

**SUDBURY BOARD OF SELECTMEN**  
**AGENDA**  
**TUESDAY, FEBRUARY 12, 2013**  
**7:00 p.m., Town Hall, 322 Concord Road**

1. 7:00     **Executive Session** -- Open meeting in Town Clerk's Office and immediately vote to go into Executive Session to discuss collective bargaining with Engineering Union and negotiation regarding the sale of the Town's interest in the Wayland-Sudbury Septage Facility wherein strategy discussion in an open meeting may have a detrimental effect on the bargaining position of the Board.

If necessary, the Executive Session will be suspended to the close of the regular meeting which will begin in lower Town Hall at 7:30 p.m.

2. 7:30     Opening remarks by Chairman
3. 7:35     Reports from Town Manager
4. 7:40     Reports from Selectmen
5. 7:45     Citizen's Petition - Bryan Semple - regarding a proposal to implement the State of the Town semi-annual update proposed at the 2011 Annual Town Meeting

6. 8:00 **Vote PUBLIC HEARING:** Consideration of the application of Solar Sudbury One LF LLC, (a/k/a Ameresco) and the Town of Sudbury, owner, for Site Plan approval to construct a 1.5 megawatt solar photo-voltaic array on approximately a six-acre parcel of leased land at the Town's Landfill, located at 20 Boston Post Road, zoned Limited Industrial District, K12, Parcel 0002.

*(Bill Braun, Chair, Energy and Sustainability Committee, and members of Ameresco)*

7. 8:30     Report from the Fairbank Center Study Task Force  
*(Jack Ryan, co-chair of the Task Force, will present and will attend for the Fairbank Center Study Task Force.)*

8. 9:00     **PUBLIC HEARING:** Consideration of an application for All Alcoholic Common Victualler restaurant license, Common Victualler and Entertainment licenses for 29 Group LLC, d/b/a No. 29 Sudbury, John Malloy, Manager, located at 29 Hudson Road, approval subject to conditions and requirements of the Building Department, Board of Health, Police and Fire Departments.

*(John Malloy, Mgr., Caroline O'Connell, Atty., Greg Hill and Chris Stephens, owners, will attend.)*

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**Consent Calendar:**

9. **Vote**     Vote to approve the Regular Session minutes of January 22, 2013.
10. **Vote**    Vote to accept, on behalf of the Town, a grant in the amount of \$3,100 from The Sudbury Foundation to fund a series of professional development trainings for senior staff members, as outlined in a letter dated January 24, 2013 from Marilyn Martino, Executive Director of the Foundation, said funds to be expended under the direction of the Town Manager.
11. **Vote**    Vote to accept, on behalf of the Town, a \$5,225 Student Awareness of Fire Education (S.A.F.E.) grant from the Department of Fire Services, said funds to be expended under the direction of the Fire Chief.

12. **Vote** Vote to accept, on behalf of the Town, a gift of \$30,000 from Trask, Inc. towards traffic mitigation in the general vicinity of the property located at 192 Boston Post Road, as contemplated in condition IV.28 of the Comprehensive Permit Decision dated February 13, 2012, to be expended under the direction of the Director of Public Works.
13. **Vote/Sign** Vote to appoint Harold (Hal) Cutler, 163 Landham Road, to the Sudbury Celebrates 375/ Sudbury Day Committee for a term to expire November 30, 2014.
14. **Vote** To grant permission for the Annual Sudbury Spring Sprint Triathlon on Sunday, May 5<sup>th</sup>, at 8 a.m., and the fourth Annual TriSprouts Children's Triathlon on Saturday, May 4<sup>th</sup> at 9 a.m. as requested in a letter dated February 1 from Race Director, William Fiske, subject to conditions and permits required by Park and Recreation and a meeting with the Sudbury Police Department prior to the Sunday event, (preferably at the conclusion of Saturday's children's event), regarding safety concerns and/or weather issues, and the applicant providing for cleanup of any litter created by race participants and staff.
15. **Vote** Vote to request that the Town Treasurer permit temporary inter-fund borrowing from unappropriated General Fund Free Cash for an advance of funds in lieu of borrowing for the Noyes School Roof Repair Project, said funds to be paid back to the General Fund available reserve balance by June 30, 2013, in accordance with M.G.L. c44, s.20a with instructions and accounting procedures further described in IGR #92-105.

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**Miscellaneous (untimed items):**

16. **Vote/Sign** Question of signing a Site Plan Modification Decision for a change of use for Macot Realty Trust/Methods Machines, located at 65 and 71 Union Avenue.
17. **Vote** Question of submitting a ballot question to the Town Clerk no later than Friday, February 15, 2013, for inclusion in the Annual Town Election, pursuant to Ch. 410 of the Acts of 2012, an act increasing the Board of Selectmen membership from 3 to 5.
18. **Vote** Annual Town Meeting Actions:
- a) Accept articles submitted for the 2013 Annual Town Meeting
  - b) Determine order of the articles
  - c) Designate articles for Consent Calendar
  - d) Refer zoning bylaw articles to Planning Board
  - e) Possibly take positions on articles
19. **Vote** Question of approving the 2012 Annual Town Report from the Board of Selectman and Town Manager
20. **Vote/Sign** Question of ratifying the Collective Bargaining agreement approved in Executive Session.
21. **Vote** Question of voting to continue the Regional Housing Services Office Inter-Municipal Agreement for FY14 with Acton, Bedford, Concord, Lexington, Wayland and Weston.
22. Discussion regarding Minuteman and legislation filed to increase MSB funding for vocational schools.
23. **Vote** Question of approving an increase in the Senior Tax Work-off Program from \$750/year to \$800, increasing the 100 hourly rate of \$7.50 to the State minimum wage of \$8.00.

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

# AGENDA REQUEST – Item #5

## CITIZENS CONCERNS

### Requestor's Section

**Date of request:** *February, 2013*

**Requestor:** *Bryan Semple*

**Action requested:** *Discussion regarding a (non-binding) Resolution submitted to the 2011 Annual Town Meeting requesting implementation of a bi-annual "State of the Town" forum, which has never been exercised.*

**Financial impact expected:** *N/A*

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

*See attached copy of warrant Article 39*

**Recommendations/Suggested Motion/Vote:** *N/A*

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

*Bryan Semple*

### Selectmen's Office Section

**Date of Selectmen's Meeting:** *February 12, 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 ( )



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

**Article 39– RESOLUTION – STATE OF THE TOWN PUBLIC  
FORUM**

**Voted: Moderator declared passed by more than a majority**

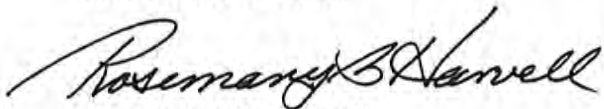
**Resolution –**

- **Whereas: The mission of the Town of Sudbury is to ensure the safety and well-being of the community, to protect and enhance the financial health, education excellence, and environmental quality of our Town;**
- **Whereas: The Board of Selectmen relies on the professionalism of Town staff and volunteers, and use of long-term, strategic planning and enhanced communications in Town governance;**
- **Whereas: The Board of Selectmen is dedicated to protecting and enhancing the unique sense of place found in Sudbury and protecting and encouraging tolerance and diversity;**
- **Whereas: The Board of Selectmen, as the chief policy making and governance body of the Town of Sudbury, provides leadership for staff, volunteers, residents and other stakeholders in the Town by advancing goals, programs and decisions/ resolutions that are based on the above;**
- **Whereas: There is no formal, public presentation discussing the progress, current status and path/requirements to completion of such goals, programs, decisions/resolutions;**
- **Therefore be it resolved that: The voters of Sudbury request The Board of Selectmen establish a policy whereby the Town Manager and**

Department Heads report, on a bi-annual basis the progress, current status and path/requirements to completion of such goals, programs, decisions/resolutions in an open, public "State of the Town" meeting.

- Therefore be it resolved that: The voters of Sudbury request The Board of Selectmen establish a policy whereby the Town Manager and Department Heads report, on a *semi-annual* basis the progress, current status and path/requirements to completion of such goals, programs, decisions/resolutions in an open, public "State of the Town" meeting.

A true copy, Attest:

A handwritten signature in cursive script that reads "Rosemary B. Harvell".

Rosemary B. Harvell  
Town Clerk

# AGENDA REQUEST Item #6

## BOARD OF SELECTMEN

### Requestor's Section

**Date of request:** *January 22, 2013*

**Requestor:** *Solar Sudbury One LF LLC, applicant*

**Action requested (Who, what, when, where and why):**  
*Vote to approve Site Plan application*

**Financial impact expected:** *None*

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

**Recommendations/Suggested Motion/Vote:**

*Consideration of the application of Solar Sudbury One LF LLC, (a/k/a Ameresco) and the Town of Sudbury, owner, for Site Plan approval to construct a 1.5 megawatt solar photo-voltaic array on approximately a six-acre parcel of leased land at the Town's Landfill, located at 20 Boston Post Road, zoned Limited Industrial District, K12, Parcel 0002.*

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

*Bill Braun, Chair, Energy and Sustainability Committee and members of Ameresco*

### Selectmen's Office Section

**Date of Selectmen's Meeting:** *February 12, 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 )**

Approved  
2/12

Public Hearing:  
Site Plan of Solar Sudbury One LF LLC  
20 Boston Post Road  
Material received as of February 7, 2013

Notice of the Public Hearing was duly posted and advertised in the *Sudbury Town Crier* on January 24 and 31, 2013. Abutters according to the Assessors were provided written notice by first class mail. The Sudbury Planning Board and other boards and officials were notified and requested to report to the Selectmen. The Selectmen opened the public hearing on February 12, 2013.

The Board is in receipt of the following:

1. Application for Site Plan dated January 23, 2013, including Site Plan prepared by AMEC Environmental & Infrastructure Inc., Westford, MA dated January 23, 2013, consisting of 2 sheets – Sheet 1 of 2, Proposed Site Plan; Sheet 2 of 2, Details.
2. Memo from Jody Kablack, Planning Director, to the Board of Selectmen dated February 6, 2013.
3. Memo from Bill Place, DPW Director, to Jody Kablack, Planning Director, dated February 7, 2013.



# Town of Sudbury

Planning and Community Development Department

Jody A. Kablack, Director

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

<http://www.sudbury.ma.us/services/planning>  
[kablackj@sudbury.ma.us](mailto:kablackj@sudbury.ma.us)

TO: Selectmen  
FROM: *JAK* Jody Kablack, Planning Director  
RE: Solar Sudbury One LF LLC Site Plan, Town Landfill  
DATE: February 6, 2013

An application for Site Plan Review has been received from Solar Sudbury One LF LLC for the construction of a 1.512 megawatt solar array on the Town's landfill, located at 20 Boston Post Road. The site is a 28 acre parcel of land in a Limited Industrial District, and currently contains the Town's transfer station, as well as a wireless communications tower. The proposal is to install approximately 6,048 photovoltaic modules within a 5.3 acre lease area for the generation of electricity. This use has been determined to be similar to manufacturing, which is an allowed use in the Limited Industrial District. Additionally, Article 25 of the 2010 Annual Town Meeting "authorized the Town Manager and Selectmen to negotiate and/or contract with a company or companies to provide solar energy facilities at the Town Landfill site; and to enter into long-term leases/contracts, including power purchase agreements, of greater than 20 years; and to further authorize the Selectmen to petition the Great and General Court to authorize the Town to enter into long-term leases/contracts, including power purchase agreements, greater than twenty-years without submission to a further Town Meeting."

The proposed facility anticipates the generation of 1,919 MWh of electricity annually, resulting in an annual reduction in electricity costs to the Town of approximately \$110,000. The lease area will be fenced, and there will be no buildings associated with this use. Small transformers will be installed, as well as new electrical overhead poles and wiring. The area will be removed of its limited vegetation, and graded slightly.

I have reviewed the application materials and offer the following comments and recommendations:

1. This proposal is a joint venture between Solar Sudbury One and the Town. A license and a power purchase agreement have been executed which detail the relationship between the parties for the development, operation, maintenance and removal of the facility; purchase and sale of electricity generated from the facility; Payment in Lieu of Taxes; and other issues.
2. A pre-application meeting was held with the developer and town staff. The notes from that meeting are attached to this memo.
3. This proposal requires a General Stormwater Management Permit under section 5.B.3 of the bylaw for the construction of utility lines which will alter terrain, ground cover, or drainage patterns. No application has been submitted to date.
4. This proposal may require approval from the Conservation Commission.
5. The applicant notes 7 areas where the proposal deviates from the bylaw and regulations, as follows:
  - Section 4.1.3 of the Site Plan regulations requires the site plan to be at a scale of 1"=40'. The proposed site plan is at a scale of 1"=50'. This allows the entire site to be on 1 plan, as is typically preferred by the staff.



- Sections 3143 and 3320 of the Zoning Bylaw relate to the construction of new access driveways, and do not pertain to this application since the driveways are existing.
  - Section 3427(e) of the Zoning Bylaw requires the use of underground utility lines in new developments. This proposal anticipates the installation of 2 new utility poles on the property, and overhead cabling. The poles are located approximately 225 feet from Boston Post Road and therefore should not have any adverse impact on aesthetics. Additionally, the landfill is serviced by overhead utility lines, and the extension of lines to the solar facility is minimal.
  - Section 3427(g) of the Zoning Bylaw requires screening of similar uses so as not to create hazards or visual or other nuisances. This proposal does not include screening for the solar panels. The application states the arrays will be located no closer than 50 feet from Boston Post Road. It is recommended that the Selectmen conduct a site visit to become familiar with the placement of the structures before making a determination on the need for screening.
  - Section 3550 of the Zoning Bylaw requires a 20 foot wide landscape buffer along the street frontage of non-residential uses. This proposal does not include a landscape buffer due to the grade of the solar panels being 10-12 feet above Boston Post Road. The application further states that there are no adjacent residences. There is room for a planted buffer between the roadway and the structures. It is recommended that the Selectmen conduct a site visit before making a determination on the need for increased planting in this area.
  - Section 6352 of the Zoning Bylaw required the site plan to include topography at 1 foot contour intervals, and the proposed plan shows two foot contour intervals.
6. The application materials indicate that a Geotechnical Evaluation has been completed, and that the installation of the facility will not exceed loading criteria for the landfill and will not cause settling. It is assumed that DEP approval will be required prior to commencement of construction.
  7. It is questioned if there is any lighting proposed for security purposes?
  8. It is questioned how vegetation under the panels will be controlled? What type of vegetation will be planted under the panels. Will the area be mowed, or will herbicides be used?
  9. The fencing color should be chosen in order to be the least intrusive.

Attachment

cc: Building Inspector  
 Conservation Coordinator  
 DPW Director  
 Fire Chief

Applicant

6

Pre-Application Meeting  
Solar Array at Landfill  
August 14, 2012  
DPW Building

Present: Jody Kablack (Dir. Of Planning and Community Development), Bill Place (DPW Director), Debbie Dineen (Conservation Coordinator), Mark Herweck (Asst. Building Inspector), John Whalen (Asst. Fire Chief), Bill Miles (Fire Chief), Bob Leupold (Health Director), Bill Braun (Green Energy Committee), Ameresco Representative

Ameresco representatives were present to describe the proposed project on the Town's landfill. They are working with the Green Energy Committee to develop the proposal to lease a portion of the town landfill to operate and maintain a 1.5 megawatt solar project which would supply Town buildings with electricity (by credits issued). The project will consist of approximately 7,050 ground mounted solar panels. Each panel will be mounted on concrete block ballasts. The ballasts will be set in 3" of gravel. The site will need to be leveled somewhat, but they expect minimal site work. All work will be on top of the landfill cap. Electricity to/from the site will be via a new service pole and meter. DEP approval is required.

Debbie Dineen: There are wetlands on the site and a wetland delineation should be done early in the project. Ameresco replied that they are planning on flagging wetlands, riverfront, BVW and endangered species area, and will submit an NRAD. Debbie mentioned that this will also require a Stormwater Permit under the local bylaw.

Bill Place: He has some concerns for the integrity of the landfill cap. Even trenching for utilities could be problematic. Ameresco replied that most of the construction will use concrete blocks on grade, with some gravel fill. Bill asked about security to the site, and if they will be using the landfill entrance or a different entrance? Will they be enclosing the entire site with fencing? Ameresco said they are still thinking about this. They mentioned that the National Electric Code requires security around sites. Bill asked about lighting, and none is anticipated. He noted that some vandalism has occurred to vehicle parked at the landfill.

Bob Leupold: How will they keep vegetation down under and around the panels? Will herbicides be used? He likes the idea of a vegetative surface in order to control erosion, and it was noted that the landfill is currently mowed approximately 2 times per year.

Ameresco noted that there will be 12-15 feet between the rows of arrays. They anticipate no herbicide application, but planting of low growing vegetation under and between the arrays.

John Whalen/Bill Miles: The Fire Dept's biggest concern is vegetation and the potential for fires. They questioned if there will be power disconnects. Ameresco replied that there will be, but the modules will always be live when the sun is out. The Disconnect boxes will be mapped out and labeled with instruction on how to disconnect in an emergency. They asked if there would be any battery storage, and the answer was no. Have they had any incidents with brush fires at their facilities, and the answer was none that they know of. Where is their emergency response located – it will be in Framingham.

They were asked what other facilities have they constructed and operate in the region. Ameresco listed the following: Newburyport, Lowell, Fall River, Waltham, Natick, Logan Airport, Bridgewater State College, Worcester State College and Acton.

Mark Herweck: What disciplines of engineering will be responsible for the design and construction? It was noted that they have civil and electrical engineering working on the project. Mark questioned what wind speed the facility will be designed for, and it was noted 100 mph.

Jody Kablack: Jim Kelly and Jody have determined that this use is a close fit for manufacturing, and that is a permitted use in the Industrial District. The permitting process will include execution of a Power Purchase Agreement with the Selectmen, flag the wetlands to determine if there is Conservation Commission jurisdiction, Site Plan approval with the Selectmen, Stormwater Permit from Planning Board or Selectmen, Mass Endangered Species Act permit, and DEP approval.



# 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

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

February 7, 2013

RECEIVED

07

Ms. Jody Kablack, Director  
Planning & Community Development  
278 Old Sudbury Rd.  
Sudbury, MA 01776

Subject: Solar Sudbury One LF LLC  
20 Boston Post Road

Dear Ms. Kablack:

This office is in receipt of an application for site plan approval dated January 22, 2013, submitted by Solar Sudbury One LF LLC located at 20 Boston Post Road for a 1.512 Megawatt Solar Photovoltaic Array installation at the Sudbury Sand Hill Sanitary Landfill.

I have reviewed the application and my comments are as follows:

1. The applicant proposes to install 6,048 photovoltaic modules (28 modules per rack) on 5.0 acres at the Sudbury Landfill. Wiring connecting the racks will be above ground. I would suggest the wiring either be buried or confined within a conduit.
2. A 6-ft. high security fence is being proposed around the perimeter of the solar array. Fencing should be installed in such a way so as to allow access around the perimeter for mowing and tree removal.
3. Sliding stability was analyzed for North wind force loading and south wind force loading. I question why a westerly wind force loading wasn't analyzed. The way the arrays are angled it would appear they would act like a wind sail.
4. An application for a stormwater permit should be submitted.
5. In a preliminary review of the stormwater calculations, the applicant states that 3% of the catchment area will be impervious, and my calculations show 8.2% of

the catchment area will be impervious. The applicant states there will be no increase in rate and volume of runoff from the proposed development. The drainage calculations will be reviewed in depth once the stormwater application is received.

6. The applicant should be held accountable if the landfill cap is compromised in any way as a result of the installation of the solar arrays.

If there are any questions, please advise.

Sincerely,



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

cc: Robert Bukowski, AMEC



# Town of Sudbury

Office of Selectmen

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

## TOWN OF SUDBURY NOTICE OF PUBLIC HEARING

The Board of Selectmen will hold a public hearing on Tuesday, February 12, 2013, at 8:00 p.m. at the Town Hall, 322 Concord Road, Sudbury, MA, on the application of Ameresco, applicant, and the Town of Sudbury, owner, for Site Plan approval to construct a 1.5 megawatt solar photovoltaic array on an approximately 6 acre parcel of leased land at the Town's landfill located at 20 Boston Post Road, zoned Limited Industrial District, Town Assessor Map K12, Parcel 0002.

Copies of the plan and application are on file in the Planning and Community Development Office and may be inspected during regular office hours. Any person interested, or wishing to be heard on the proposed plan should appear at the time and place designated.

Board of Selectmen

Publication: *Sudbury Town Crier*: January 24 and 31, 2013

Post: Town Hall and Flynn Building

cc: Abutters  
Applicant  
Owner  
Sudbury Town Clerk  
Sudbury Planning Board  
Town Boards and Officials: **KINDLY SUBMIT YOUR REPORTS TO THE  
SELECTMEN WITH COPY TO THE APPLICANT AND TOWN BOARDS BY  
February 7, 2013.**

# AGENDA REQUEST- ITEM #7

## BOARD OF SELECTMEN

### Requestor's Section:

**Date of request:** *January, 2013*

**Requestor:** *Fairbank Center Study Task Force and Board*

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

*Discussion of the report on the Fairbank Center*

**Financial impact expected:** *N/A*

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

*No material provided as yet*

**Recommendations/Suggested Motion/Vote:** *Vote as necessary*

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

*Jack Ryan, co-chair of the Task Force*

### Selectmen's Office Section:

**Date of Selectmen's Meeting:** *February 12, 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 #8

## BOARD OF SELECTMEN

### Requestor's Section

**Date of request:** *January 17, 2013*  
**Requestor:** *29 Group LLC*  
**Action requested:** *Approval of All Alcoholic Beverages License*

**Financial impact expected:** *\$3,600 increase to the General Fund*

**Background information (if applicable, please attach if necessary):**  
*See attached application and background material.*

**Recommendations/Suggested Motion/Vote:** *As the Licensing Authority for the Town of Sudbury, and in accordance with MGL c138, s. 12, vote to approve an All Alcoholic Beverages restaurant license for 29 Group LLC, d/b/a No. 29 Sudbury, located at 29 Hudson Road, John Malloy, Manager, as requested in an application received January 17, 2013, and Common Victualler and Entertainment licenses to expire on December 31, 2013.*

**Person(s) expected to represent Requestor at Selectmen's Meeting:**  
*John Malloy, Mgr., Caroline O'Connell, Atty., Greg Hill and Chris Stephens, owners*

### Selectmen's Office Section

**Date of Selectmen's Meeting:** *February 12, 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 ( )**





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

Print Form

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION  
 MONETARY TRANSMITTAL FORM

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

ECRT CODE: RETA

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

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

CHECK NUMBER

IF USED EPAY, CONFIRMATION NUMBER

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

LICENSEE NAME

ADDRESS

CITY/TOWN  STATE  ZIP CODE

TRANSACTION TYPE (Please check all relevant transactions):

- Alteration of Licensed Premises
- Change Corporate Name
- Change of License Type
- Change of Location
- Change of Manager
- Other
- Cordials/Liqueurs Permit
- Issuance of Stock
- Management/Operating Agreement
- More than (3) \$15
- New License
- New Officer/Director
- New Stockholder
- Pledge of Stock
- Pledge of License
- Seasonal to Annual
- Transfer of License
- Transfer of Stock
- Wine & Malt to All Alcohol
- 6-Day to 7-Day License

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

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

# APPLICATION FOR RETAIL ALCOHOLIC BEVERAGE LICENSE

City/Town

Sudbury

## 1. LICENSEE INFORMATION:

A. Legal Name/Entity of Applicant:(Corporation, LLC or Individual) 29 Group LLC

B. Business Name (if different) : NO 29 Sudbury

C. Manager of Record: John Malloy

D. ABCC License Number (for existing licenses only) :

E. Address of Licensed Premises: 29 Hudson Road Suite 150

City/Town: Sudbury

State: MA

Zip: 01776

F. Business Phone: N/A

G. Cell Phone: 617-953-5299

H. Email: cjste@aol.com

I. Website: www.no29sudbury.com

J. Mailing address (if different from E.):

City/Town:

State:

Zip:

## 2. TRANSACTION:

- New License     New Officer/Director     Transfer of Stock     Issuance of Stock     Pledge of Stock  
 Transfer of License     New Stockholder     Management/Operating Agreement     Pledge of License

The following transactions must be processed as new licenses:

- Seasonal to Annual     (6) Day to (7)-Day License     Wine & Malt to All Alcohol

**IMPORTANT ATTACHMENTS (1):** The applicant must attach a vote of the entity authorizing all requested transactions, including the appointment of a Manager of Record or principal representative.

## 3. TYPE OF LICENSE:

- §12 Restaurant     §12 Hotel     §12 Club     §12 Veterans Club  
 §12 General On-Premises     §12 Tavern (No Sundays)     §15 Package Store

## 4. LICENSE CATEGORY:

- All Alcoholic Beverages     Wine & Malt Beverages Only     Wine or Malt Only  
 Wine & Malt Beverages with Cordials/Liqueurs Permit

## 5. LICENSE CLASS:

- Annual     Seasonal

**6. CONTACT PERSON CONCERNING THIS APPLICATION (ATTORNEY IF APPLICABLE)**

NAME:

ADDRESS:

CITY/TOWN:  STATE:  ZIP CODE:

CONTACT PHONE NUMBER:  FAX NUMBER:

EMAIL:

**7. DESCRIPTION OF PREMISES:**

Please provide a complete description of the premises to be licensed. Please note that this must be identical to the description on the Form 43.

Basement area of (2421 sq.ft.) will be used for storage. First floor area of (3429 sq.ft.) will be used for bar and dining area with a open kitchen. There is a area outside the first floor with a large brick patio to be used for customers to dine or drink outside. 2nd.floor area of (3429 sq.ft.) 2331 will have a stairway connecting to the first floor with its own bar and dining area. 1098 sq.ft. will be storage/office space.

Total Square Footage:  Number of Entrances:  Number of Exits:

Occupancy Number:  Seating Capacity:

**IMPORTANT ATTACHMENTS (2):** The applicant must attach a floor plan with dimensions and square footage for each floor & room.

**8. OCCUPANCY OF PREMISES:**

By what right does the applicant have possession and/or legal occupancy of the premises?

**IMPORTANT ATTACHMENTS (3):** The applicant must submit a copy of the final lease or documents evidencing a legal right to occupy the premises.

Other:

Landlord is a(n):  Other:

Name:  Phone:

Address:  City/Town:  State:  Zip:

Initial Lease Term: Beginning Date  Ending Date

Renewal Term:  Options/Extensions at:  Years Each

Rent:  Per Year Rent:  Per Month

Do the terms of the lease or other arrangement require payments to the Landlord based on a percentage of the alcohol sales?  
Yes  No

**IMPORTANT ATTACHMENTS( 4):**

1. If yes, the Landlord is deemed a person or entity with a financial or beneficial interest in this license. Each individual with an ownership interest with the Landlord must be disclosed in §10 and must submit a completed **Personal Information Form** attached to this application.
2. Entity formation documents for the Landlord entity must accompany the application to confirm the individuals disclosed.
3. If the principals of the applicant corporation or LLC have created a separate corporation or LLC to hold the real estate, the applicant must still provide a lease between the two entities.

**9. LICENSE STRUCTURE:**The Applicant is a(n): Other : 

If the applicant is a Corporation or LLC, complete the following:

Date of Incorporation/Organization: State of Incorporation/Organization: Is the Corporation publicly traded? Yes  No **10. INTERESTS IN THIS LICENSE:**

List all individuals involved in the entity (e.g. corporate stockholders, directors, officers and LLC members and managers) and any person or entity with a direct or indirect, beneficial or financial interest in this license (e.g. landlord with a percentage rent based on alcohol sales).

**IMPORTANT ATTACHMENTS (5):**A. All individuals or entities listed below are required to complete a [Personal Information Form](#).B. All shareholders, LLC members or other individuals with any ownership in this license must complete a [CORI Release Form](#).

Name	All Titles and Positions	Specific # of Stock or % Owned	Other Beneficial Interest
Greg Hill	Partner in LLC	50%	
Chris Stephans	Partner in LLC	50%	

*\*If additional space is needed, please use last page.***11. EXISTING INTEREST IN OTHER LICENSES:**Does any individual listed in §10 have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes  No  **If yes, list said interest below:**

Name	License Type	Licensee Name & Address
	<input type="text" value="Please Select"/>	
	<input type="text" value="Please Select"/>	
	<input type="text" value="Please Select"/>	
	<input type="text" value="Please Select"/>	
	<input type="text" value="Please Select"/>	
	<input type="text" value="Please Select"/>	
	<input type="text" value="Please Select"/>	

*\*If additional space is needed, please use last page.*

**12. PREVIOUSLY HELD INTERESTS IN OTHER LICENSES:**

Has any individual listed in §10 who has a direct or indirect beneficial interest in this license ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes  No  If yes, list said interest below:

Name	Licensee Name & Address	Date	Reason Terminated
Chris Stephans	Premier Club Enterprises	6/22/2012	Transferred
			Please Select
			Please Select

**13. DISCLOSURE OF LICENSE DISCIPLINARY ACTION:**

Have any of the disclosed licenses to sell alcoholic beverages listed in §11 and/or §12 ever been suspended, revoked or cancelled? Yes  No  If yes, list said interest below:

Date	License	Reason of Suspension, Revocation or Cancellation

**14. CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR A (§15) PACKAGE STORE LICENSE ONLY :****A.) For Individual(s):**

1. Are you a U.S. Citizen? Yes  No
2. Are you a Massachusetts Residents? Yes  No

**B.) For Corporation(s) and LLC(s) :**

1. Are all Directors/LLC Managers U.S. Citizens? Yes  No
2. Are a majority of Directors/LLC Managers Massachusetts Residents? Yes  No
3. Is the License Manager or Principal Representative a U.S. Citizen?

**C.) Shareholder(s), Member(s), Director(s) and Officer(s):**

- 1.. Are all Shareholders, Members, Directors, LLC Managers and Officers involved at least twenty-one (21) years old? Yes  No

**15. CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR (§12) RESTAURANT, HOTEL, CLUB, GENERAL ON PREMISE, TAVERN, VETERANS CLUB LICENSE ONLY:****A.) For Individual(s):**

1. Are you a U.S. Citizen? Yes  No

**B.) For Corporation(s) and LLC(s) :**

1. Are a majority of Directors/LLC Managers **NOT** U.S. Citizen(s)? Yes  No
2. Is the License Manager or Principal Representative a U.S. Citizen? Yes  No

**C.) Shareholder(s), Member(s), Director(s) and Officer(s):**

- 1.. Are all Shareholders, Members, Directors, LLC Managers and Officers involved at least twenty-one (21) years old? Yes  No

**16. COSTS ASSOCIATED WITH LICENSE TRANSACTION:**

A. Purchase Price for Real Property:	<input type="text"/>
B. Purchase Price for Business Assets:	<input type="text"/>
C. Costs of Renovations/Construction:	\$15,000.00
D. Initial Start-Up Costs:	\$15,000.00
E. Purchase Price for Inventory:	<input type="text"/>
F. Other: (Specify)	<input type="text"/>
<b>G: TOTAL COST</b>	\$30,000.00
<b>H. TOTAL CASH</b>	<input type="text"/>
<b>I. TOTAL AMOUNT FINANCED</b>	<input type="text"/>

**IMPORTANT ATTACHMENTS (6):** Submit any and all records, documents and affidavits including loan agreements that explain the source(s) of money for this transaction. Sources of cash must include a minimum of three (3) months of bank statements.

The amounts listed in subsections (H) and (I) must total the amount reflected in (G).

**17. PROVIDE A DETAILED EXPLANATION OF THE FORM(S) AND SOURCE(S) OF FUNDING FOR THE COSTS IDENTIFIED ABOVE (INCLUDE LOANS, MORTGAGES, LINES OF CREDIT, NOTES, PERSONAL FUNDS, GIFTS):**

Self-Funded

\*If additional space is needed, please use last page.

**18. LIST EACH LENDER AND LOAN AMOUNT(S) FROM WHICH "TOTAL AMOUNT FINANCED" NOTED IN SUB-SECTIONS 17(I) WILL DERIVE:**

A.

Name	Dollar Amount	Type of Financing
Chris Stephans	\$15,000.00	Self
Greg Hill	\$15,000.00	Self

\*If additional space is needed, please use last page.

B. Does any individual or entity listed in §19 as a source of financing have a direct or indirect, beneficial or financial interest in this license or any other license(s) granted under Chapter 138? Yes  No

If yes, please describe:

**19. PLEDGE: (i.e. COLLATERAL FOR A LOAN)**

A.) Is the applicant seeking approval to pledge the license?  Yes  No

1. If yes, to whom:

2. Amount of Loan:  3. Interest Rate:  4. Length of Note:

5. Terms of Loan :

B.) If a corporation, is the applicant seeking approval to pledge any of the corporate stock?  Yes  No

1. If yes, to whom:

2. Number of Shares:

C.) Is the applicant pledging the inventory?  Yes  No

If yes, to whom:

**IMPORTANT ATTACHMENTS (7):** If you are applying for a pledge, submit the pledge agreement, the promissory note and a vote of the Corporation/LLC approving the pledge.

**20. CONSTRUCTION OF PREMISES:**

Are the premises being remodeled, redecorated or constructed in any way? If YES, please provide a description of the work being performed on the premises:  Yes  No

Owner of property is providing all usable areas up to code. 29 Group LLC will be installing kitchen bars equipment and tables.

21. ANTICIPATED OPENING DATE:

**IF ALL OF THE INFORMATION AND  
ATTACHMENTS ARE NOT COMPLETE  
THE APPLICATION WILL BE  
RETURNED**

**APPLICANT'S STATEMENT**

I,  the  sole proprietor;  partner;  corporate principal;  LLC/LLP member

of , hereby submit this application for  (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statement and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises does not violate any requirement of the ABCC or other state law or local ordinances;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the Application information as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of, the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.

Signature:



Date:

Title:





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

**MANAGER APPLICATION**

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

**1. LICENSEE INFORMATION:**

Legal Name of Licensee:  Business Name (dba):

Address:

City/Town:  State:  Zip Code:

ABCC License Number:  (If existing licensee) Phone Number of Premise:

**2. MANAGER INFORMATION:**

A. Name:  B. Cell Phone Number:

C. List the number of hours per week you will spend on the licensed premises:

**3. CITIZENSHIP INFORMATION:**

A. Are you a U.S. Citizen: Yes  No  B. Date of Naturalization:  C. Court of Naturalization:

(Submit proof of citizenship and/or naturalization such as Voter's Certificate, Birth Certificate or Naturalization Papers)

**4. BACKGROUND INFORMATION:**

A. Do you now, or have you ever, held any direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages? Yes  No

If yes, please describe:

B. Have you ever been the Manager of Record of a license to sell alcoholic beverages that has been suspended, revoked or cancelled? Yes  No

If yes, please describe:

C. Have you ever been the Manager of Record of a license that was issued by this Commission? Yes  No

If yes, please describe:

D. Please list your employment for the past ten years (Dates, Position, Employer, Address and Telephone):

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

Signature  Date

# AGENDA REQUEST - Item # 10

## BOARD OF SELECTMEN

### **Requestor's Section:**

**Date of request:** *February 5, 2013*

**Requestor:** *Mary McCormack*

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

#### CONSENT CALENDAR

*Accept a \$3,100 grant from The Sudbury Foundation to fund a series of professional development trainings for Town senior staff members*

**Financial impact expected:** *None*

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

**Recommendations/Suggested Motion/Vote:** *Vote to accept, on behalf of the Town, a grant in the amount of \$3,100 from The Sudbury Foundation to fund a series of professional development trainings for Town senior staff members, as outlined in a letter dated January 24, 2013 from Marilyn Martino, Executive Director of the Foundation, said funds to be expended under the direction of the Town Manager.*

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

### **Selectmen's Office Section:**

**Date of Selectmen's Meeting:** *July 31, 2012*

**Board's action taken:**

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

**Future Agenda date (if applicable):**

**Distribution:**

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



**THE SUDBURY  
FOUNDATION**

Trustees

Miner A. Crary  
Richard H. Davison  
Susan Iuliano  
Jill M. Stansky  
Bank of America

Staff

Marilyn Martino  
*Executive Director*  
Tricia Brunner  
*Grants Administrator*

January 24, 2013

RECEIVED  
BOARD OF SELECTMEN  
SUDBURY, MA

2012 JAN 28 P 1:01

*Agendas  
2/12 ✓*

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

Dear Maureen:

On behalf of the Sudbury Foundation, I am delighted to enclose a grant check for \$3,100 to fund a series of professional development trainings for Town of Sudbury senior staff members.

Also enclosed is an acknowledgment form describing the conditions of a Sudbury Foundation grant. These include submission of financial and programmatic reports within a year of the grant award. A sample grant report outline is also enclosed. Please sign and return one copy of the Acknowledgement Form at your convenience.

Maureen, the trustees of the Foundation are pleased to fund your efforts to provide professional development opportunities and support to the Town's valuable senior staff.

Best regards,

Marilyn Martino  
Executive Director

enclosure



**THE SUDBURY  
FOUNDATION**

## **Grant Acknowledgment**

Organization: Town of Sudbury  
Grant Amount: \$3,100  
Date: January 24, 2013  
Purpose: To host a series of professional development trainings for senior staff.

We hereby acknowledge receipt from the Sudbury Foundation of the grant described above.

As a condition of the grant award, the Trustees request a financial statement and programmatic report describing the way in which the funds were spent and giving an appraisal of the results achieved. Applicants receiving support for a special or one-year project should submit their reports to the Foundation upon completion of the project or within one year of receiving the grant award, whichever comes first. In some cases, the Foundation may request a Year Two report as well. Recipients of multi-year grants are required to submit annual reports.

The Foundation should be notified immediately of significant changes in the management of the organization, the project manager or the project itself.

It is understood that any portion of this grant not needed for the designated purpose will be repaid to the Foundation unless permission to do otherwise is expressly given by the Trustees.

In all public statements, the Trustees request that you acknowledge this grant as a gift from the Sudbury Foundation.

The Sudbury Foundation was established in 1952 by Sudbury residents Herbert and Esther Atkinson. The Foundation is guided by the Atkinsons' generosity and commitment to the people and places that brought meaning to their lives. The Foundation operates a local scholarship program and three geographically-focused nonprofit grantmaking programs.

Please sign and return one copy of this acknowledgment form to 326 Concord Road, Sudbury, MA 01776. A second copy has been provided for your records.

Signature: \_\_\_\_\_

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

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



THE SUDBURY  
FOUNDATION

## **Outline for Sudbury Foundation Final Project Report**

Your annual grant report helps to insure compliance and enables the Foundation to keep up with your organization's progress and activities. It is also an opportunity for you to reflect on the past year and to review and assess your own growth and development. It is not intended to be a burdensome task. Most reports can be presented well in 2-3 pages, plus attachments.

Please include:

1. An appraisal of progress in achieving project goals and objectives as stated in the grant application. Please include concrete results/data as much as possible.
2. A description of unexpected difficulties, delays, opportunities, or benefits, special insights or experiences which might be useful to the Foundation in funding other similar projects.
3. A full accounting of all funds allocated to the project, including a description of the specific project and budgetary purposes for which the grant funds were spent.
4. A copy of the organization's previous year and current year operating budgets, including a list of previous year and current year funders.
5. Efforts to inform the community about the project.
6. Any other pertinent information about the project the applicant might like to include.

# AGENDA REQUEST - Item # //

## BOARD OF SELECTMEN

### Requestor's Section:

**Date of request:** *January 16, 2013*

**Requestor:** *Fire Chief Bill Miles*

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

#### CONSENT CALENDAR –

*Accept a \$5,225. Student Awareness of Fire Education (S.A.F.E.) grant from the Department of Fire Services*

**Financial impact expected:** *Provides funding for in-school S.A.F.E. training*

**Background information (if applicable, please attach if necessary):** *N/A*

**Recommendations/Suggested Motion/Vote:** *Vote to accept, on behalf of the Town, a \$5,225 Student Awareness of Fire Education (S.A.F.E.) grant from the Department of Fire Services, said funds to be expended under the direction of the Fire Chief.*

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

### Selectmen's Office Section:

**Date of Selectmen's Meeting:** *February 12, 2012*

**Board's action taken:**

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

**Future Agenda date (if applicable):**

**Distribution:**

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



DEVAL L. PATRICK  
GOVERNOR

TIMOTHY P. MURRAY  
LT. GOVERNOR

MARY ELIZABETH HEFFERNAN  
SECRETARY

*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*  
*Department of Fire Services*

*P.O. Box 1025 ~ State Road*

*Stow, Massachusetts 01775*

*(978) 567-3100 Fax: (978) 567-3121*

*www.mass.gov/dfs*



STEPHEN D. COAN  
STATE FIRE MARSHAL

January 11, 2013

Chief William Miles  
Sudbury Fire Department  
77 Hudson Road  
Sudbury, MA 01776

Dear Chief Miles:

I am pleased to inform you that your FY 2013 Student Awareness of Fire Education (S.A.F.E.) grant application has been approved for funding. The Sudbury Fire Department has been awarded \$5,225.00 in state funds.

Please return the enclosed *contract form and the contractor authorized signatory listing form* (where the municipality says who is authorized to sign contracts on its behalf) to the Department of Fire Services (DFS) to the attention of Fiscal Affairs by February 1, 2013. Once these documents have been received, DFS will sign the contract and send you a copy. Fire departments may only begin to incur costs upon receipt of the executed contract. Be sure to alert your treasurer and to check with them to ensure receipt of the funds. We expect the funds to be electronically distributed in February 2013.

All grantees were required to submit the FY 2012 year-end report to DFS by December 31, 2012. If there are any unexpended funds, the grantee may apply for a one-time 6-month extension, which will be part of the year-end report form. At the close of the single 6-month extension, all unexpended funds must be returned to the Commonwealth. At this time, any FY 2011 funds (or any prior year) remaining after December 31, 2011, or if an extension was received, after June 30, 2012, must be returned to the Commonwealth.

Eighteen years ago, the fire service advocated to the legislature for the creation of the S.A.F.E. Program. Since that time we have reduced average annual child fire deaths by 70%. I thank you for your commitment to the S.A.F.E. Program and for your continuing efforts to raise a fire safe generation of children. If you have any questions, please feel free to contact Jennifer Mieth at (978) 567-3381 or the S.A.F.E. staff at (978) 567-3388.

Sincerely,

Stephen D. Coan  
State Fire Marshal

## **SCOPE OF WORK—Student Awareness of Fire Education (S.A.F.E.)**

This grant is available to municipalities in order to provide student awareness of fire education programs, which shall include information about the risks caused by smoking.

Amounts received with each award will be specified in both the "Award Letter" and on the Commonwealth of Massachusetts Standard Contract Form issued to the jurisdiction. Recipient agrees that funds awarded through this grant will be used to supplement but not supplant federal, state or local funds.

Funds received must be expended by December 31, 2013. Recipients may apply for a 6-month extension through June 30, 2014. Extension applications must be received with FY 2013 year-end reports by January 31, 2014.

Any unexpended funds must be returned as soon as possible after the June 30, 2014 contract end date.

A report of spending of the prior year grant amount must be submitted prior to the release of new funds.

Changes to this scope may be made as part of the annual legislation authorizing this grant program.

The receipt of funds is subject to availability of funds and any other provisions specified in the appropriation of those funds.



✓

Item #12  
**AGENDA REQUEST**  
**BOARD OF SELECTMEN**

**Requestor's Section**

**Item Name:** Landham Crossing Traffic Mitigation Donation

**Date of request:** January 30, 2013

**Requestor:** Jody Kablack, Dir. Planning and Community Development

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

*Vote to accept \$30,000.00 gift from Trask Inc.*

**Financial impact expected:** None

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

*Comprehensive Permit Decision dated February 13, 2012 – condition IV.28*

**Recommendations/Suggested Motion/Vote:**

*Vote to accept gift of \$30,000.00 from Trask Inc. towards traffic mitigation in the general vicinity of the property located at 192 Boston Post Road, as contemplated in condition IV.28 of the Comprehensive Permit Decision dated Feb. 13, 2012 to be expended under the direction of the Director of Public Works.*

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

**Selectmen's Office Section**

**Date of Selectmen's Meeting:**

*2/12/13*

**Board's action taken:**

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

**Future Agenda date (if applicable):**

**Distribution:**

**Town Counsel approval needed?**

Yes ( )

No (X)



# Town of Sudbury

*Planning and Community Development Department*

Jody A. Kablack, Director

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

[kablackj@sudbury.ma.us](mailto:kablackj@sudbury.ma.us)

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

TO: Maureen Valente, Town Manager  
FROM: *JAK* Jody Kablack, Planning Director  
RE: Landham Crossing Comprehensive Permit  
DATE: January 30, 2013

Attached please find a check in the amount of \$30,000.00 from the developer of the Landham Crossing development at 192 Boston Post Road required to satisfy condition IV.28 of the Comprehensive Permit granted by the Zoning Board of Appeals dated February 13, 2012. Said funds should be accepted as a gift by the Selectmen to be used towards traffic mitigation in the vicinity of the development, to be expended under the direction of the Director of Public Works, Account 1925 Route 20 Traffic Improvements.

cc: Town Accountant  
DPW Director

# AGENDA REQUEST - Item # 14

## BOARD OF SELECTMEN

### Requestor's Section:

**Date of request:** *February 1, 2013*

**Requestor:** *William Fiske, Race Director*

**Action requested:** CONSENT CALENDAR: *To grant a special permit for the Annual Sudbury Spring Sprint Triathlon to be held on Sunday, May 5, 2013, and the 4<sup>th</sup> Annual TriSprouts Children's Triathlon on Saturday, May 4<sup>th</sup>.*

**Financial impact expected:** *None*

**Background information:** *Race details provided*

**Recommendations/Suggested Motion/Vote:** *To grant permission for the Annual Sudbury Spring Sprint Triathlon on Sunday, May 5<sup>th</sup>, at 8 a.m., and the fourth Annual TriSprouts Children's Triathlon on Saturday, May 4<sup>th</sup> at 9 a.m. as requested in a letter dated February 1 from Race Director, William Fiske, subject to conditions and permits required by Park and Recreation and a meeting with the Sudbury Police Department prior to the Sunday event, (preferably at the conclusion of Saturday's children's event), regarding safety concerns and/or weather issues, and the applicant providing for cleanup of any litter created by race participants and staff.*

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

### Selectmen's Office Section:

**Date of Selectmen's Meeting:** *February 12, 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 )**

**Race  
Organizer**



19 Deer Run, Charlton, MA 01507

February 1, 2013

Town of Sudbury  
Board of Selectmen  
288 Old Sudbury Rd  
Sudbury, MA 01776

Board of Selectmen

I request permission to hold the 24<sup>th</sup> Annual Sudbury Spring Sprint Triathlon on Sunday, May 5<sup>th</sup>, 2013 at 8 AM and the 4th Annual Tri Sprout's children's triathlon on May 4<sup>th</sup> at 9 AM. This is a fundraiser for the Park & Recreation Department. The Atkinson pool has been reserved with the Aquatic Facility Director. Police Detail will be hired as in the past years.

We would like to request the closing of Fairbanks Rd in one direction (north bound) for safety of all parties on Sunday's event.

Many Thanks for your assistance.

Sincerely,

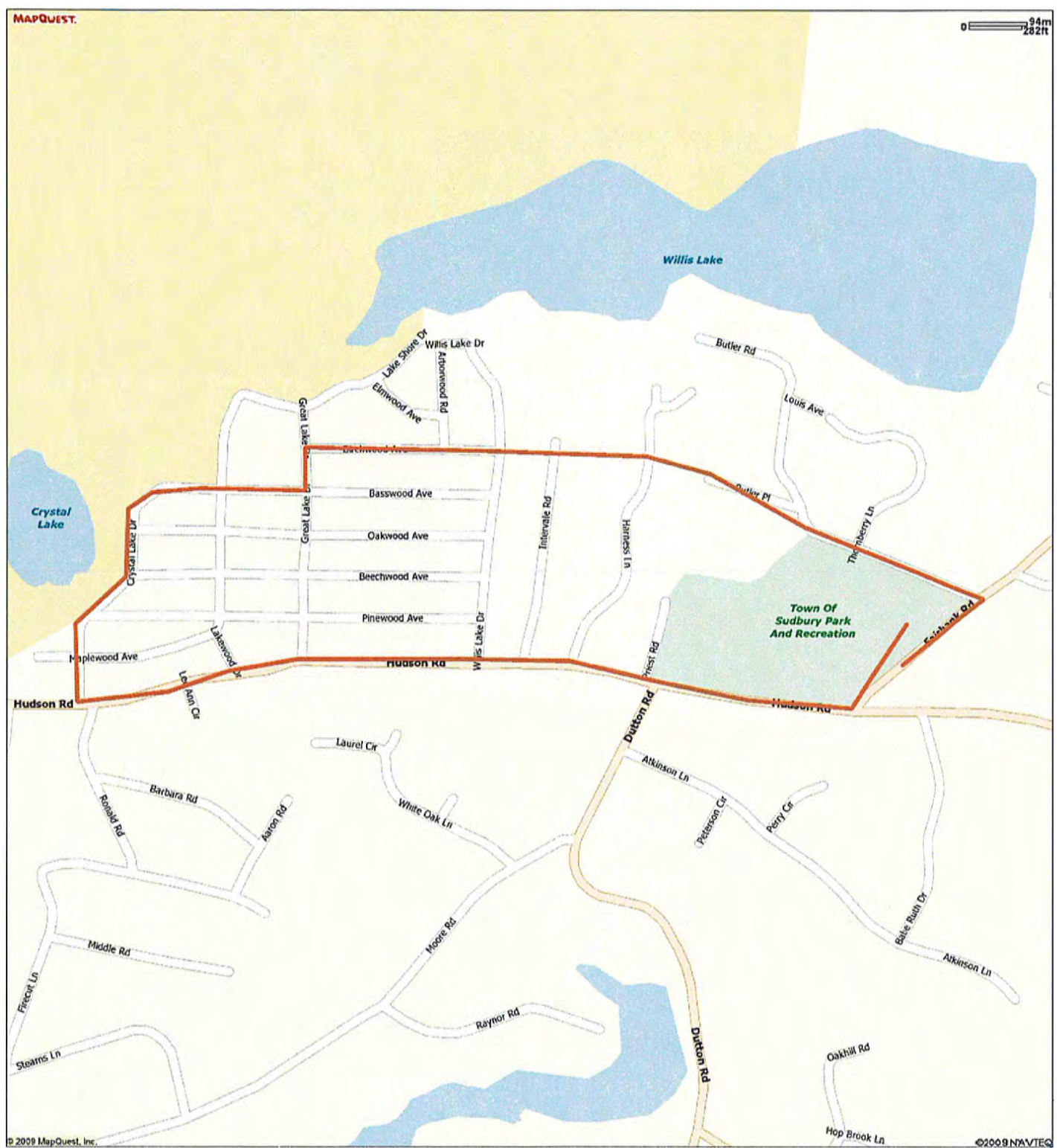
William Fiske  
Race Director

508-434-0123 Office  
508-434-0121 Fax  
[www.firm-racing.com](http://www.firm-racing.com)

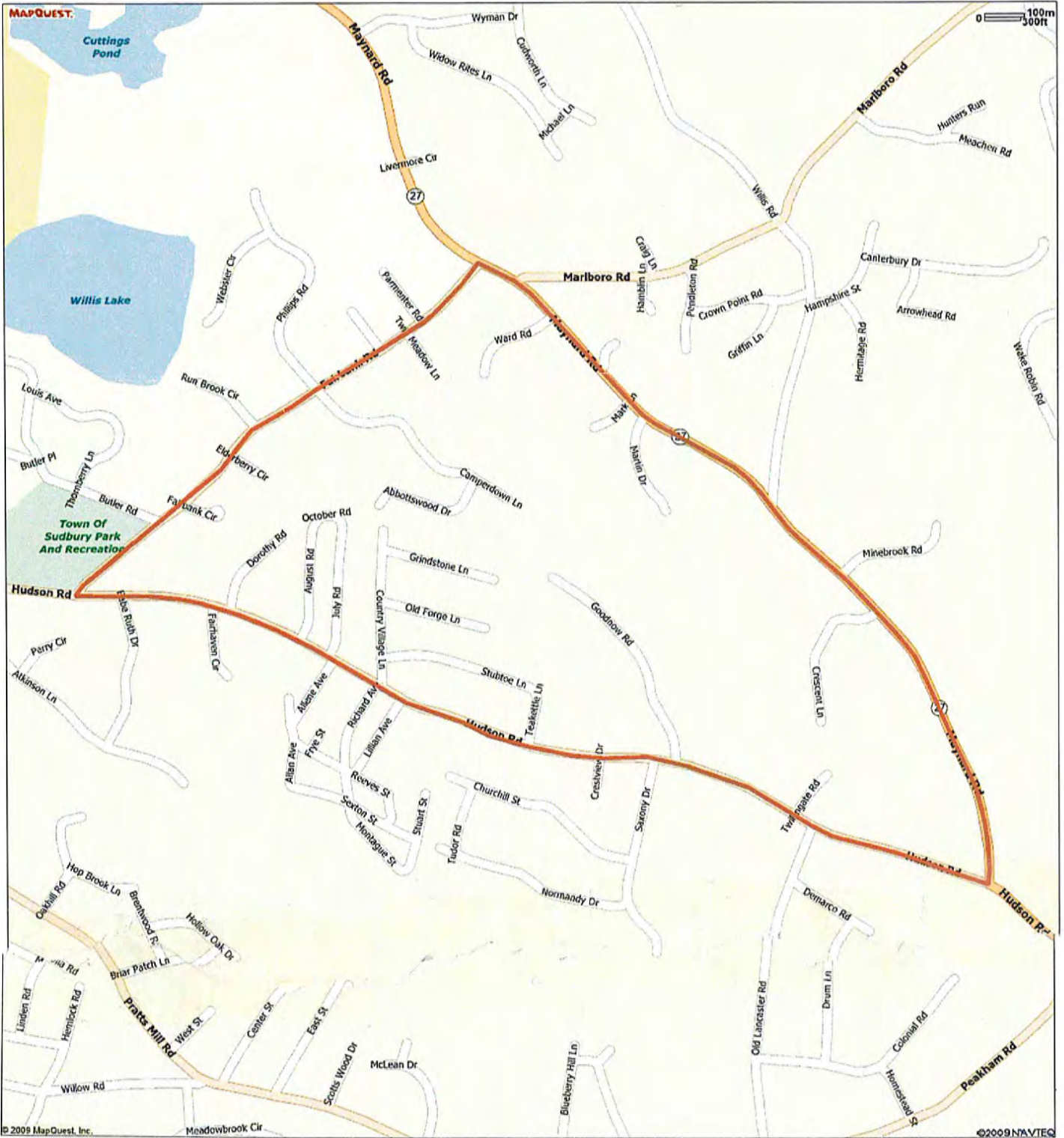
*Agenda  
2/15*

RECEIVED  
BOARD OF SELECTMEN  
SUDBURY, MA  
2012 FEB -4 P 1:31

ROUTE DESCRIPTION:  
This is a fast flat run



ROUTE DESCRIPTION:  
This is a 2 loop course



# AGENDA REQUEST – Item #16

## BOARD OF SELECTMEN

### Requestor's Section

**Date of request:** *February 7, 2013*

**Requestor:** *Joshua Fox, Atty., for Scott McIver, Trustee of Macot Realty Trust*

**Action requested:** *Approval and signing of Site Plan modification  
Decision for Macot Realty Trust/Methods Machines, located at 65 and 71  
Union Avenue*

**Financial impact expected:** *N/A*

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

**Recommendations/Suggested Motion/Vote:**  
*Vote as necessary to approve and sign a Site Plan Modification Decision for a  
change of use for Methods Machines, located at 65 and 71 Union Avenue.*

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

### Selectmen's Office Section

**Date of Selectmen's Meeting:** *February 12, 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 )**

February 12, 2013

SITE PLAN DECISION  
SUDBURY BOARD OF SELECTMENMacot Realty Trust/Methods Machine  
65 and 71 Union Avenue

DECISION of the Board of Selectmen of the Town of Sudbury, Massachusetts (the "Board") on the petition of Scott McIver, Trustee of the Macot Realty Trust (the "Applicant") for property located at 65 and 71 Union Avenue in Sudbury, Massachusetts, (Town Assessor Map K08, Parcels 0051 and 0087 (the "Property") for approval to modify an approved Site Plan to change the use of approximately 14,233 sq. ft. of space from warehouse to office use at Methods Machine. The property is zoned Industrial District and Industrial Park District.

This decision is in response to an application by the Applicant for approval of a Site Plan Modification submitted to the Board on December 20, 2012 pursuant to the Zoning Bylaw of the Town of Sudbury (the "Zoning Bylaw"), Section 6300.

After causing notice of the time and place of its public hearing and of the subject matter thereof to be published, posted and mailed to the Applicant, abutters and other parties in interest, as required by law, the public hearing was called to order on January 22, 2013, and was closed at the end of the January 22, 2013 proceedings. Board members Lawrence W. O'Brien, Robert C. Haarde and John C. Drobinski and were present throughout the proceedings. The record of the proceedings and submissions upon which this decision is based may be referred to in the office of the Town Clerk or the Board office.

The Board is in receipt of the following:

1. Application for Site Plan Modification dated December 20, 2012 including Site Plans prepared by Thomas Land Surveyors, Hudson, MA dated December 3, 2012, last revised \_\_\_\_, 2013 consisting of 2 sheets, Existing Conditions Plan and Proposed Site Plan; Exterior Elevations prepared by Gunderson Associates dated October 23, 2012 (1 sheet); and memo from Joshua Fox, attorney dated December 20, 2012.
2. Memo from Debbie Dineen, Conservation Coordinator, to Jody Kablack dated December 31, 2012.
3. Minutes from the Design Review board, dated January 9, 2013.
4. Memo from Jody Kablack, Planning Director, to the Board of Selectmen dated January 16, 2013, including pre-application meeting notes dated January 8, 2013.



DRAFT

Based upon a determination that the foregoing evidence, together with the information submitted, conformed to the intent and purpose of the Zoning Bylaw requirements, a motion was made and unanimously approved as follows:

VOTED: To approve the Site Plan Application of Scott McIver, Trustee of Macot Realty Trust for approval of a site plan modification to an approved Site Plan for a change of use of approximately 14,233 sq. ft. of space from warehouse to office space use at 65 and 71 Union Avenue (Town Assessor Map K08, Parcels 0051 and 0087), as described in the above referenced application, subject to compliance with all governmental laws, regulations, licenses and permits including, but not limited to Wetlands Protection Act and Sudbury Wetlands Administration Bylaw, zoning, building and health laws and regulations, and further subject to the following conditions insofar as they apply to the Property:

1. Receipt of a Stormwater Management Permit from the Planning Board or its delegated Review Authority.
2. Receipt of an Order of Conditions or a Negative Determination of Applicability by the Conservation Commission.
3. Final approval by the Board of Health for the septic system expansion.
4. Close out of the 1984 Conservation Commission filing.
5. Final approval by the Design Review Board of the Landscaping Plan and any new signage.
6. Parking requirements for this change of use are 199 spaces. Paved parking for 140 cars shall be provided. A Special Permit from Section 3113 of the Zoning Bylaw is hereby granted for the approval of 59 Reserve Parking Spaces, which shall be shown on the Plan but not striped.
7. Access around the building at #65 must be kept free from obstruction at all times. Signage shall be required to be installed behind the southwest corner of the building prohibiting parking in this location.
8. The Applicant shall indicate, either on the Plan or in a letter to the board, the type, size and quantity of plantings to be planted in the new landscape island at the front of the site.
9. The plan must be revised to include signature blocks for the Board, the DPW Director, Building Inspector and Planning and Community Development Director.
10. The Applicant has agreed to contribute twenty-five hundred dollars (\$2,500.00) towards the construction of a walkway along Union Avenue, to be expended under the direction of the Director of Public Works.
11. Placement of any new utilities underground.
12. No wells for drinking water supply to be installed on the site.

DRAFT

13. No storage or use of chemicals on site except in conformity with guidelines and requirements of the Board of Health and the Fire Chief; the owner or operator of the site shall comply with the Massachusetts Oil and Hazardous Materials Release Prevention and Response Act, M.G.L. Chapter 21E, as amended, and all regulations issued thereunder.
14. Any disposal or removal of effluent and wastes generated on the site shall conform to the requirements of the Board of Health, Town Engineer and/or Conservation Commission, as appropriate.
15. Submission of an "as built" plan. Any change in the physical condition of the site, including changes in the location or design of structures or systems, following approval of the site plan, will require approval by the Board of Selectmen.
16. No Building Permit shall be issued until the Decision has been recorded in the Middlesex South District Registry of Deeds, the Plans are revised as noted above and signed by the Board, and certain items noted above [1, 2, 3, 4, 8, 9 and 10], as specified by the Board, are complied with.
17. No Occupancy Permit shall be issued until certain items noted above [5, 7, 11 and 15], as specified by the Board, are complied with.

Appeals of the grant of this permit, if any, shall be made pursuant to M.G.L. Chapter 40A, Section 8.

DRAFT

Date: February 12, 2013

SUDBURY BOARD OF SELECTMEN

\_\_\_\_\_  
Lawrence W. O'Brien, Chairman

\_\_\_\_\_  
Robert C. Haarde

\_\_\_\_\_  
John C. Drobinski

**COMMONWEALTH OF MASSACHUSETTS**

MIDDLESEX, ss

February 12, 2013

On this 12<sup>th</sup> day of February 2013, before me, the undersigned notary public, personally appeared the above-named \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was one of the following (check applicable box):  a driver's license;  personal knowledge, to be the person whose name is signed on the preceding document; or  other \_\_\_\_\_, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_

cc: Town Clerk  
Board of Health  
DPW Director  
Building Inspector  
Planning and Community Development Department  
Conservation Commission  
Town Counsel  
Fire Chief  
Applicant

# AGENDA REQUEST – Item #17

## BOARD OF SELECTMEN

### Requestor's Section:

Date of request: 2-5-13

Requestor: Mary McCormack, Exec. Assistant to Town Manager

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

Financial impact expected: N/A

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

Chapter 410 of the Acts of 2012 requires a majority vote of approval of the amendment to change the charter to increase the Board of Selectmen membership from 3 to 5. This approval is in the form of a "yes" or "no" vote on a Ballot Question at the Annual Town Election on 3/25/13.

### Recommendations/Suggested Motion/Vote:

To place the following Ballot Question on the Warrant for the Annual Town Election of March 25, 2013:

*Shall the Town of Sudbury vote to approve the provisions of Chapter 410 of the Acts of 2012, amending Section 1, Part III, s.5(a) of Chapter 131 of the Acts of 1994 to increase the Board of Selectmen in the Town of Sudbury from three to five members for terms of three years each, so arranged so that the term of at least one member shall expire each year?*

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

### Selectmen's Office Section:

Date of Selectmen's Meeting: February 12, 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 )

**SUMMARY:** This Special Act results from the action of Sudbury voters at the September 24, 2012 Special Town Meeting, pursuant to a petition Warrant Article, to petition the Legislature to allow the Town to revise Chapter 131 of the Acts of 1994 to increase the Board of Selectmen from three members to five members. The Legislature's deliberation resulted in Chapter 410 of the Acts of Two Thousand Twelve (the complete wording is provided in this Warrant). This Act's provision increasing the Board of Selectmen membership by amendment of the Town's charter requires approval at the Annual Town Election held in March of 2013. If the provision is approved by a majority vote, the Act sets forth the election date parameters to effectuate the membership increase, including the terms of those to be elected by each method. Essentially, additional Selectmen can be elected by a vote at the Annual Town Election of 2014 or by means of a Special Town Election, held no later than the Annual Town Election of 2014, called by the Board of Selectmen at the request of 10% of Sudbury registered voters or by the Board of Selectmen itself. The number of Selectmen and their respective terms are set forth in the Act for each election method.

A "yes" vote means that Chapter 131 of the Acts of 1994 is amended to increase the Board of Selectmen from three to five members. A "no" vote means the amendment is not approved and the Board of Selectmen remains at three members.

# AGENDA REQUEST – Item #20

## BOARD OF SELECTMEN

### Requestor's Section

**Date of request:** *January 6, 2013*

**Requestor:** *Maryanne Bilodeau, Asst. Town Mgr./HR Director*

**Action requested:** *Ratify the vote taken in Executive Session between the Town of Sudbury and the Engineering Union*

**Financial impact expected:** *N/A*

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

*Background material provided under Executive Session – Agenda #1*

**Recommendations/Suggested Motion/Vote:** *Vote to approve and sign*

**Person(s) expected to represent Requestor at Selectmen's Meeting:** *Town Mgr.*

### Selectmen's Office Section

**Date of Selectmen's Meeting:** *February 12, 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 ( )**

# AGENDA REQUEST - Item #21

## BOARD OF SELECTMEN

### Requestor's Section

**Application Name:** *Regional Housing Services Office*

**Date of request:** *February 6, 2013*

**Requestor:** *Maureen Valente*

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

*Vote to sign the FY14 Inter-municipal Agreement for the Regional Housing Services Office*

**Financial impact expected:**

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

**Recommendations/Suggested Motion/Vote:**

*Vote to continue the Inter-Municipal Agreement with the Towns of Acton, Bedford, Concord, Lexington, Wayland and Weston for shared housing services for FY14.*

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

*Town Manager*

### Selectmen's Office Section

**Date of Selectmen's Meeting:** *February 12, 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 ( )



# Town of Sudbury

## Town Manager's Office

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

Maureen G. Valente, Town Manager

[Townmanager@town.sudbury.ma.us](mailto:Townmanager@town.sudbury.ma.us)

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

Date: February 7, 2013  
To: Board of Selectmen  
From: Maureen G. Valente, Town Manager *Maureen*  
Subject: Regional Housing Services Renewal for FY14  
CC: Jody Kablack

The RHSO is nearing the completion of the second year of operation. As a reminder, the RHSO was initiated through a collaboration of Town Managers in the participating communities, who worked three years together to develop the program, with the assistance and support from the MAPC (Metropolitan Area Planning Commission). The work of the RHSO is to assist in the municipal *administration functions* of affordable housing; it is not an advocacy or development arm.

On Thursday January 31, I met with the Town Managers of the other five communities participating in this regional services office, and all indicated that 1) they are very pleased with the arrangement and the services they have received through this program; and 2) they would very much like to see it continue through next fiscal year (FY14).

I am recommending that Sudbury continue to provide these services through the Inter-municipal Agreement (IMA) to the member towns. So that these Towns may, for planning purposes, know if Sudbury will be continuing to offer this program, I am asking that the Sudbury Board of Selectmen vote to sign the extension of the IMA indicating that Sudbury will continue hosting this program through FY14.

We are not contemplating any changes to the program for FY14, except that Lincoln is no longer a member and Acton has taken its place, and the year will be FY14 instead of FY13. Each community will again determine the number of hours of service they would like to have and Sudbury will, through a combination of our staff and using contracted hours of consultants, provide those hours. Once we know the total number of hours desired, we will have a final budget and financial plan for the RHSO.

Some questions you may have about this vote to sign the IMA and continue the program.

1. Could this decision and vote wait for later in the fiscal year? Response: each of the member towns will need to develop an alternative approach if Sudbury discontinues this program. They may need to bring that alternative to their Town Meetings for appropriation purposes, and may need to hire additional staffing. To the extent we can give them a plan they can rely on through your vote and authorization to continue, that brings clarity for their planning purposes.
2. Is Sudbury prepared and able to continue providing these services in FY14? Response: yes, we are. We have been shaping the program so that the work can primarily be done



through the scalable hours of contract workers. There will still be Sudbury Town employees who oversee the program, but as Town Manager I will be able to determine the staffing needed.

3. Does the program cover all the out of pocket costs for Sudbury, including legacy costs for hours of Town employees who work on this program? Response: Yes, the program's budget covers those costs. I copied you on a recent email, which I have attached, regarding the OPEB costs being recovered from the member towns.
4. How is Sudbury's membership in this program covered? Response: this is paid through the CPA appropriation at Town Meeting.
5. What is the long-term plan for this program, beyond FY14? Response: that is not clear at this time. The five member towns are very pleased and would like to see it continue. Indeed, they would have been ready to sign a new two year agreement with Sudbury. However, as more towns have learned about this program, they have asked to join our program. With the agreement of the other Town Managers, we have declined these requests. Instead, we have referred this question to the MAPC to develop a program that might provide these services to all of the 101 towns and cities in the MAPC area that might desire them. We have a program now that is about as large as I feel Sudbury can successfully host and manage. And many issues arise as a region grows. I believe MAPC can give this better study and analysis of alternatives that we can.

I will be pleased to address any other questions you may have.

This program has won several awards for Sudbury as an innovative and efficient approach to addressing an area of municipal responsibility that was previously not done well by any community we are aware of. We are definitely the envy of many other towns and my guess is others will emulate our approach if MAPC does not help develop a large scale version of this program.

I respectfully request your vote to continue the program and sign the IMA so that the other towns may know and plan for FY14. If you do, I will have the updated IMA in your folder for signature at your next meeting.

Dear Bryan

Chairman Larry O'Brien asked that I respond to your recent question on OPEB and the Regional Housing Services Office (RHSO). I am pleased to provide you with updated information related to your question. Finance Director/Treasurer-Collector Andrea Terkelsen will be making the transfer to the OPEB Trust fund in the next week. The funds will be transferred out of the RHSO revolving fund, where they have been held for this purpose.

The timing has to do with my need to make sure we are transferring an amount that is based on actuarial analysis, rather than the "back of the envelope" estimation method I had mentioned at the 2012 Annual Town Meeting. I used that method to be sure we were collecting enough from the other towns in each fiscal year, but for purposes of making an irrevocable transfer to the Trust and for audit purposes, I needed to be sure we had an objective method of determining the annual amount.

Therefore, as part of the updated actuarial reporting that the Town commissioned for Town/SPS employees as of June 30, 2012, we also requested that an additional report be created to provide a standardized calculation for employees based on age, group and gender. That report was received in October, but we did not get the chance to review it and have our questions responded to by the consultant until December. The supplemental report was finalized earlier this month and I sent it to the members of the Finance Committee who have been studying the OPEB issue. Today we posted the supplemental report on the Town's website/Human Resources Department. We think this report will be useful for a number of planning purposes.

Based on that report, we now know that for a female non-public safety Town employee hired before April 2, 2012 in the Group One Category, the estimated annual OPEB liability is \$3,000.

Next we calculated the percentage of staff time that has been allocated to the work of the RHSO. For FY12 it was 40% of staff time, and in FY13 it will be 66%. Thus we will transfer \$1,200 for FY12 and \$1,980 for FY13 to the OPEB trust out of the revolving fund. The RHSO only began operation in FY12.

Bryan, please let me know if this addresses all your questions or if you have more. The OPEB funds have been held in the Revolving Fund and the amount charged to the RHSO is a percentage of \$3,000 annually, depending on the prorated amount of time spent on the RHSO. Those were your two specific questions.

Best Regards  
Maureen Valente  
Town Manager

# RHSO Inter-Municipal Agreement and Amendment

## AGREEMENT

THIS AGREEMENT is entered into by and between the Towns of Bedford, Concord, Lexington, Lincoln, Sudbury and Weston, hereafter referred to collectively as the "Municipalities," this 3<sup>rd</sup> day of March 2011, as follows:

WHEREAS, the Municipalities except Sudbury desire to share the services and costs of a common Regional Housing Services Office; and

WHEREAS, the Town of Sudbury is willing and capable of providing the services of a Regional Housing Services Office; and

WHEREAS, each of the Municipalities has authority to enter into this Agreement pursuant to G.L. c. 40, s 4A;

NOW, THEREFORE, the Municipalities, in mutual consideration of the covenants contained herein, intending to be legally bound, agree under seal as follows:

1. Term. The term of this Agreement shall commence on July 1, 2011 shall expire on June 30, 2013, unless earlier terminated as set forth herein. Any municipality may withdraw from the Agreement as defined below. The Agreement may be renewed for additional two-year terms as voted by each municipality through its respective Board of Selectmen by January 1 of the year of the expiring term.
2. Lead Municipality. During the Term of this Agreement, the Town of Sudbury, acting as the lead municipality, shall operate the Regional Housing Service Office. The Town of Sudbury, through its standard personnel practices, shall employ or contract the adequate staff necessary to provide the housing administrative services described in Exhibit A: Core Housing Services, attached and incorporated herein, to the remaining Municipalities.
3. Duties. During the Term of this Agreement, the Regional Housing Services Office shall perform the housing administrative services as described in Exhibit A: Core Housing Services for an annual allocation of hours as indicated in Exhibit B: Fee Structure, attached and incorporated herein.
4. Fee Structure and Payment. The Town of Sudbury shall annually invoice the Municipalities for the upcoming year by July 1 with payment due in 30 days and the Municipalities shall make annual payment to the Town of Sudbury pursuant to the Fee Structure, attached as Exhibit B: Fee Structure. Payment for supplemental services not included in Exhibit A: Core Housing Services and for additional hours in excess of the allotted hours in Exhibit B: Fee Structure shall be invoiced separately and at the discretion of the Town of Sudbury and the individual municipality. Towns may borrow or lend hours to other Municipalities upon written agreement between the impacted Towns provided that the total number of hours available to the Regional Housing Services Office remains constant.

5. Second Year Adjustments. The annual allocation of hours in Exhibit B: Fee Structure shall be reviewed and adjusted, if necessary, annually, three (3) months prior to end of each year of the Term of this Agreement. The Town of Sudbury shall provide to all Municipalities a record of the actual hours of services provided to each municipality and make any adjustments necessary for the following year of the Term.

6. Indemnification. Notwithstanding the final sentence of G.L. c. 40, s 4A, to the extent allowed by State statute, the Municipalities shall indemnify and hold harmless the Town of Sudbury and each and all of its officials, officers, employees, agents, servants and representatives from and against any claim arising from or in connection with the performance by the Regional Housing Services Office of their duties in or for the Municipalities including, without limitation, any claim of liability, loss, damages, costs and expenses for personal injury or damage to real or personal property by reason of any negligent act or omission by the Regional Housing Services Office while in or performing services for the Municipalities.

7. Termination. (Subsection A) Any Municipality, by a vote of its respective Board of Selectmen, may withdraw from and terminate this Agreement at the end of any year with the provision of at least six months prior written notice to the Town of Sudbury. No such termination shall affect any obligation of indemnification that may have arisen hereunder prior to such termination. Upon such termination, the Town of Sudbury shall prepare full statements of outstanding unpaid financial obligations under this Agreement and present the same to the terminating Municipality for payment within thirty (30) days thereafter. The Town of Sudbury, by a vote of its respective Board of Selectmen, may terminate this Agreement upon the provision of at least two months prior written notice to the participating Municipalities. After termination of this Agreement, the Town of Sudbury shall remain liable to the participating Municipalities for any portion of the payments received not earned. (Subsection B) Any Municipality may withdraw at the end of any fiscal year in which the municipal legislative body has not appropriated funds sufficient to support that municipality's participation in the subsequent fiscal year. In such an event, the municipality shall give as much notice to other subscribers to this Inter-Municipal Agreement as the circumstances allow.

8. Advisory Committee. There shall exist an Advisory Committee comprised of one (1) representative from each municipality, whom shall be appointed by the Town Manager/Administrator of the municipality. The Advisory Committee shall meet on a quarterly basis in July, October, January and April. The Town of Sudbury shall prepare and send to each municipality a quarterly status report prior to the quarterly meeting.

9. Conflict Resolution. The Advisory Committee may hold additional meetings to discuss and resolve any conflicts that may arise including, but not limited to, disagreements regarding the needs of each municipality and changes to the annual allocation of hours as indicated in Exhibit B: Fee Structure. Any recommendations made to the Director of the Regional Housing Services Office must be made by a majority vote. Any unresolved issues shall be decided by the Town Manager of the Town of Sudbury.

10. Additional Communities. At any time after July 1, 2012, the Advisory Committee may meet and, by unanimous vote and approval of the Lead Municipality, amend this

Agreement to admit an additional municipality. The Advisory Committee may admit no more than three (3) additional municipalities and any such additional municipality must be adjacent to at least one municipality participating in this Agreement unless waived by a majority of the Town Manager's of the originally participating communities.

11. Financial Safeguards. The Town of Sudbury shall maintain separate, accurate and comprehensive records of all services performed for each of the Municipalities hereto, and all contributions received from the Municipalities. The Town of Sudbury shall issue a financial report for each fiscal year to each of the Municipalities by December 31 of the following fiscal year.

12. Assignment. None of the Municipalities shall assign or transfer any of its rights or interests in or to this Agreement, or delegate any of its obligations hereunder, without the prior written consent of all of the other Municipalities.

13. Amendment. This Agreement may be amended only by a writing signed by all Municipalities duly authorized thereunto.

14. Severability. If any provision of this Agreement is held by a court of appropriate jurisdiction to be invalid, illegal or unenforceable, or if any such term is so held when applied to any particular circumstance, such invalidity, illegality or unenforceability shall not affect any other provision of this Agreement, or affect the application of such provision to any other circumstances, and the remaining provisions hereof shall not be affected and shall remain in full force and effect.

15. Governing Law. This Agreement shall be governed by, construed, and enforced in accordance with the laws of the Commonwealth of Massachusetts.

16. Headings. The paragraph headings herein are for convenience only, are no part of this Agreement and shall not affect the interpretation of this Agreement.

17. Notices. Any notice permitted or required hereunder to be given or served on any Municipality shall be in writing signed in the name of or on behalf of the Municipality giving or serving the same. Notice shall be deemed to have been received at the time of actual receipt of any hand delivery or three (3) business days after the date of any properly addressed notice sent by mail as set forth below:

Town of Bedford  
Richard Reed, Town Manager  
10 Mudge Way  
Bedford, MA 01730

Town of Concord  
Christopher Whelan, Town Manager  
Town House, P.O. Box 535  
22 Monument Square

Concord, MA 01742

Town of Lexington

Carl F. Valente, Town Manager  
1625 Massachusetts Avenue  
Lexington, MA 02420

Town of Lincoln

Timothy S. Higgins, Town Administrator  
16 Lincoln Road  
Lincoln, MA 01773

Town of Sudbury

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

Town of Weston

Donna S. VanderClock, Town Manager  
P.O. Box 378  
Weston, MA 02493

18. Complete Agreement. This Agreement constitutes the entire Agreement between the Municipalities concerning the subject matter hereof, superseding all prior agreements and understandings. There are no other agreements or understandings between the Municipalities concerning the subject matter hereof. Each Municipality acknowledges that it has not relied on any representations by any other Municipality or by anyone acting or purporting to act for another Municipality or for whose actions the any other Municipality is responsible, other than the express, written representations set forth herein.

WITNESS OUR HANDS AND SEALS as of the first date written above.

**RHSO AMENDMENT**

The RHSO Inter-Municipal Agreement dated March 3, 2011, and amended effective July 1, 2012 (the "Agreement") entered into by and between the Towns of Acton, Bedford, Concord, Lexington, Sudbury and Weston (collectively the "Municipalities"), to share services of a Regional Housing Services Office provided by the Town of Sudbury as described in said Agreement, which is incorporated herein by reference, is hereby amended, effective \_\_\_\_\_, 2013, as described below.

WHEREAS, the Municipalities desire to extend the Agreement for a term of one (1) year without making any other substantial changes to the Agreement;

NOW, THEREFORE, the Municipalities agree to amend the Agreement as follows:

- 1. Term. This section is amended by deleting "June 30, 2013" and replacing it with "June 30, 2014".

**AMENDMENT**

The agreement entered into by and between the Towns of Bedford, Concord, Lexington, Lincoln, Sudbury and Weston (collectively the "Original Municipalities"), dated March 3, 2011, to share services of a Regional Housing Services Office provided by the Town of Sudbury (the "Agreement"), which is incorporated herein by reference, is hereby amended, effective July 1, 2012, as described below.

~~WHEREAS, the Town of Acton ("Acton") is located adjacent to one or more of the Original Municipalities;~~

WHEREAS, Acton desires to be added to the Agreement as an "Additional Community" pursuant to Section 10 of the Agreement and to share the services of the Regional Housing Services Office with the Original Municipalities;

WHEREAS, the Original Municipalities desire to add Acton to the Agreement as an "Additional Community" pursuant to Section 10 of the Agreement and to share the services of the Regional Housing Services Office with Acton;

WHEREAS, the Town of Sudbury agrees to provide the services described in the Agreement, as amended herein, to Acton, in addition to the Original Municipalities; and

WHEREAS, Acton agrees to be bound by and benefit from all of the terms of the Agreement, as amended herein;

NOW, THEREFORE, the Original Municipalities and Acton agree to amend the Agreement as follows:

- The first sentence of the first paragraph is amended by adding "Acton" after "Towns of" and before "Bedford."
- 1. Term. This section is amended by deleting "January 1" and replacing it with "March 1."
- 6. Indemnification. This section is deleted and replaced with the following:

Notwithstanding the final sentence of G.L. c. 40, §4A, to the extent permitted by law, each Municipality (the "Indemnifying Municipality") separately agrees to indemnify the Town of Sudbury, including all officials, officers, employees, agents, servants and representatives, from and against any claim arising out of the duties performed by the Regional Housing Services Office pursuant to the Agreement in or on behalf of the Indemnifying Municipality for any claim of liability, loss, damages, costs and expenses for personal injury or damage to real or personal property by reason of any negligent act or omission by the Regional Housing Services Office while performing services for the Indemnifying Municipality. As to any claim or occurrence, the express indemnification set forth above shall be town-specific: Acton's obligations shall be limited to the services provided for Acton; Bedford's obligations shall be limited to the services provided for Bedford; Concord's obligations shall be limited to the services provided for Concord; Lexington's obligations shall be limited to the services provided for Lexington; Lincoln's obligations shall be limited to the services provided for Lincoln; Sudbury's obligations shall be limited to the services provided for Sudbury; and Weston's obligations shall be limited to the services provided for Weston.



- 10. Additional Communities. This section is amended by deleting the first sentence and replacing it with the following:
  - a. “The Advisory Committee may vote at any time to amend this Agreement to add an additional municipality or municipalities by unanimous vote and approval of the Lead Municipality. If voted and approved as provided in this Section, the participation of said municipality or municipalities is effective as of July 1 of the fiscal year next after the vote is taken unless otherwise agreed among all parties.”

---

- 17. Notices. This Section is amended by adding the following to the addresses in this Section: “Town of Acton, Steven Ledoux, Town Manager, 472 Main Street, Acton, MA 01720.”
- The Town of Acton Board of Selectmen shall be added as a signatory to the Agreement, as amended herein.
- Exhibit A. Core Housing Services: This Exhibit is amended by inserting the following and renumbering the items following the insertion to be sequential:
  - “4. Program Administration
    - Develop program guidelines, procedures and materials
    - Administer program grants for sponsor”;
- Exhibit B. Fee Structure. This Exhibit is deleted and replaced in its entirety with the Membership Fee Schedule Chart for FY13, attached hereto as Exhibit B.

Exhibit A  
Core Housing Services

1. Monitoring
  - Monitoring Database of Affordable Housing Developments and residents
  - Annual monitoring of ownership units
  - Annual monitoring of rental developments
  
2. Subsidized Housing Inventory administration
  - Reconcile municipal inventory records with the Subsidized Housing Inventory maintained by the Department of Housing and Community Development
  - Add new units to the inventory as required
  
3. HOME administration
  - Assist in the preparation of the Annual Action Plan and Annual CAPER documents
  - Consult on HOME funded projects
  - Prepare proposals for supplemental services as needed
  
4. Local Support
  - Meet on-site with staff and housing entities
  - Consult on projects
  - Review project documents
  - Prepare proposals for supplemental services as needed
  
5. Regional Activities
  - Assist communities with regional linkages
  - Create Ready-buyer list
  - Create Ready-renter list

## Exhibit B

### Fee Structure

---

The participating municipalities will proportionally share the total cost of operating the Regional Housing Services Office. The proportional share is determined based on the percentage of hours planned to support each municipality for core services as represented in the fee schedule.

FY13 Membership Fee Schedule			
	Hours	% of hrs	Pro rata \$
Acton	409	15%	\$21,953
Bedford	487	18%	\$26,126
Concord	434	16%	\$23,268
Lexington	442	16%	\$23,698
Lincoln	204	8%	\$10,936
Sudbury	543	20%	\$29,146
Weston	193	7%	\$10,373
total	2,711	100%	\$145,500

This fee structure does not include payment for supplemental services which will be proposed and invoiced outside of this agreement or payment for additional hours in excess of the allotted hours.

# AGENDA REQUEST- ITEM #22

## BOARD OF SELECTMEN

### Requestor's Section:

**Date of request:** *August 9, 2012*

**Requestor:** *Town Manager Valente*

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

*Discussion concerning Minuteman Regional High School and legislation to increase MSB funding for vocational schools*

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**Financial impact expected:** *N/A*

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

*See the attached material*

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**Recommendations/Suggested Motion/Vote:**

*As needed based on the discussion*

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

### Selectmen's Office Section:

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**Date of Selectmen's Meeting:** *February 12, 2013*

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**Board's action taken:**

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

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**Future Agenda date (if applicable):**

**Distribution:**

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



# 22

# Town of Sudbury

## Town Manager's Office

278 Old Sudbury Road  
Sudbury MA 01776  
978-639-3385  
Maureen G. Valente, Town Manager  
<http://www.town.sudbury.ma.us>

[Townmanager@town.sudbury.ma.us](mailto:Townmanager@town.sudbury.ma.us)

Date: February 7, 2013  
To: Board of Selectmen  
From: Maureen G. Valente, Town Manager *Maureen*  
Subject: Minuteman High School Update  
CC: Dave Manjarrez, Bill Kneeland

I have attended two meetings at the high school in recent weeks and will be able to update you on those.

Meanwhile, attached is a bill filed by Senator Donnelly relative to the financing of Regional Vocational High Schools. I recommend that you review this legislation and if it meets with your approval, vote to support it and ask me to send it on to Representative Conroy and Senator Eldridge and Senator Barrett with a request that they act to assist in getting this legislation enacted?

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Kenneth J. Donnelly*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to regional school district capital project funding.

PETITION OF:

NAME:

*Kenneth J. Donnelly*

DISTRICT/ADDRESS:

*Fourth Middlesex*

**SENATE . . . . . No.**

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[Pin Slip]

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**The Commonwealth of Massachusetts**

—————  
**In the Year Two Thousand Thirteen**  
—————

An Act relative to regional school district capital project funding.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Clause (1) under the definition for “Total facilities grant” included in section 2 of  
2 chapter 70B of the General Laws , as appearing in the 2010 Official Edition, is hereby amended  
3 by inserting after the word “approved.”, in line 102, the following sentence: - An additional 10  
4 percentage reimbursement rate shall be added to a total facilities grant for academic regional  
5 school districts, and an additional 20 percent reimbursement rate shall be added to a total  
6 facilities grant for a regional vocational technical school district.

# AGENDA REQUEST- ITEM #23

## BOARD OF SELECTMEN

### Requestor's Section:

**Date of request:** *January 16, 2013*

**Requestor:** *Council on Aging via Deborah Galloway, Dir.*

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

*Discussion of increasing the senior tax work-off program hourly rate from \$7.50 to \$8.00 to meet State's minimum wage*

**Financial impact expected:** *N/A*

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

*See attached memo*

**Recommendations/Suggested Motion/Vote:** *Vote as necessary*

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

### Selectmen's Office Section:

**Date of Selectmen's Meeting:** *February 12, 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 SENIOR CENTER  
COUNCIL ON AGING  
Town of Sudbury, Massachusetts

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MEMORANDUM

TO: Town of Sudbury Selectmen  
FROM: Sudbury Council on Aging  
DATE: January 16, 2013

At the Sudbury Council on Aging meeting on January 8, 2013 at the Sudbury Senior Center, the Council on Aging Board voted unanimously to approve a change to the maximum amount of the tax abatement available to participants in the Senior Community Work Program from \$750 per year to \$800 per year; and to authorize Debra Galloway, Director of the Sudbury Senior Center, to submit this memo to the Town of Sudbury Selectmen's Office.

The Sudbury Senior Community Work Program offers residents 60 years of age and older an opportunity to apply to work for Sudbury Town Departments during the calendar year and to receive an abatement on their property taxes for that work. The Council on Aging asks that the Board of Selectmen increase the annual maximum abatement allowance to \$800 (which will accommodate 100 hours at current State minimum wage rate of \$8.00 per hour).

The funding for the property tax credit generated by this local option abatement program is budgeted and paid for through the Town's Abatement/Exemption Overlay Account<sup>1</sup>. The current program allocation is \$37,500 (FY 2013) and would with approval of the requested increase be raised to \$40,000 in FY 2014. The Board of Assessors has indicated the overlay is sufficient to cover the requested increase to the senior work tax credit, given the amounts requested.

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<sup>1</sup> The Town also pays for mandated OBRA and FICA amounts for each participant; these costs are recorded elsewhere as operating expenditures rather than reductions (write-offs) to tax revenues.