from available funds, to be expended under the direction of the Permanent Building Committee for the purpose of constructing, reconstructing, or making extraordinary repairs to the roofs or portions thereof at the Fairbank Community Center and all expenses therewith including professional and engineering, the preparation of plans, specifications and bidding documents, supervision of work and borrowing costs; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Facilities Director.

(Two-thirds vote required, if borrowed)

FACILITIES DIRECTOR REPORT: In 2010, the Town and the Sudbury Public Schools, through the Permanent Building Committee, jointly commissioned Russo Barr Associates to conduct a comprehensive survey which included detailed on-site investigation of the roofing systems for all nineteen Sudbury public buildings. The survey is intended to serve as a basis for a planned and systematic approach to roof repair and replacement as necessary over a 10 year period. The report set forth a recommended repair and replacement schedule based on the age and condition of each roof.

Last fall, this same article was submitted at the September 24, 2012 Special Town Meeting. At that meeting, the request of \$608,000 to replace the failing roof at the Fairbank Center was rejected. The concern arose that the facility may not be adequate for future use. Until such determination is made, there was an apprehension to invest a substantial amount to repair the roof. In response to that concern, the Selectmen created the Fairbank Center Roof Task Force to advise the Town as to the best option for dealing with the facility. The Task Force concluded that a feasibility study addressing the needs of the Community Center should be conducted before a capital roof investment is made to the existing building.

At a minimum \$50,000 should be appropriated to fund the cost of repairing selected portions of the approximately 20,600 square feet of roofing at the Fairbank Community Center. These roof sections (labeled 3, 4, and 6, on the Roof Plan) are the flat roof areas that cover the kitchen, school administrative offices, the park and recreation offices and the Atkinson Pool locker rooms.

The roof areas to be repaired or replaced were installed as a "go-over" application (installed over the original Tar and Gravel Roofing System) in 1990 (23 years old). The roofing system that exists is in very poor condition and leaks are common, especially during the winter months, requiring continuing repairs.

For more information visit the Sudbury Facilities Department Website at www.sudbury.ma.us

BOARD OF SELECTMEN POSITION: The Board will report at Town Meeting.

FINANCE COMMITTEE REPORT: The Finance Committee will report at Town Meeting.

ARTICLE 19. TOWN CENTER TRAFFIC IMPROVEMENTS

To see what sum the Town will vote to raise and appropriate, or appropriate from available funds, to be expended under the direction of the Town Manager for construction of traffic improvements to the Town Center and all expenses therewith including professional and engineering, the preparation of plans, specifications and bidding documents, supervision of work and borrowing costs; and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by the Board of Selectmen.

(Two-thirds vote required, if borrowed)

BOARD OF SELECTMEN REPORT: This article requests funds for the final engineering, contract document preparation and construction of traffic improvements to the Town Center. Noting the misalignment of the intersection and high number of accidents, as well as the need to install drainage and curbing in the area, the Selectmen appointed the Sudbury Center Improvement Advisory Committee in 2005 to assess the condition of the town center, including all infrastructure, roadways, utilities, pedestrian improvements, historical components, landscaping and other physical features found in the town center area, in order to increase the safety of the intersection of Concord Road and Old Sudbury/Hudson Road, and to enhance opportunities for recreational and cultural use as appropriate, while preserving the historical character of the area.

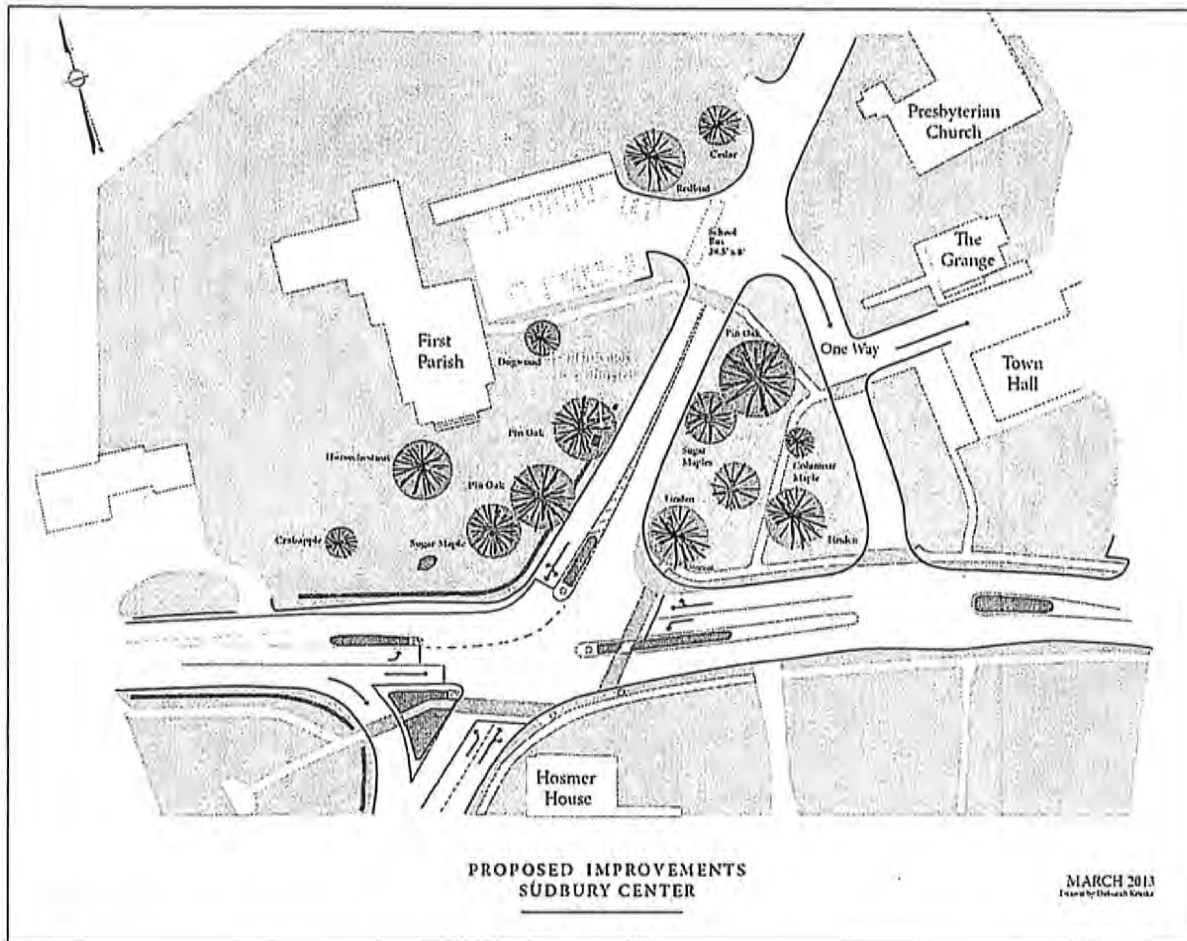
Funding in 2006 and 2007 from the Sudbury Foundation (\$50,000) and the Town (\$115,000) resulted in a lengthy public process to develop a context sensitive design for the road improvement project. Traffic studies were prepared and analyzed, the area surveyed and engineering plans drawn which propose a safer intersection, including a realignment of the roads both north/south and east/west, new traffic signals with dedicated left turn phases for each approach, curbing, and pedestrian walkways and crosswalks. The plans also propose relocation of utility boxes and above ground vaults, and drainage improvements.

The Town has moved carefully and methodically through this project in order to balance competing needs and interests in the historic town center. The final plan reflects the community objectives determined during the public process, listed below:

- Preserve and protect historic, cultural and natural resources in the center.
- Improve safety and accessibility for all those that use Sudbury Center.
- Improve traffic flow, but not traffic speed, through the center.
- Protect the existing scale and visual character of the center.
- Establish a clear sense of the town center as a civic location.

This intersection is a regional crossroad, servicing approximately 17,000 vehicles per day. Continuing the operation of the intersection in its present configuration will negatively impact the safety of all users of the Town Center, will extend the Town's non-compliance with state stormwater requirements, may create more difficult and expensive scenarios when the currently malfunctioning traffic signals fail, and will continue to create driver confusion and higher than average accident rates. The new plans as prepared represent a significant improvement to the safety of the intersection for both vehicular and pedestrian traffic, while respecting Sudbury's historic context. The Board of Selectmen unanimously supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee will report at Town Meeting.



ARTICLE 20. PILOT AGREEMENT – SOLAR PROJECT AT LANDFILL SITE

To see if the Town will vote to authorize and approve an agreement for payment in lieu of taxes (PILOT Agreement), as negotiated by the Town Manager and the Energy Committee with the selected solar project developer for the planned solar electric generating facilities to be located at the former Sanitary Landfill Site off Boston Post Road, and to authorize the Selectmen to submit a Special Act therefor to the Great and General Court if enabling legislation is necessary; or act on anything relative thereto.

Submitted by the Board of Selectmen.

(Majority vote required)

BOARD OF SELECTMEN REPORT: A 1.5 MW solar generating facility is presently under construction on the landfill under a Power Purchase Agreement (PPA) with Ameresco, Inc., the Developer. Under this agreement the Developer installs, owns, operates, maintains, and decommissions the facility at its sole expense. Sudbury purchases electricity from the Developer at pre-set rates, and receives Net Metering Credits from N-Star (the local distribution company) for supplying the purchased electricity to the grid. The difference between the purchase price of the electricity and the net metering credits earned results in a net benefit of about \$120,000 per year to the Town and Sudbury Public Schools, and about \$3.6 million over the life of the contract. There is no cost to the Town associated with the construction, operation, maintenance or removal of the facility.

At present, solar generating facilities on municipal property that are owned and operated by a taxable entity are considered by DOR to be subject to personal property tax under M.G.L. c. 59, §2B, even if their operation is for municipal purposes. In this situation, the municipality is in effect taxing itself because any ongoing payments by the facility owner to the host municipality are typically recovered in the price of the electricity supplied. According to DOR guidance, a PILOT (Payment In Lieu of Taxes) can be negotiated by a municipality as an alternative to personal property tax with approval of its governing body. The benefits of a PILOT are:

1. A known and constant expense to the facility owner
2. Lower electricity prices for the host municipality
3. Simplified administration

The goal of this project was to generate electricity cost savings rather than tax revenue. To meet that end and comply with present Massachusetts General Laws on taxation, a PILOT of \$7,000 per year was negotiated, subject to approval by Town Meeting. The financial value to the Town from the sale of the electricity produced to the grid far exceeds any prospective tax revenue. The PILOT does not add to the pre-tax electricity price, and so provides a small additional benefit the Town from this use of an otherwise non-producing property.

BOARD OF SELECTMEN POSITION: The Board of Selectmen unanimously supports this article.

FINANCE COMMITTEE REPORT: The Finance Committee recommends approval of this article.

ARTICLE 21. PILOT AGREEMENT – SOLAR PROJECT AT LINCOLN-SUDBURY REGIONAL HIGH SCHOOL

To see if the Town will vote to approve an agreement for payment in lieu of taxes (PILOT Agreement), as negotiated by the Lincoln-Sudbury Regional School Committee and Superintendent /Principal with the selected solar project developer for proposed solar energy generating facilities to be located at 390 Lincoln Road in Sudbury at the Lincoln-Sudbury Regional High School, if necessary approved by the Board of Assessors and to authorize the Selectmen to submit a Special Act therefor to the Great and General Court if enabling legislation is necessary; or act on anything relative thereto.

Submitted by the Lincoln-Sudbury Regional School Committee.

(Majority vote required)

LINCOLN-SUDBURY REGIONAL SCHOOL COMMITTEE REPORT: In February 2013, the Lincoln-Sudbury Regional School Committee approved a contract with SunEdison LLC under which SunEdison would design, construct, operate and maintain a 1.27MW solar canopy over the main parking lot at the high school. Construction is slated to commence in Summer 2013. The contract includes a Power Purchase Agreement (PPA) with SunEdison under which LSRHS purchases the solar electricity produced by the system for the twenty (20) year contract period, at a cost that is \$.05/kwh less than the current average cost for electricity to the District. It is estimated that the District will realize approximately \$90,000 in energy savings in the first year of the contract, with a total projected minimum savings over the life of the contract of approximately \$3 million.

Based upon current information and practice, the proposed solar array on LSRHS property, which is municipal land, will be owned and operated by an entity, SunEdison, which is subject to personal property taxes. The PPA contains a customary provision which provides that certain tax payments required to be made by SunEdison to the Town of Sudbury would be recovered through an upward adjustment in the price of the electricity supplied to LSRHS. This would, in turn, reduce LSRHS's savings on electricity costs – savings that benefit the taxpayers of Sudbury.

ARTICLE 24. ENERGY SERVICES COMPANY ENERGY IMPROVEMENT PROGRAM

To see what sum the Town will vote to raise and appropriate, or appropriate from available funds, to be expended under the direction of the Town Manager, for the purpose of making capital energy improvements in the Town and School Buildings, and all expenses therewith including professional engineering, the preparation of plans and supervision of work; and borrowing costs and to determine whether said sum shall be raised by borrowing or otherwise; or act on anything relative thereto.

Submitted by Energy and Sustainability Green Ribbon Committee.

(Two-thirds vote required, if borrowed)

ENERGY AND SUSTAINABILITY GREEN RIBBON COMMITTEE REPORT: In 2011, the Town of Sudbury and the Sudbury Public Schools, through the Green Energy Committee, joined the Metropolitan Area Planning Council (MAPC) procurement to qualify and select a professional Energy Services Company (ESCO) to provide comprehensive energy efficiency services under an Energy Savings Performance Contract (ESPC) for the town and School buildings.

This procurement process led to a contract signed by the Town of Sudbury with the selected ESCO, Ameresco, Inc. of Framingham, MA, in 2012 to conduct an energy audit at thirteen town facilities. The investment grade audit (IGA) includes a detailed list of energy savings measures in the buildings that are estimated to reduce energy expense by approximately \$130,000 per year. These measures will be implemented as a "performance contract" in accordance with MGL Chapter 25A, Section 11C which requires that project be self-funding, i.e. the value of the energy reductions must meet or exceed the cost of the contract.

This Article requests an appropriation to fund the cost of implementation of the energy measures outlined in the Investment Grade Audit prepared by Ameresco. A copy of this audit with specific costs and guaranteed energy savings will be available online at the Energy Committee's website.

If the Town agrees to proceed with the ESPC, Ameresco, coordinating with the Town of Sudbury and the Sudbury Public Schools, will be responsible for all construction-related activities of the project including: design engineering, solicitation and selection of subcontractors, equipment installation, and construction management, commissioning, staff training in equipment operation and maintenance and savings measurement and verification.

BOARD OF SELECTMEN POSITION: The Board of Selectmen will report at Town Meeting.

FINANCE COMMITTEE REPORT: The Finance Committee will report at Town Meeting.

ARTICLE 25. AMEND ZONING BYLAW, ART. IX, SEC. 5336(d) AND 5435(c) TO INCREASE MAXIMUM ALLOWABLE NUMBER OF ONE-BEDROOM UNITS IN SR. RESIDENTIAL DEVELOPMENTS AND INCENTIVE SENIOR DEVELOPMENTS

To see if the Town will vote to amend Article IX (the Zoning Bylaw), as follows:

Section 5336(d) (Senior Residential Community – Building and Dwelling Unit Requirements/ Maximum Number of Bedrooms) and Section 5435(c) (Incentive Senior Development - Building and Dwelling Unit Requirements) by substituting the words "twenty-five percent (25%)" for the words "ten percent (10%)" in those sections, so those sections read:

the written consent of the owner or legal occupant thereof or within the limits of any Town-owned public property. Notwithstanding the foregoing, no such weapon shall be fired or discharged within 500 yards of a residence and within one-half (1/2) mile of any school, daycare center, church or any building, playground or field, which children use for sports or other activities. Nothing in this bylaw shall be construed in such a way as to prohibit the lawful use of any of the above-named guns in the defense of life or property or on any range as defined in Section 9 or in any other manner in accordance with the General Laws of the Commonwealth limited by the discharge limits set forth herein concerning discharge of a weapon near a residence. Violation of this section shall be subject to a penalty of \$300. ;

or act on anything relative thereto.

Submitted by Petition.

(Majority vote required)

PETITIONER'S REPORT: This article seeks to amend the Public Safety Bylaw to prohibit the discharge/firing of firearms near schools, playgrounds, daycare centers, churches, temples and homes. The current Bylaw only restricts discharging firearms within 500 feet of homes, but does not mention schools, playgrounds, daycare centers, etc. Many handguns are capable of firing rounds well over a mile. In an effort to better protect our children and our neighbors, this change will prohibit the discharging/firing of weapons within one-half (1/2) mile of all schools, playgrounds, daycare centers and churches/temples, and within 500 yards of any dwelling.

BOARD OF SELECTMEN POSITION: The Board will report at Town Meeting.

FINANCE COMMITTEE REPORT: The Finance Committee will report at Town Meeting.

**ARTICLE 40. AMEND TOWN BYLAWS, ART. II, GOVERNMENT OF TOWN MEETING -
ADD NEW SECTION, BUDGET CHANGES**

To see if the Town will vote to amend the Town Bylaws Article II, *The Government of Town Meeting*, by adding the following Section:

SECTION __. If any expense line item in the fiscal year Total Operating Budget at the Annual Town Meeting (ie: as promulgated in the warrant in Section 5 of Article IV), either as moved or as amended by debate, increases by more than two percent (2%) then the Moderator shall place the Budget Article on the table to be taken up at the next scheduled session of the Town Meeting. Or, if any offset, receipt or reserve decreases by more than (2%) two percent the Moderator shall place the Budget Article on the table to be taken up at the next scheduled session of Town Meeting.;

or act on anything relative thereto.

Submitted by Petition.

(Majority vote required)

PETITIONER'S REPORT: The purpose of the Town Warrant being published and distributed 30 days prior to Town Meeting is to provide the Residents, in their role as legislators, to research and understand the items being debated and voted into Town Law. In TM2012 our financial managers changed the value of 14 of 17 line items in the operating budget published in the town warrant. Over \$3,000,000 was shifted among the operational line items including a shift of ~\$1,000,000 from reserves to expenditures. Some line items changed by as much as 85% from their published value in the Warrant. This amount of change in the budget article without the opportunity for Residents to research, analyze and knowledgeably discuss does not meet the intent of the Warrant or "*The Government of Town Meeting*". The proposed Section 19 provides improvement in the management of our budget process.

BOARD OF SELECTMEN POSITION: The Board will report at Town Meeting.

FINANCE COMMITTEE REPORT: The Finance Committee will report at Town Meeting.

**ARTICLE 41. AMEND TOWN BYLAWS, ART. III, TOWN AFFAIRS -
ADD NEW SECTION, SEMI-ANNUAL TOWN FORUM**

To see if the Town will vote to amend the Town Bylaws Article III, *Town Affairs*, by adding the following Section:

Section __. The Town will conduct a Town Forum on a semi-annual basis. The Forum will be an open, public meeting for Town residents. The Town Forum will provide a planned, scheduled opportunity for constructive engagement between the Town and residents. The Town participants/panel will include, but not be limited to all department heads, committee chairpersons and Trust chairpersons. One member of the Town panel will act as moderator. The moderator will facilitate and manage questions from Town residents to the appropriate panel member for response. 2 ½ hours will be scheduled for each Forum. Forums may be adjourned earlier by majority vote of the participating residents.;

or act on anything relative thereto

Submitted by Petition.

(Majority vote required)

PETITIONER'S REPORT: A "Town Forum" gives all town residents the opportunity to openly discuss, understand and co-operatively address the status of current issues, opportunities and unanticipated challenges in managing Town affairs. It will facilitate communications in Town governance and will enable transparency in our management of Town affairs. It is an enabler for increased participation in Town governance. It provides a planned, scheduled opportunity, other than Town Meeting, to discuss the management of Town affairs. Article 39 in TM2011 was a Resolution to create this "Town Forum" and the Resolution passed with a majority vote. The Town interpreted the Resolution as their opportunity to report what they do and resident participation has not been encouraged. The 2011 TM Resolution has not provided the open, interactive exchange of information and ideas originally envisioned and voted by the residents. This year the "Town Forum" is being presented as an Article/bylaw with specific language to enable an open conversation between residents and Town managers.

BOARD OF SELECTMEN POSITION: The Board will report at Town Meeting.

FINANCE COMMITTEE REPORT: The Finance Committee will report at Town Meeting.

**ARTICLE 42. AMEND TOWN BYLAWS, ART. III, TOWN AFFAIRS -
ADD NEW SECTION 10, CHAIRMANSHIP**

To see if the Town will vote to amend the Town Bylaws Article III, *Town Affairs*, by adding the following Section:

Section 10. All boards and standing committees with 3 or more members shall annually elect by majority vote a chairperson. No member of said board/committee will serve as chairperson for more than one year during any consecutive three year period. The chairperson shall prepare the agenda for all items to be addressed by the board/committee and will be responsible for insuring both the majority and the minority opinions of the board/committee are communicated to the public. Special

committees, those established to address a specific issue over a defined, limited period of time are exempted from the chairman term limit requirement.;

or act on anything relative thereto

Submitted by Petition.

(Majority vote required)

PETITIONER'S REPORT: This addition to Article III of the Town Bylaws is designed specifically to increase diversity within Boards and Committees in the management of Town Affairs. It will mitigate the possibility of individual personalities or pressure politics from dominating the agenda, schedule and output of said Boards and Committees. It will maintain the "corporate knowledge" and experience of appointed members while insuring publically elected members are enabled to carry out the will of the tax payers. It will insure the individual talents and experiences of all members are best utilized in their service to the community while mitigating any perception of conflict in interest.

BOARD OF SELECTMEN POSITION: The Board will report at Town Meeting.

FINANCE COMMITTEE REPORT: The Finance Committee will report at Town Meeting.

ARTICLE 43. AMEND TOWN BYLAWS, ART. IV, FINANCE COMMITTEE, SECTION 5 - EXPANDED REPORTING

To see if the Town will vote to amend the Town Bylaws Article IV, *Finance Committee*, by adding the following (recommended additions are in "quotation"):

SECTION 5. Each Town department shall annually submit to the Finance Committee, not later than January 31st, an estimate of its requirements for the ensuing year, and the Selectmen shall report all other requests for appropriations on or before February 5th. "All submittals/reports shall include the prior year appropriations and actual expenditures, current fiscal year appropriated and actual to date and any amounts currently held in reserve accounts, contingency accounts, escrow accounts and self-insurance accounts. Said submittals and reports shall also include all unfunded liabilities."

The Finance Committee shall, not later than March 31st, submit to the Selectmen their written report with their recommendations, including the amounts requested by those originating the above estimates. The Selectmen shall cause the Finance Committee's budget submittal including "an update of all submitted and reported amounts," requested amounts, recommendations and the Finance Committee's report of reasons for differences to be printed in the warrant for the Annual Town Meeting.;

or act on anything relative thereto.

Submitted by Petition.

(Majority vote required)

PETITIONER'S REPORT: Town Residents, in their capacity as Legislators voting on the budget, need full financial disclosure to accurately understand the financial status of the Town. The residents are the stakeholders who fund all three cost centers and deserve full financial disclosure. Without both a balance sheet and a budget there is no way to realistically discuss and/or project financial need or financial sustainability.

BOARD OF SELECTMEN POSITION: The Board will report at Town Meeting.

FINANCE COMMITTEE REPORT: The Finance Committee will report at Town Meeting.

AGENDA REQUEST – Item #8

BOARD OF SELECTMEN

Requestor's Section

Date of request: *April 19, 2013*

Requestor: *Mary McCormack*

Action requested: *Amend minutes of November 20, 2012*

Financial impact expected: *None*

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

CONSENT CALENDAR – *see attached*

Recommendations/Suggested Motion/Vote:

Vote to amend the Board minutes of November 20, 2012, to reflect the presence of Kevin Matthews, a LSRHS District Committee member, whose name was inadvertently omitted from the list of Committee attendees.

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

Selectmen's Office Section

Date of Selectmen's Meeting: *April 23, 2013*

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)

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McCormack, Mary

From: Valente, Maureen
Sent: Monday, April 08, 2013 2:21 PM
To: McCormack, Mary
Subject: FW: Invitation to multi board meeting on finance issues

Mr. Matthews would like the minutes of 11/20/12 amended to state he was there at this meeting for the discussion of 3 long term Financial Challenges?

Can you put this on the next agenda? Thanks.

From: kjmatthews05@comcast.net [mailto:kjmatthews05@comcast.net]
Sent: Monday, April 08, 2013 2:17 PM
To: Valente, Maureen
Subject: RE: Invitation to multi board meeting on finance issues

Let's do both. I really appreciate it.

Also, I would like to talk to Larry. Do you have a number for him?

From: Valente, Maureen [mailto:ValenteM@sudbury.ma.us]
Sent: Monday, April 08, 2013 2:13 PM
To: kjmatthews05@comcast.net
Subject: RE: Invitation to multi board meeting on finance issues

Hi Kevin

I think you are referring to the minutes of the Selectmen's meeting, which I included an excerpt from in the report?

I can ask the Board to put accepting amended minutes for that meeting on the agenda for their next meeting.

Or I can just add a note to the Report, to first paragraph on page 57, something like NOTE: L-S member Kevin Matthews was also in attendance at this meeting. I can do that without a vote of the Selectmen.

Or we can do both

Your call – I am happy to make whatever changes you see as best.

Maureen

From: kjmatthews05@comcast.net [mailto:kjmatthews05@comcast.net]
Sent: Monday, April 08, 2013 2:06 PM
To: Valente, Maureen
Subject: RE: Invitation to multi board meeting on finance issues

Maureen,

In the report that was presented last Thursday night you had a reference to this meeting. You mentioned my colleagues on the LS School Committee being in attendance but my name was omitted. I spend an awful lot of time at these various meetings and I do wish it to be acknowledged when I am in that particular meeting. I am sure it was not intentional as the lady

who was the secretary last Thursday night had to ask my name. She was probably the one who gathered the attendees names the evening of this OPEB presentation as well.

If it is still possible I would like the report changed to reflect that.

Thanks,
Kevin Matthews

From: Valente, Maureen [<mailto:ValenteM@sudbury.ma.us>]

Sent: Friday, October 26, 2012 4:48 PM

To: Board of Selectmen; Finance Committee; Sudbury School Committee K-8; L-S School Committee

Cc: Carpenter, Scott; anne_wilson@sudbury.k12.ma.us; Terkelsen, Andrea

Subject: Invitation to multi board meeting on finance issues

Good afternoon everyone.

This email is to invite all members of the SPS School Committee, Finance Committee and LS Regional High School Committee to a meeting with the Board of Selectmen on Tuesday November 20th at 7:30 pm in the Sudbury Lower Town Hall to hear information about two long term financial challenges: (1) updated OPEB Actual valuations for both the Town of Sudbury and the Lincoln-Sudbury Regional High School and (2) the list of all known major facility, infrastructure and equipment projects that are being developed and may be under discussion by the Town of Sudbury, SPS and LS in the next few years. Town staff are working to develop a framework for a multi-year financial strategy and these items are two of the major components that will need to be considered. Background information associated with these two items will be sent out soon, hopefully by the end of next week. I hope you can join us for this important meeting.

Consultant Linda Bournival, who prepared both OPEB valuations, will be presenting the reports she has developed for both the Town (including SPS employees and retirees) and LS.

I hope everyone has a nice weekend, and you are preparing for the possibility of Hurricane Sandy being a major event next week. Keep our fingers crossed it goes easier on us than last year's October storm!

Maureen G. Valente
Town Manager
Town of Sudbury
www.sudbury.ma.us

Please be aware that most emails sent to and from town offices are considered to be public records.

clear. The Committees are researching whether a tax increase for all might be a better approach than a betterment increase on a few taxpayers. Vice-Chairman Haarde stated a lot of data has been accumulated to assess the financial impact on users. He also stated the Committee has discussed how to mitigate the risk of augmenting the Town's Chapter 40B problems. In addition, the Committee has discussed zoning-related issues with the Planning Board. Vice-Chairman Haarde believes voters will want to know what the end-result vision is for the sewer district before voting to fund the project. In response to a question from Chairman O'Brien, Vice-Chairman Haarde stated it is the Committee's hope to present the zoning first to the public.

Chairman O'Brien stated collective bargaining discussions are continuing with Lincoln- Sudbury Regional High School (L-SRHS), and he recently attended a few Executive Session meetings.

Discussion of Three Long-Term Town Financial Challenges – Other Postemployment Benefits (OPEB, Capital Infrastructure and Equipment Projects and Reserves

Present: Finance Committee Chair James Rao and Finance Committee members Bill Kneeland, Bob Jacobson, Jamie Gossels, Mark Minassian, Robert Stein, Charles Woodard and Doug Kohen; Sudbury Public School (SPS) Superintendent Anne Wilson, SPS Director of Business and Finance Mary Will, Chair of the SPS School Committee Richard Robison and SPS Committee members Lisa Gutch, Lucie St. George, Bob Armour, Ellen Joachim, Lincoln-Sudbury Regional High School (L-SRHS) Superintendent Scott Carpenter, L-SRHS Business Manager Michael Connelly, L-SRHS Finance Committee Chair Laura Sanders, L-SRHS District Committee members Radha Gargeya, Nancy Marshall, Kevin Matthews, Elena Kleifges, and Gerald Quirk, KMS Actuaries LLC Representative Linda Bournival, Assistant Town Manager Maryanne Bilodeau, and Finance Director Andrea Terkelsen

At 7:51p.m., Chairman O'Brien opened the financial discussion. He stated the purpose of the meeting is to gain a better understanding of the financial challenges Sudbury faces in the short and long term. The Board was previously in receipt of copies of a memorandum from Town Manager Valente dated November 16, 2012 and an accompanying summary of financial issues related to OPEB obligations, financial reserves and capital projects, copies of the "Town of Sudbury Other Postemployment Benefits Program Actuarial Valuation dated July 1, 2011," as prepared by KMS Actuaries, LLC, and the "Lincoln-Sudbury Regional School District Other Postemployment Benefits Program Actuarial Valuation dated July 1, 2011," as prepared by KMS Actuaries, LLC.

Town Manager Valente stated the objective tonight is to hear the summaries of the report information and to receive background information to further review and begin to discuss at the next Board meeting. She believes it is important for the Town to decide how it wishes to address the actual cost of doing its business in the short and long term.

Town Manager Valente noted some prior steps taken leading to tonight's meeting. In September 2011, a goal meeting was held by the Board, wherein Finance Director Andrea Terkelsen reported the amount paid by the average taxpayer for the Town's debt service was anticipated to decrease from \$686 in FY12 to \$256 in FY16. Assistant Town Manager Bilodeau stated that the Town would be pursuing changes to how it provides its health care plans, and changes were implemented this year. The Park and Recreation Commission stated it was developing a master plan and Community Preservation Act (CPA) funds were appropriated for purchase of the development rights of Pantry Brook Farm. Ms. Valente stated energy-related grants were pursued and received, and a Combined Facilities Director for the Town and SPS was appointed. She and Assistant Town Manager Bilodeau and Ms. Terkelsen also met with members of the Finance Committee to review the impact of the other postemployment benefits (OPEB), i.e., medical and pension benefits promised to Town, Sudbury Public Schools and Lincoln-Sudbury Regional High School employees and retirees for which no money has been previously set aside, accounted for, or considered as

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Present: Finance Committee Chair James Rao and Finance Committee members Bill Kneeland, Bob Jacobson, Jamie Gossels, Mark Minassian, Robert Stein, Charles Woodard and Doug Kohen; Sudbury Public School (SPS) Superintendent Anne Wilson, SPS Director of Business and Finance Mary Will, Chair of the SPS School Committee Richard Robison and SPS Committee members Lisa Gutch, Lucie St. George, Bob Armour, Ellen Joachim, Lincoln-Sudbury Regional High School (L-SRHS) Superintendent Scott Carpenter, L-SRHS Business Manager Michael Connelly, L-SRHS Finance Committee Chair Laura Sanders, L-SRHS District Committee members Radha Gargeya, Nancy Marshall, Kevin Matthews, Elena Kleifges, and Gerald Quirk, KMS Actuaries LLC Representative Linda Bournival, Assistant Town Manager Maryanne Bilodeau, and Finance Director Andrea Terkelsen

At 7:51p.m., Chairman O'Brien opened the financial discussion. He stated the purpose of the meeting is to gain a better understanding of the financial challenges Sudbury faces in the short and long term. The Board was previously in receipt of copies of a memorandum from Town Manager Valente dated November 16, 2012 and an accompanying summary of financial issues related to OPEB obligations, financial reserves and capital projects, copies of the "Town of Sudbury Other Postemployment Benefits Program Actuarial Valuation dated July 1, 2011," as prepared by KMS Actuaries, LLC, and the "Lincoln-Sudbury Regional School District Other Postemployment Benefits Program Actuarial Valuation dated July 1, 2011," as prepared by KMS Actuaries, LLC.

Town Manager Valente stated the objective tonight is to hear the summaries of the report information and to receive background information to further review and begin to discuss at the next Board meeting. She believes it is important for the Town to decide how it wishes to address the actual cost of doing its business in the short and long term.

Town Manager Valente noted some prior steps taken leading to tonight's meeting. In September 2011, a goal meeting was held by the Board, wherein Finance Director Andrea Terkelsen reported the amount paid by the average taxpayer for the Town's debt service was anticipated to decrease from \$686 in FY12 to \$256 in FY16. Assistant Town Manager Bilodeau stated that the Town would be pursuing changes to how it provides its health care plans, and changes were implemented this year. The Park and Recreation Commission stated it was developing a master plan and Community Preservation Act (CPA) funds were appropriated for purchase of the development rights of Pantry Brook Farm. Ms. Valente stated energy-related grants were pursued and received, and a Combined Facilities Director for the Town and SPS was appointed. She and Assistant Town Manager Bilodeau and Ms. Terkelsen also met with members of the Finance Committee to review the impact of the other postemployment benefits (OPEB), i.e., medical and pension benefits promised to Town, Sudbury Public Schools and Lincoln-Sudbury Regional High School employees and retirees for which no money has been previously set aside, accounted for, or considered as

AGENDA REQUEST – Item #9

BOARD OF SELECTMEN

Requestor's Section

Date of request: *April 19, 2013*

Requestor: *Bill Place, DPW Director*

Action requested: *Vote to approve FY13 rates for Transfer Station stickers*

Financial impact expected: *TBD*

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

CONSENT CALENDAR - *see attached*

Recommendations/Suggested Motion/Vote: *Vote to approve the FY14 rates for transfer station stickers as recommended by DPW Director Bill Place, who is advising leaving them at the FY13 amounts.*

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

Selectmen's Office Section

Date of Selectmen's Meeting: *April 23, 2013*

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)



119

Town of Sudbury

Dept. of Public Works

275 Old Lancaster Road
Sudbury, MA 01776
(978) 443-2209; (978) 443-6128 fax
I. William Place, DPW Director/Town Engineer

✓
Gordon
4/23

ENGINEERING • HIGHWAY • PARKS & GROUNDS • TRANSFER STATION • TREES & CEMETERY

April 2, 2013

Ms. Maureen Valente
Town Manager
Town of Sudbury
278 Old Sudbury Road
Sudbury, MA 01776

RECEIVED
BOARD OF SELECTMEN
SUDBURY, MA
2012 APR - 3 P 12: 37

Subject: Sticker Price — Transfer Station

We have reviewed the revenues and expenditures for the Transfer Station Enterprise Fund. Revenue from bulky waste, stickers and bags remain constant with a significant decrease in indirect costs due to the new health insurance plan.

Costs for solid waste disposal continue at \$68.00 per ton with a small \$2.00 per ton increase beginning in July 2013.

Therefore, I would recommend no increase in the price per Transfer Station sticker for FY '14.

Respectfully,

I. William Place, P.E.
DPW Director/Town Engineer

IWP/gs

AGENDA REQUEST – Item #10

BOARD OF SELECTMEN

Requestor's Section

Date of request: *April 19, 2013*

Requestor: *The Board*

Action requested: *Approve a change to the "Membership" section of the Fairbank Community Center Study Task Force Mission Statement to increase the at-large members from three to five.*

Financial impact expected: *None*

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

CONSENT CALENDAR - *see attached*

Recommendations/Suggested Motion/Vote: *Vote to amend the Fairbank Community Center Study Task Force Mission Statement, established by the Board of Selectmen on November 7, 2012, and amended on March 12, 2013, under "Membership" to increase the at-large members from three to five.*

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

Selectmen's Office Section

Date of Selectmen's Meeting: *April 23, 2013*

Board's action taken:

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

Distribution:

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

70

Fairbank Community Center Study Task Force

Town of Sudbury

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

(Amended March 12th and April 23, 2013)

Mission: The Study Task Force is an *ad hoc* entity established by and reporting to the Board of Selectmen in order to provide an 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 Task Force shall 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 in conjunction with a facilities master plan. 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.

Board of Selectmen Amendment: Board of Selectmen amends and extends the mission of the Task Force to include bringing forth the proposal for a master plan at Town Meeting in May 2013. The Mission of the task force will continue as research committee for programs and use groups and dissemination of information on behalf of user groups. The task force will also be charged with the task of private fund raising to support the funding for a master plan and a portion of the construction costs.

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

1. One member of the Board of Selectmen
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
7. One member of the Finance Committee
8. Five non-committee citizen members

The Task Force will provide a mechanism for thoughtful and public review of the best alternatives for dealing with the current and future use and space needs at the Fairbank Community Center and will bring forth the proposal for a master plan at Town Meeting and continue development of master plan for Community Center

Responsibilities: In an attempt to develop a recommendation to the Board of Selectmen on roof replacement and future master plan for a Community Center, the Task Force will concentrate on the following 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 the future plans and needs desired at the Community Center. The committee will act in an advisory role to the Permanent Building Committee during the procurement process for designer selection, if approved.

Staffing: The Combined 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 #11

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *April 4, 2013*

Requestor: *The Board*

Action requested: CONSENT CALENDAR
Appointment of applicants to the Fairbank Community Center Task Force

Financial impact expected: *None*

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

Recommendations/Suggested Motion/Vote:

Vote to appoint Timothy C. Coyne, 24 Taylor Road, and Gregory George, 39 Meadow Drive, as new at-large members to the Fairbank Community Center Task Force for terms to expire May 31, 2013, as previously recommended by the Board at its meeting of April 4.

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

Selectmen's Office Section:

Date of Selectmen's Meeting: *April 23, 2013*

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: *April 9, 2013*

Requestor: *Jessica Meyers, VP of Operations, Sudbury Cooperative Preschool*

Action requested: CONSENT CALENDAR
Approval of a one-day Wine and Malt Beverages License

Financial impact expected: *\$25.00 to General Fund*

Background information: *All requested information provided. The bartender has been TIPS- trained. Bldg. Insp. and Police expressed no issues.*

Recommendations/Suggested Motion/Vote:

Vote to grant a one-day Wine and Malt License to Jessica Meyers, VP of Operations for Sudbury Cooperative Preschool, 6 Church Street, to accommodate an auction fundraiser at Camp Sewataro, Saturday, May 18, 2013, from 6:00 p.m. to midnight, subject to use of a TIPS-trained bartender and receipt of a Certificate of Liability.

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

Selectmen's Office Section:

Date of Selectmen's Meeting: *April 23, 2013*

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)

"12"

Agenda
4/23 ✓

Sudbury Cooperative Preschool will be holding an auction at Camp Sewataro on May 18th 2013 from 6-12a. We have hired a bartender through Franklin Catering (800-649-6826) of Framingham. I have included the liability insurance info. We will be serving wine and beer.

Jessica Meyers
VP of Operations
774 280 9956
jlym143@hotmail.com

Sudbury Cooperative Preschool
6 Church St
PO Box 123 &
Sudbury MA 01776

RECEIVED
BOARD OF SELECTMEN
SUDBURY, MA

2012 APR -9 P 2:30



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
4/9/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

| | | | |
|--|--|---|--|
| PRODUCER Aronson Insurance Agency Inc 950 Highland Ave Needham MA 02494 | | CONTACT NAME: Stephen Mealey, CIC, CISR PHONE (A/C No. Ext): (781) 444-3050 FAX (A/C No.): (781) 444-3051 E-MAIL ADDRESS: SteveMealey@AronsonInsurance.com | |
| INSURED A P D Bar Service, DBA: Ed Schroter 103 High St P O Box 335 Newton MA 02464 | | INSURER(S) AFFORDING COVERAGE INSURER A: Western World Ins Co INSURER B: Safety Insurance Company INSURER C: Aspen Specialty Ins Co INSURER D: INSURER E: INSURER F: | |

COVERAGES **CERTIFICATE NUMBER:** CL133409105 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | ADDL INSR | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS |
|----------|--|-----------|----------|---------------|-------------------------|-------------------------|--|
| A | GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC | | | NPP1300118 | 5/25/2012 | 5/25/2013 | EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 |
| | AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS | | | 5058473 | 2/14/2013 | 2/14/2014 | COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Underinsured motorist BI split \$ 20,000 |
| | UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$ | | | | | | EACH OCCURRENCE \$ AGGREGATE \$ |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below | | | | | | WC STATU-TORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$ |
| C | Commercial Liquor Liability | | | CPX045811 | 5/25/2012 | 5/25/2013 | Each Occurrence \$1,000,000 General Aggregate \$1,000,000 |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 Event: 5/18/13 Franklin Catering for Sudbury Coop Pre School

| | |
|---|---|
| CERTIFICATE HOLDER Camp Sewatarao 1 Liberty Ledge Sudbury, MA 01776 | CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE S Aronson, CIC/TRICIA |
|---|---|

AGENDA REQUEST - Item #13

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *March 11, 2013*

Requestor: *Mary McCormack*

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

CONSENT CALENDAR

Accept a \$286 donation from Planet Aid in appreciation for clothing and shoe bin donations which are located the Fairbank Community Center

Financial impact expected: *funds to supplement the Discretionary Fund*

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

Recommendations/Suggested Motion/Vote: *Vote to accept, on behalf of the Town, a \$286 donation from Planet Aid in appreciation for allowing a clothing and shoe bin to be located at the Fairbank Community Center in 2012, as stated in a letter dated March 11, 2013, from Michael Tambosi, Planet Aid Operations Manager, said funds to be accepted into the Town's Discretionary Fund and expended under direction of the Town Social Worker.*

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

Selectmen's Office Section:

Date of Selectmen's Meeting: *April 23, 2013*

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)



✓
Ch. Smith

One Cross Street, Holliston, MA 01746

• Phone: (508) 893-0644 • Fax: (508) 893-0641 • E-mail: info@planetaid.org

March 11, 2013

Town of Sudbury
228 Old Sudbury Road
Sudbury, MA 01776

Greetings,

On behalf of Fairbank Community Center, Planet Aid would like to make a donation to your organization. Your commitment to helping our community is sincerely appreciated; please find enclosed check #124065 in the amount of \$286. This is the payment for quarters 1, 2, 3 & 4 of 2012. Fairbank Community Center hosts one of our clothing collection boxes and gives 0.02¢ of every pound of clothing collected at their location to you.

Planet Aid is a 501(c)3 nonprofit organization that collects and recycles used clothes and shoes and supports community-based projects like yours, helps improve the environment, aid vulnerable children, train teachers, and helps enhance the overall quality of life for people across the globe. Our clothes collection boxes can be found across many major metropolitan areas of the United States

Beginning this year, checks will be mailed on a quarterly basis so you will be receiving a total of four separate checks for the year of 2013. If you would like to increase the amount you are receiving, please consider hosting a donation bin of your own. You can also help by donating unwanted clothes and shoes in the yellow Planet Aid box - located at **Fairbank Community Center- 40 Fairbank Rd., Sudbury, MA 01776**

If you have any questions, would like to host a box of your own, or know someone that would, please feel free to contact us.

We truly appreciate your support of our mission.
Sincerely,

Michael Tambosi
Operations Manager

AGENDA REQUEST – ITEM # 14

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *April 15, 2013*

Requestor: *Neil B. Minkoff*

Action requested: CONSENT CALENDAR:

Accept the resignation of Neil B. Minkoff from the Rt. 20 Sewer Citizens Advisory Committee

Financial impact expected: *None*

Background information: *Due to personal reasons*

Recommendations/Suggested Motion/Vote: *Vote to accept the resignation of Neil B. Minkoff, 175 Fairbank Road, from the Rt. 20 Sewer Citizens Advisory Committee, as requested in a letter dated April 15, 2013, and to send a letter of appreciation for his service to the Town.*

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

Selectmen's Office Section:

Date of Selectmen's Meeting: *April 23, 2013*

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
4/23*

April 15, 2013

Sudbury Board of Selectmen
278 Old Sudbury Road
Sudbury MA 01776

Dear Members of the Board,

Please accept my resignation from the Route 20 Sewer Citizen's Advisory Board. My work travel schedule has not allowed me to be a full participant in the proceedings.

Thank you for the opportunity.

Best,



Neil B. Minkoff
175 Fairbank Rd.

RECEIVED
BOARD OF SELECTMEN
SUDBURY, MA
2012 APR 18 A 8:00

AGENDA REQUEST-Item # 15

BOARD OF SELECTMEN

Requestor's Section

Item Name: Solar Sudbury One LF LLC Site Plan endorsement

Date of request: April 10, 2013

Requestor: Jody Kablack, Dir. Planning and Community Development

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

CONSENT CALENDAR

Vote to endorse approved site plans

Financial impact expected: None

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

Site Plan decision dated March 12, 2013 (attached)

Recommendations/Suggested Motion/Vote:

Vote to endorse the final site plans for Solar Sudbury One LF LLC, 20 Boston Post Road as recommended by the Director of Planning and Community Development.

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

Selectmen's Office Section

Date of Selectmen's Meeting: April 23, 2013

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 #16

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *April 2013*

Requestor: *Maureen Valente, Town Manager*

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

Discuss the release of various Executive Session minutes, as recommended by Town Counsel and other staff, as no longer requiring Executive Session status.

Financial impact expected: *N/A*

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

See attached materials

Recommendations/Suggested Motion/Vote: *(suggested vote) As reviewed by Town Counsel and other staff, vote to release the following Executive Session minutes which have been deemed as no longer requiring Executive Session status (listed by date): 10/5/10, 12/7/10, 12/21/10, 1/27/11, 2/15/11, 5/17/11.*

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

Selectmen's Office Section:

Date of Selectmen's Meeting: *April 23, 2013*

Board's action taken:

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

Town Counsel approval needed?

Yes (X)

No ()

IN BOARD OF SUDBURY SELECTMEN
MONDAY, OCTOBER 5, 2010
EXECUTIVE SESSION
(10:15 P.M. – 10:33 P.M.)

Present: Chairman John C. Drobinski, Vice-Chairman Lawrence W. O'Brien, Selectman Robert C. Haarde, Town Manager Maureen G. Valente, and Director of Planning and Community Development Jody Kablack

Land Acquisition – Wolfe Property – Discussion

The Board was previously in receipt of general property data, assessment information, site map and a description from the "2009-2013 Open Space and Recreation Plan" regarding property owned by the Pantry Brook Preservation Trust known as the Waite/Wolfe (Hunt-Bent Farm) on Concord Road, and a memorandum from Director of Planning and Community Development Jody Kablack dated September 24, 2010.

Ms. Kablack stated that Dick Wolfe approached her regarding preservation of the property by the Town. She explained that she had spoken to the Wolfes in the spring, encouraging them to work with the Town, when the time was right. Ms. Kablack opined that she believes the time is right, and she emphasized that this is a priority property in Sudbury.

Chairman Drobinski stated that this is a prime parcel for development, including Chapter 40B developments, and that it is critical that the Town does not let the opportunity to purchase it slip away. He stated that this property represents Sudbury's history and character and he would not want to see it developed. Selectman Haarde concurred.

Vice-Chairman O'Brien asked if Mr. Wolfe stated what their intentions are for the property. Ms. Kablack stated they would prefer to hold the property and preserve it. She noted that the Wolfes have also had a longstanding good relationship with the Sudbury Valley Trustees (SVT), which might be interested in owning and operating the property. Ms. Kablack has made a confidential initial contact with SVT's Director of Land Protection, Christa Collins, to discuss the matter.

Ms. Kablack stated Mr. Wolfe was unwilling, at this time, to state in writing their vision for the property. She stated that restrictions would be needed to preserve the property. Mr. Wolfe stated they have received three development offers. Mr. Wolfe also did not want to discuss money or a price at this time, stating their focus is on preserving the property. Ms. Kablack informed Mr. Wolfe that the value of the property is a concern for the Town, so it can ensure that adequate funds are available. She suggested to the Board that the next step should include a by-the-road appraisal.

Vice-Chairman O'Brien asked if it is possible the acquisition of the property could be phased, as was done with the Nobscot land. Ms. Kablack stated that creative financing options will be evaluated, but she believes it is important to secure the land on both sides of Concord Road as part of the package strategy.

Town Manager Valente asked what the anticipated timing is for the acquisition. Ms. Kablack stated that this would require a few years to finalize and would not be ready for presentation at the Annual 2011 Town Meeting. She further stated that the Community Preservation Committee would be very interested in using Community Preservation Act funds which have been reserved for exactly this type of Town opportunity. Ms. Kablack stated she is pleased the Town was approached.

Vice-Chairman O'Brien asked if the intent is to keep the property as a working farm. Ms. Kablack opined that she believes the Wolfes are still considering several ideas. Vice-Chairman O'Brien questioned if the

Audubon Society could be involved, as it is with Drumlin Farm. Ms. Kablack stated that there has been reference made to something similar to Billings Farm.

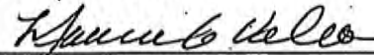
Ms. Kablack stated that, at this time, she does not believe a formal agreement is needed between the Town and SVT, but that the Town could use some of the SVT skills and personnel to help in the preliminary stages. Ms. Kablack opined that negotiations for this parcel will be challenging and time consuming.

Town Manager Valente noted that Ms. Kablack would also need to concurrently work on the negotiations for Fairbank Farm, and she asked how much time would need to be devoted to this acquisition. Ms. Kablack stated that it would be difficult for her to successfully work on these two acquisitions at the same time as working on other recently renewed priorities, such as the Rail Trail and the Melone property. She further stated that the Park and Recreation Commission would need a lot of assistance collecting the data it has been asked to gather for evaluation of the Melone property.

Chairman Drobinski stated that the Board would need to help set project priorities. Town Manager Valente concurred, stating it is important not to overpromise to the public what will be accomplished. Ms. Kablack opined that staff time and work must be devoted to the Wolfe property. Chairman Drobinski stated that the consensus of the Board is that Ms. Kablack and staff should proceed with discussions regarding preservation of the Wolfe property by the Town.

There being no further business, the meeting adjourned at 10:33 p.m.

Attest:



Maureen G. Valente
Town Manager-Clerk

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, DECEMBER 7, 2010
EXECUTIVE SESSION
(9:20 P.M – 9:45 P.M.)

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

Land Acquisition – Fairbank Property – Discussion

The Board reviewed a memo from Jody Kablack, Director of Planning and Community Development, and offered the following comments: First, they believe that securing the public access is important in itself but also critical to getting public support for the project.

Secondly, the Board would like some research done to address the following question: under what circumstances could the owner or other parties ever change the terms of the APR? Has that ever been done?

Otherwise, the Board was satisfied with the direction of negotiations thus far, and they expressed their appreciation to Ms. Kablack for her work to date on these discussions.

There being no further business, the meeting adjourned at 9:45 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, DECEMBER 21, 2010
EXECUTIVE SESSION
(9:39 P.M - 9:43P.M.)

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

Discretionary Fund - Expenditures


The Board was previously provided with a listing of residents, deemed in need by the Town Social Worker and local agencies, for consideration of receiving a monetary holiday gift. Town Manager Valente provided a brief explanation of the process used by Town Social Worker Martha Lynn and representatives from Sudbury's Council on Aging, local clergy and Sudbury's Veterans' Agent to determine residents who are experiencing financial difficulties. She stated that HopeSudbury provided a one-time donation to supplement the Town's nearly depleted resources this year, and thus the list for consideration by the Board is smaller than usual.

Chairman Drobinski stated the list in previous years has been much longer and that Sudbury has citizens who are in need of this help. Thus, he recommended approval of the expenditures and emphasized that the list should be kept confidential.

It was on motion unanimously

VOTED: As Co-Trustees of Town Trust Funds, to approve expenditures from the Discretionary Fund as presented and as further recommended by the Community Social Workers.

There being no further business, the meeting adjourned at 9:43 p.m.

Attest: 
Maureen G. Valente
Town Manager-Clerk

IN BOARD OF SUDBURY SELECTMEN
THURSDAY JANUARY 27, 2011
EXECUTIVE SESSION
(10:08 P.M - 10:44 P.M.)

Present: Chairman John C. Drobinski, Vice-Chairman Lawrence W. O'Brien, Selectman Robert C. Haarde, Town Manager Maureen Valente and Director of Planning and Community Development Jody Kablack

Land Negotiations – Cemetery Land and Abrams Properties – Update

Town Manager Valente stated the Town is in receipt of a plan to swap one acre of Town land for two acres of cemetery land from Laura Abrams. It involves the approval of a subdivision road over the Town land to provide access and frontage to the Abrams property. Ms. Kablack explained where the right of way would be created. In response to questions from the Board, Ms. Valente stated the property owners are looking to develop a one-house subdivision. Ms. Kablack stated the Planning Board had previously granted a subdivision for a similar proposal; however, the right of way was located within the Agricultural Preservation Restriction land, and was litigated by neighbors. She further stated the entire lot is approximately nine acres.

Town Manager Valente stated the land swap needs to be approved by Town Meeting. She further stated Town Counsel Kenny would urge acceptance of the offer. Ms. Valente asked the Board to consider what conditions it might want, such as limiting development to a one-house lot with a deed restriction, and/or stating the Board is inclined to want both cemetery parcels, so Town Counsel can factor them into negotiations.

Selectman Haarde stated the plan sounds like a good deal for the Town. It was noted the plan creates value for the property owners. Ms. Kablack stated frontage would be created for one lot.

The Board will consider the matter further for discussion again in Executive Session on February 1, 2011.

Collective Bargaining – Firefighters' Union -- Update

Town Manager Valente stated no update is available at this time, since the union has requested additional time to collect data from other municipalities.

Land Negotiations – Fairbank and MacNeill Properties – Update

The Board was previously in receipt of a memorandum and accompanying materials from Ms. Kablack to the Historical and Historic Districts Commissions dated January 5, 2011 regarding discussions underway with Bill Fairbanks to purchase an Agricultural Preservation Restriction (APR) on his farm and the possibility of placing an Historic Preservation Restriction (HPR) on the large barn on the property. Ms. Kablack reported the Community Preservation Committee (CPC) voted last night to recommend funding of both Restrictions from Open Space Community Preservation Act (CPA) funds. Earlier tonight, Ms. Kablack met with the Sudbury Historic Districts Commission, which believes this is a good use of CPA funds.

Ms. Kablack stated she does not yet have an estimate for the Historic Preservation Restriction, noting how difficult it is to assess. She has requested a consultant be hired to complete a structure report to help determine the value.

Selectman Haarde stated he has some concerns regarding development on the parcel. Ms. Kablack noted the property includes an active farm, which includes buildings. She further explained that, under the APR, the Town cannot forbid or limit construction of residential properties on the parcel for the seller, his family or employees.

Chairman Drobinski asked if the exemption is eliminated when the property owner is deceased. Ms. Kablack stated, if the property no longer is used for agriculture, the housing for workers could be ordered to be removed. She further stated that the APR conditions would be similar to those approved for the Cutting Farm and as dictated by the Massachusetts General Laws. Ms. Kablack believes the property owner is amenable to restricting the amount of area for the building of greenhouses. In addition, the property owner has agreed to offer the Town a Right of First Refusal. Ms. Kablack opined negotiations are going well at this time, and the APR is in the process of being drafted.

The Board was also in receipt of a memorandum from Ms. Kablack dated January 5, 2011 and accompanying material regarding an offer to purchase nine acres of land on Brimstone Lane owned by the MacNeills for \$900,000 and copies of a draft Petition Article for the Annual 2011 Town Meeting regarding this land purchase. She highlighted this is the same land for which the Town is currently engaged in litigation regarding denial of a preliminary subdivision plan. Ms. Kablack provided a brief explanation of the difference between the processes for preliminary and definitive subdivision plans. She noted the land offered is considered undevelopable and that no documentation has been provided regarding value.

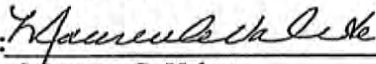
Ms. Kablack reported the property owner has submitted a petition article for Town Meeting. She informed the seller that an appraisal would be required and that it is late in the process to request the use of CPA funds at this Town Meeting. Ms. Kablack has asked the Community Preservation Committee to consider taking the request out of cycle, but the decision ultimately rests with the Selectmen.

In light of the Town's economic challenges, Chairman Drobinski stated the CPC deliberately reduced its recommendations for funding this year. Ms. Kablack emphasized there is no urgency to this proposal, and she believes the value has been inflated.

It was on motion unanimously

VOTED: To not support obtaining an appraisal for the MacNeill property located on Brimstone Lane as a high-priority project, and further to not recommend advancement of this proposal to the Community Preservation Committee for consideration.

There being no further business, the meeting adjourned at 10:44 p.m.

Attest: 
Maureen G. Valente
Town Manager-Clerk

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, FEBRUARY 15, 2011
EXECUTIVE SESSION
(11:05 P.M - 11:20 P.M.)

Present: Chairman John C. Drobinski, Vice-Chairman Lawrence W. O'Brien, Selectman Robert C. Haarde, Town Manager Maureen Valente and Director of Planning and Community Development Jody Kablack

Land Negotiations – Abrams Land Swap - Update

At 11:05 p.m., Ms. Kablack provided an update on two issues posed during the Board's last discussion of this matter on January 27, 2011. Town Counsel Paul Kenny asked if the property owner would concede Lot 1B to the Town and whether they would deed restrict the parcel to one lot. Ms. Kablack reported the answers from the property owner to both questions were no. Ms. Kablack stated the property owner's intention has been to create frontage for a lot. She further stated it is unlikely the Planning Board would allow this area to be extended, so it would likely always remain one lot.

Chairman Drobinski stated the land swap is still a good deal for the Town.

Land Negotiations – Johnson Farm – Discussion

At 11:10 p.m., Ms. Kablack requested the Board's assistance regarding further strategies the Town could implement in response to the Johnson Farm Chapter 40B proposed development. She provided a brief history of efforts taken to purchase the property, including verbal and written communications with the property owner and routine discussions with the Sudbury Valley Trustees and Conservation Commission, regarding their ability to solely or jointly purchase the property. However, Ms. Kablack emphasized the Town is legally not able to proceed with any action which would interfere with the contract between the property owner and the developer.

Ms. Kablack stated she believes the Town's "hands are tied" at this time, for any action other than taking the appropriate steps to review the Chapter 40B permit under the law and mitigating it as much as possible. She requested the Board's ideas and assistance as to other strategies which might be effective. Ms. Kablack has also contacted the Massachusetts Housing Office regarding a question she has regarding the interpretation of obtaining the Order of Conditions language within its eligibility approval letter for the project. In addition, Ms. Kablack has commenced a review of the Massachusetts Housing cases of appeal to gather insight as to how this decision might be overturned. She has completed review of half of the cases available.

Chairman Drobinski concurred that the Town's "hands are tied," stating the strategy might be to review and approve the plan with conditions so onerous to make the project difficult to implement.

Ms. Kablack requested Board members contact her with any suggestions or recommendations to pursue.

There being no further business, the meeting adjourned at 11:20 p.m.

Attest: _____

Maureen G. Valente
Town Manager-Clerk

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, May 17, 2011
EXECUTIVE SESSION (8:55 P.M – 10:00 P.M.)

Present: Chairman Lawrence W. O'Brien, Vice-Chairman Robert C. Haarde, Town Manager Maureen Valente, Assistant Town Manager Maryanne Bilodeau and Director of Planning and Community Development Jody Kablack

Absent: Selectman John C. Drobinski

Land Negotiations – Fairbank Farm Agricultural Preservation Restriction – Update

Present: Director of Planning and Community Development Jody Kablack

The Board was previously in receipt of copies of a Draft Grant of Agricultural Preservation Restriction (APR) to the Town of Sudbury dated May 12, 2011 for review. In addition, Ms. Kablack distributed copies of an aerial photograph provided by Keystone Consulting Group of the subject property, which delineated the proposed building envelope as approximately 1.8 acres and locations of a new trail and the Wolbach trail connection. She reported the seller is motivated to finalize the agreement. Ms. Kablack stated she would anticipate the APR to be ready for the Board's signature at the May 31, 2011 meeting.

Ms. Kablack reported a few revisions have been suggested by the State, and those changes have either been, or are in the process of being, incorporated into the APR. The State suggested an Exhibit Plan be attached to the APR, which the Town Engineering Department is in the process of developing.

Vice-Chairman Haarde asked for clarification that only one house would be built on the designated building envelope. Ms. Kablack explained the construction of one house, on one lot, is a reserved right in the APR.

Ms. Kablack briefly highlighted conditions stated in Section C. Reserved Rights of the APR, particularly noting instances when notice and/or notice and approval have been required. It was also noted any plans to construct a permanent structure would require notice and Site Plan review.

Ms. Kablack stated the seller has informally agreed to help create a trail, although it is not currently stated in the APR. Ms. Kablack stated she would further research whether the APR should include language regarding building and maintaining a trail.

Ms. Kablack stated she has compared this APR to the Cutting and Nobscot restrictions, and finds they are similarly drafted, and it is particularly similar to the Cutting restriction.

The consensus of the Board was Ms. Kablack should proceed with finalization of details as described, and present the APR, with surveys attached, at the next meeting for a vote and possible signing by the Board.

There being no further business, the meeting adjourned at 10:00 p.m.

Attest: _____

Maureen G. Valente
Town Manager-Clerk