

SUDBURY BOARD OF SELECTMEN
AGENDA
TUESDAY, OCTOBER 22, 2013
7:30 p.m., Town Hall, 322 Concord Road

1. 7:30 Opening remarks by Chairman
 2. 7:35 Reports from Town Manager
 3. 7:40 Reports from Selectmen
 4. 7:55 Joint meeting with Finance Committee
 5. 8:25 Citizen's Comments
 6. 8:45 Presentation and update on OARS' work on the Sudbury River
(Alison Field-Juma, Executive Director, OARS, will present)
 7. 9:05 Discussion on Right of First Refusal - 233 Concord Road – CH61A
(Jody Kablack, Director of Planning and Community Development, will attend)
 8. 9:30 Question of voting to approve the updated Selectmen's Alcohol Rules & Regulations
Vote *(Police Chief Scott Nix will attend)*
-

Consent Calendar:

9. **Vote** Vote to approve the regular meeting minutes of October 1, 2013.
10. **Vote** Vote to accept the resignation of Renee Bordner, 75 Witherell Drive, as a member of the Commission on Disability (a Town Manager appointment approved by the Board), as requested in her email of October 7, 2013, and sending a letter of thanks for her service to the community.
11. **Vote** Vote to approve Selectmen's Draft Meeting Schedule for 2014.
12. **Vote/Sign** Vote to approve and sign document for internal borrowing from stabilization fund to start Police Station construction project (ATM 2013, Article #16) as requested by Andrea Terkelsen, Finance Director.
13. **Vote** Vote the question of accepting, on behalf of the Goodnow Library, a one-time donation of \$10,000, from the Hans and Mavis Lopater Foundation to be expended at the rate of \$1,000 per year on books for the library, under the direction of the Goodnow Library Trustees and Director, as requested in a letter dated August 28, 2013 from Barbara Freedman Wand, Trustee of The Hans and Mavis Lopater Foundation.
14. **Vote** Vote to accept a \$2,500 gift from Macot Realty Trust, satisfying condition #10 of the site plan approval for Methods Machines, granted by the Board of Selectmen on February 12, 2013, toward the construction of a walkway along Union Avenue, said funds to be expended under the direction of the Director of Public Works.

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.

15. **Vote** Vote to accept a \$4,000 gift from Mahoney Farms LLC, satisfying condition #28 of the special permit approval for the Mahoney Farms Senior Residential Community development, granted by the Planning Board on June 22, 2005, towards the purchase of a police cruiser radio, said funds to be deposited into an account and expended under the direction of the Police Chief.
 16. **Vote** Vote to confirm Conservation Commission members as designees to the following committees: Beth Armstrong to the Ponds and Waterways Committee for a term expiring 5/31/16; Robert Elkind to the Land Acquisition Review Committee for a term expiring 5/31/14; Thomas Friedlander to the Community Preservation Committee for a term expiring 5/31/16; Greg Topham to the Route 20 Sewer Citizens' Advisory Committee for a term expiring 6/30/14.
 17. **Vote** Vote to confirm Liam Vesley as the Board of Assessors' liaison to the Town Counsel Search Committee for a term ending 5/31/14.
-

Miscellaneous:

18. **Vote** Discussion on the Town Counsel Search RFP, and question of voting the Search Committee timeline.
19. **Vote** Vote to approve membership of Strategic Financial Planning – Capital Funding Committee.
20. **Vote** Vote to approve membership of Strategic Financial Planning – OPEB Committee.
21. **Vote/ Sign** Vote to sign a proclamation making Sudbury a Purple Heart Town, honoring the service and sacrifice of our nation's men and women in uniform who served to protect the freedoms enjoyed by all Americans, as requested by the Department of Massachusetts Military Order of the Purple Heart.
22. Discussion on plans for a State of the Town Forum. Selectmen Woodard and Drobinski to report and make recommendations.
23. **Vote** Vote to allow Chairman to vote for 2013 Metropolitan Planning Organization (MPO) seats open as indicated in ballot received from MAPC dated October 7, 2013.
24. **Vote** Question of approving the Town Manager signing a contract with VHB for Engineering Design Services for \$85,000 for Town Center Project
25. Question of scheduling a Board of Selectmen's meeting to finalize FY14 goals.
26. Question of Board of Selectmen submitting CPC projects, which have November 1st deadlines.
27. Question of Board of Selectmen scheduling a meeting with Conservation Commission and Park and Recreation Commission to discuss potential recreation projects.
28. Question of the Board of Selectmen writing a letter of support, at the request of the Sudbury Housing Authority, for the position taken by the SHA in opposition to the proposed housing authority reform legislation.

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

AGENDA REQUEST - Item #4

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *October 18, 2013*

Requestor: *Maureen Valente, Town Manager*

Action requested: *Joint meeting with Finance Committee to discuss general alignment between FinCom and BOS on strategic imperatives.*

Financial impact expected: *none*

Background information: *see attached memo*

Recommendations/Suggested Motion/Vote: *None – discussion only*

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

Selectmen's Office Section:

Date of Selectmen's Meeting: *October 22, 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

Townmanager@town.sudbury.ma.us

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

Maureen G. Valente, Town Manager

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

Date: October 18, 2013
To: Board of Selectmen
From: Maureen G. Valente, Town Manager 
Subject: Meeting with Finance Committee

With the approval of John, I asked Doug Kohen, chairman of the Finance Committee, for a proposed agenda for items to discuss with you. Here is his reply.

Maureen-

For the joint meeting, the things we want to discuss are general alignment between FinCom and the BoS on strategic imperatives, including:

- ***Long term capital and OPEB***
- ***Cost Center Allocation***
- ***Alignment on key budget drives (including initial revenue forecast, changes in enrollment trends, impact of LS not reapportioning, etc.)***
- ***Transparency and communication***

The Finance Committee is meeting Monday night, October 21 and they will be discussing these items in anticipation of meeting with you on Tuesday night. I have attached their agenda for Monday night, just for your information.

They are also working on finalizing their letter to the cost centers on guidelines for development of the FY15 budget, and Andrea has been working with Doug on development of revenue projections for FY15. I believe they will share that information with you on Tuesday night.

**Town of Sudbury ~ Finance Committee Meeting
Monday – October 21, 2012
Flynn Building - 7:30 PM**

AGENDA

- Item 1: General business
- Item 2: SPS Enrollment
- Item 3: FY14 Budget Planning
- Annual letter to cost centers
 - Preliminary budget schedule
 - Budget Working Group
 - Other items
- Item 5: Agenda for Joint Meeting with BoS
- Item 6: Public comments
- Item 7: Adjourn

Next meeting is Tuesday, October 22nd at 7:30 PM at Lower Town Hall (joint meeting with the Board of Selectmen).

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

AGENDA REQUEST – Item #6

BOARD OF SELECTMEN

Requestor's Section

Date of request: *October 17, 2013*

Requestor: *Alison Field-Juma, Executive Director, OARS*

Action requested: *Presentation and update on OARS' work on the Sudbury River*

Financial impact expected: *Not applicable*

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

See attached material.

Recommendations/Suggested Motion/Vote:

Presentation and update on OARS' work on the Sudbury River

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

Alison Field-Juma, Executive Director, OARS

Selectmen's Office Section

Date of Selectmen's Meeting: *October 22, 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)

OARS

FOR THE ASSABET SUDBURY & CONCORD RIVERS

23 Bradford Street · Concord, MA 01742
p 978 · 369 · 3956 f 978 · 318 · 0094
office@oars3rivers.org

www.oars3rivers.org

BOARD OF DIRECTORS

Peter Shanahan
*President
Acton*

Richard Tardiff
*Treasurer
Wayland*

Dick Lawrence
*Clerk
Hudson*

Don Burn
Westborough

Allan Fierce
Stow

Paul Goldman
Marlborough

Dave Griffin
Maynard

Martin Moran
Hudson

Pam Rockwell
Concord

Laura Rome
Maynard

David Williams
Marlborough

OARS is a 501(c)(3) non-profit organization whose mission is to protect, preserve, and enhance the natural and recreational features of the Assabet, Sudbury, and Concord Rivers, their tributaries and watersheds. Established in 1986 as the Organization for the Assabet River by a group of concerned citizens, OAR added the Sudbury and Concord Rivers to its mission in 2011, becoming OARS. Currently the organization has approximately 900 members, a 13-member Board of Directors, and 5 part-time staff. Together with our volunteers and partners, OARS has made significant progress over the past 25 years towards achieving our mission.

OARS' three-pronged approach is to:

- **Raise awareness** of the rivers' natural beauty, habitat value, and physical importance to the watershed communities, governments and other stakeholders as well as bringing attention to the threats to the rivers' water and habitat quality

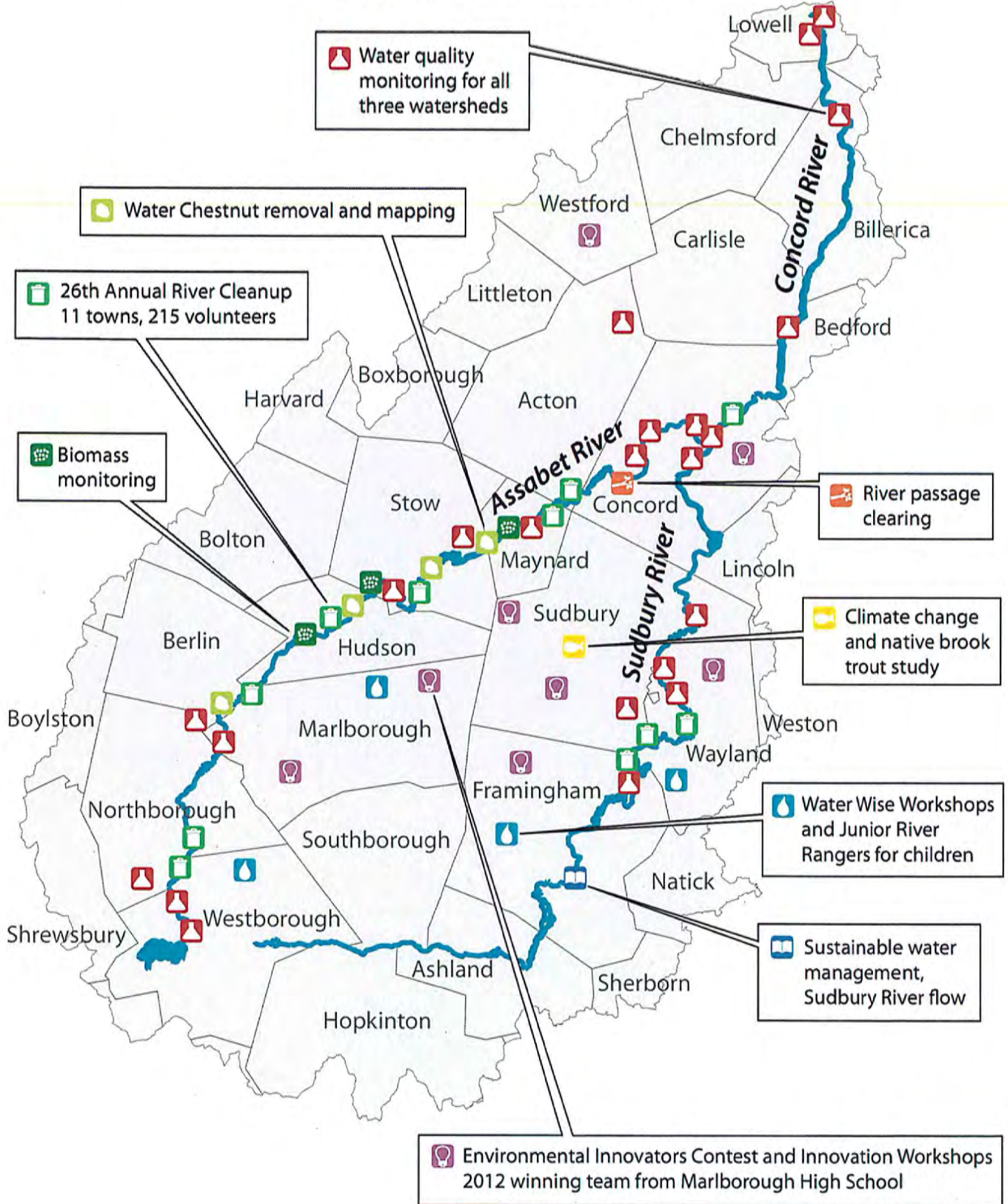
- **Collect data and advocate for additional information gathering** in order to ensure that decisions affecting the rivers are based on scientific research

- **Work collaboratively** with local and state governmental officials, community members, and others toward solutions that will help the rivers achieve their "fishable and swimmable" state standard.



OARS at Work in the Watershed

Highlights from 2012





Alison Field-Juma
Executive Director

Sue Flint
Staff Scientist

OARS

For the Assabet, Sudbury, and Concord Rivers



Mission

To protect, preserve, and enhance the Assabet, Sudbury and Concord Rivers, their tributaries and watersheds for wildlife, water supply and recreation.

Founded in 1986

- Science-based Advocacy

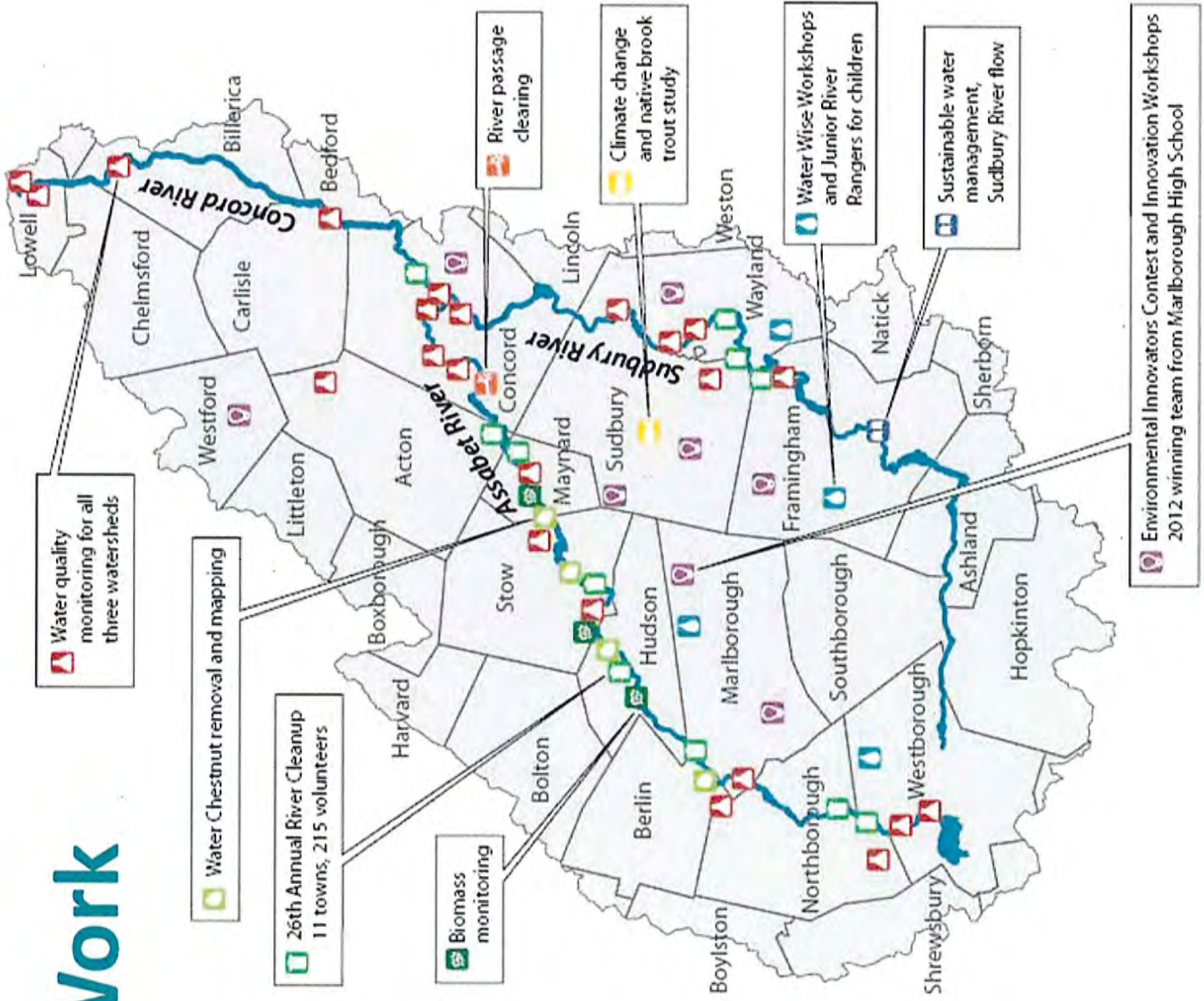
- Stewardship

- Education

- Recreation



Our Work



OARS Work on the Sudbury

SCIENCE

- Water Quality Monitoring
- Trout Stream Project
- Water Chestnut Mapping and Management

ADVOCACY

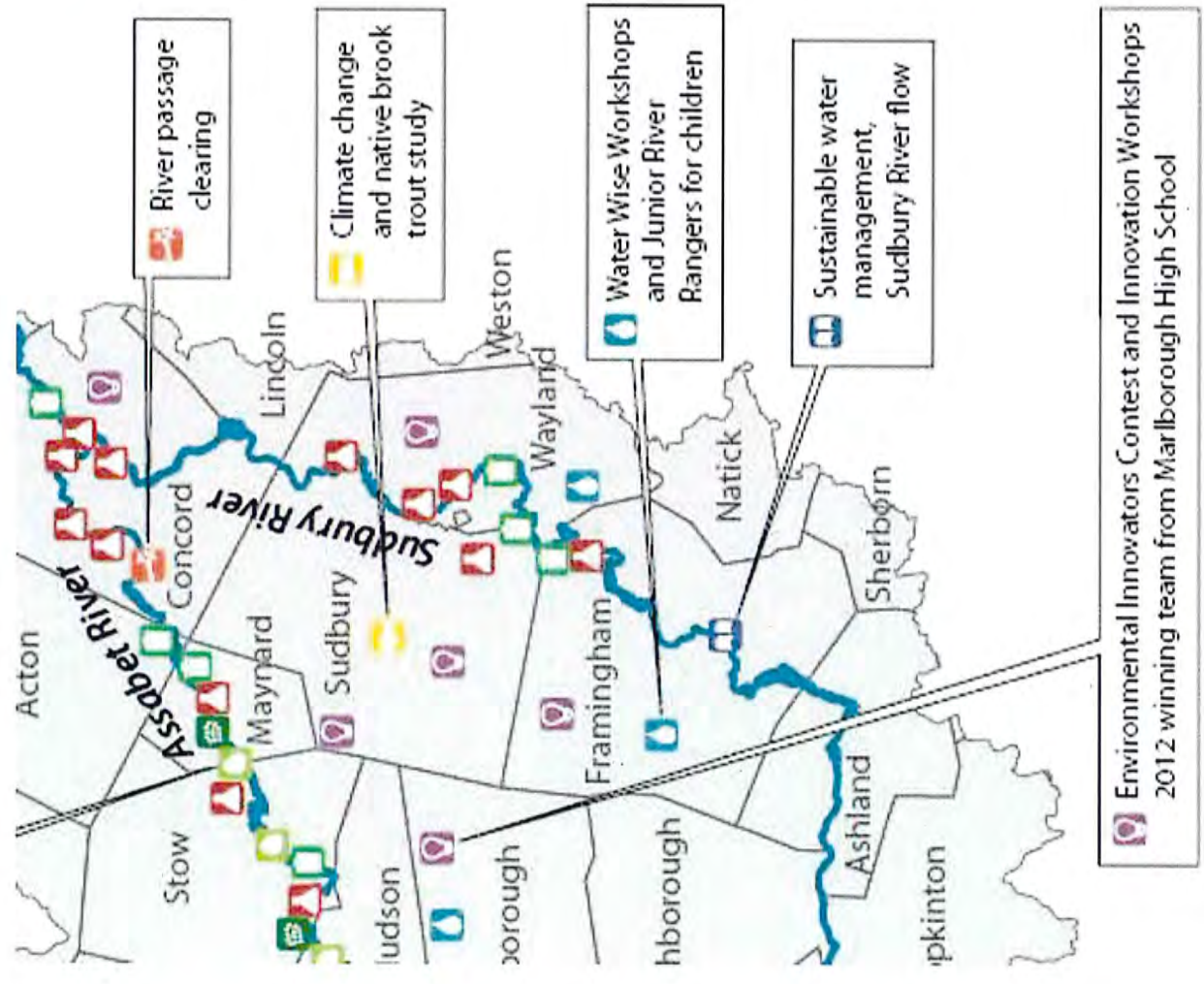
- Sustainable Water Management Initiative (SWMI)

EDUCATION

- Water Wise Workshop – Lake Cochituate
- Environmental Innovators Contest

STEWARDSHIP & RECREATION

- Wild & Scenic Film Festival
- Annual River Cleanup



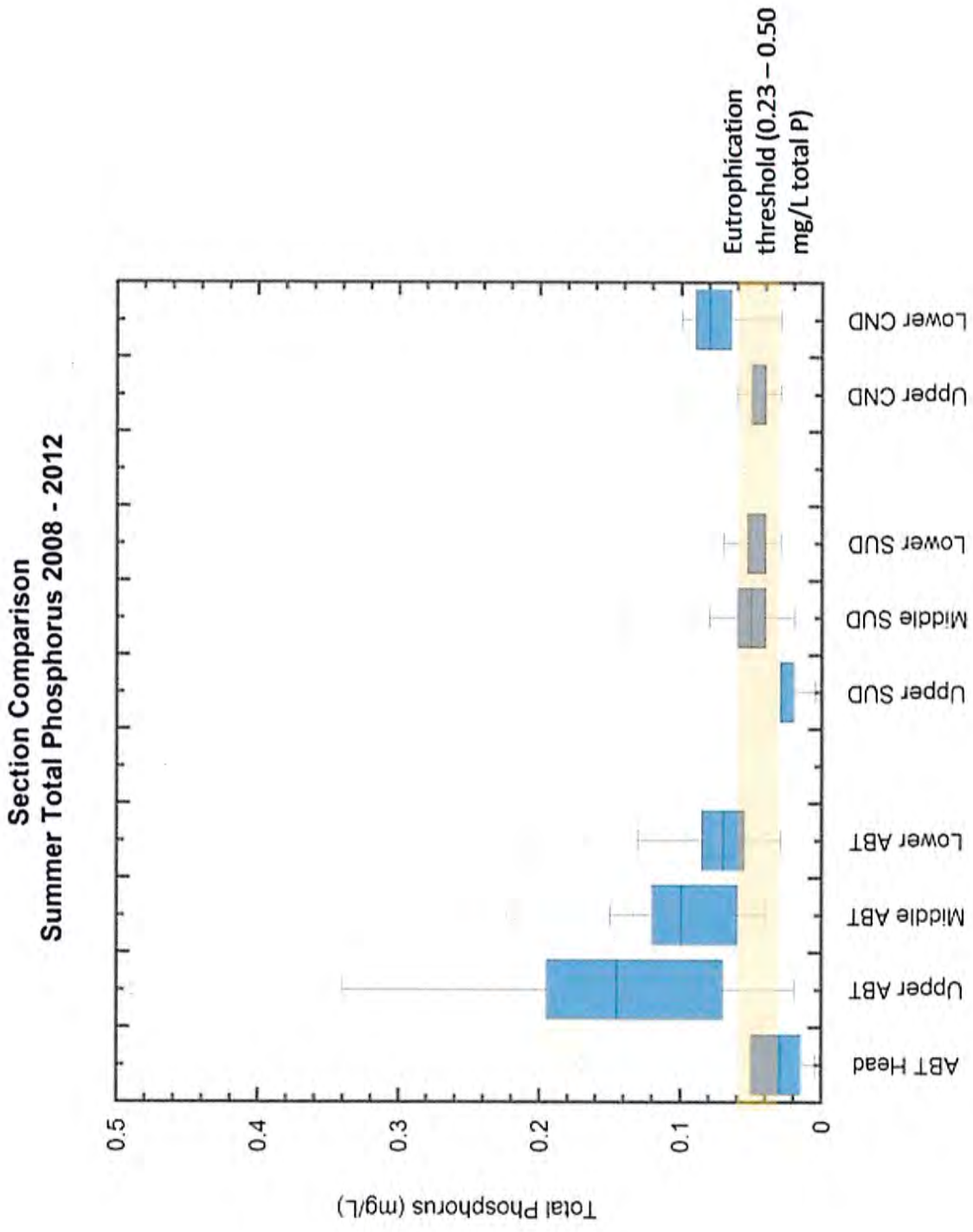
SCIENCE: Water Quality Monitoring



- Assess current conditions *throughout* the river system
- Engage volunteers
- Assess long-term trends
- Sites in Sudbury:
 - Hop Brook at Landham Road
 - Sudbury River at Sherman's Bridge Road

Water Quality Monitoring

Total phosphorus comparison among the mainstem rivers



SCIENCE: Sudbury River conditions

Nutrient Concentrations

Sudbury River – good 🍷📱

Hop Brook – eutrophic

Invasive Plant Species

Water Chestnut (remediation 🍷📱)

Eurasian Milfoil

Fanwort

Mercury Contaminated Sediments
(Framingham)

Well-protected flood plains
(Great Meadows 🍷📱)



SCIENCE: Trout Stream Project



Trout Stream Project Partners

- OARS
- Trout Unlimited Boston Chapter
- Sudbury Conservation Commission
- Sudbury Valley Trustees
- USGS Conte Fish Labs



SVT & TU volunteers and OARS staff



Ben Letcher & crew (USGS)

A wonderful partnership of groups with overlapping interests and different strengths

SCIENCE/Trout Streams:

Why bother with small streams?

- Hidden strength of our larger rivers
- Provide water to the rivers
- Rich “edge habitat” for macroinvertebrates (bugs) and fish
- Connections
- The last remaining habitat for native brook trout in Eastern Massachusetts



SCIENCE/Trout Streams

Assess Current Conditions:
Water Quality & Streamflow

- Water quality testing along with OARS' regular testing program
- Periodic streamflow measurements



SCIENCE/Trout Streams

Potential Threats: Habitat Surveys



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Fieldwork:

- stream width, cover, bank conditions
- outfall & culvert locations and potential barriers to passage

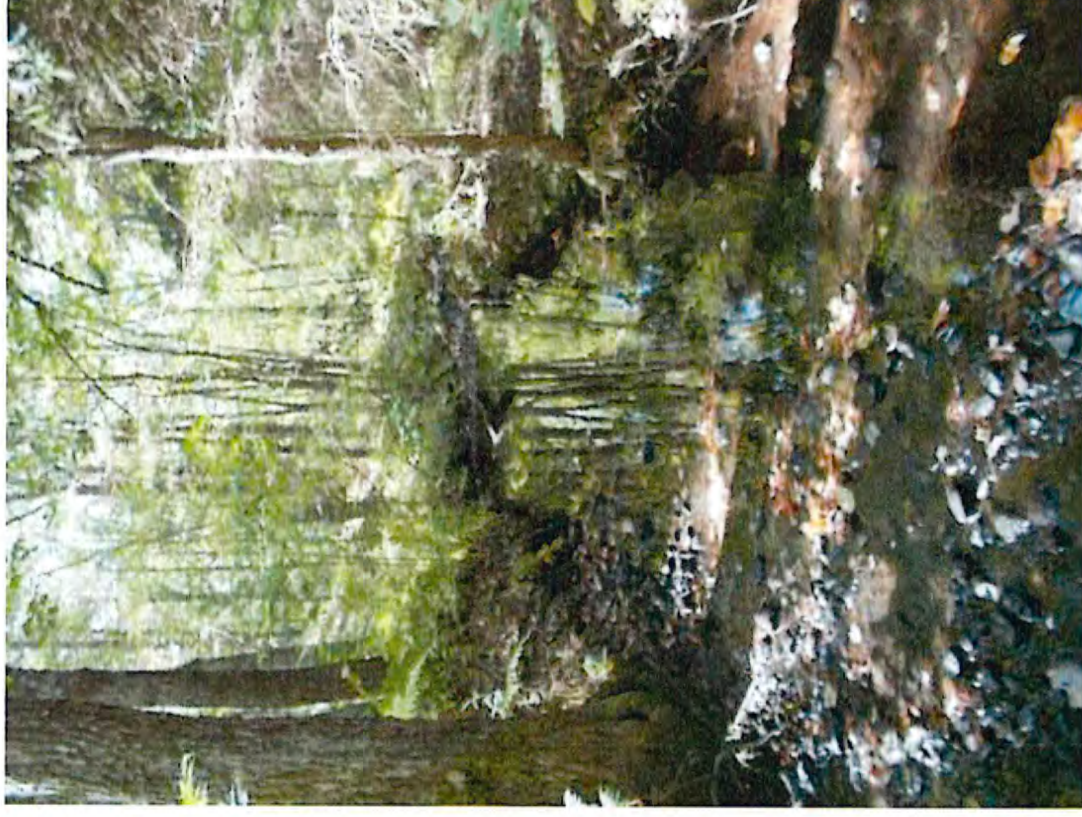
Desktop GIS analysis:

- % impervious, slope, soil types of contributing areas
- Land uses

SCIENCE/Trout Streams

Follow-Up Surveys

- Culvert /road crossing assessments (River Continuity methodology)
- Outfall testing (state's methodology)
- Riparian area assessment (bank sloughing, erosion, loss of cover, etc.)



SCIENCE/Trout Streams

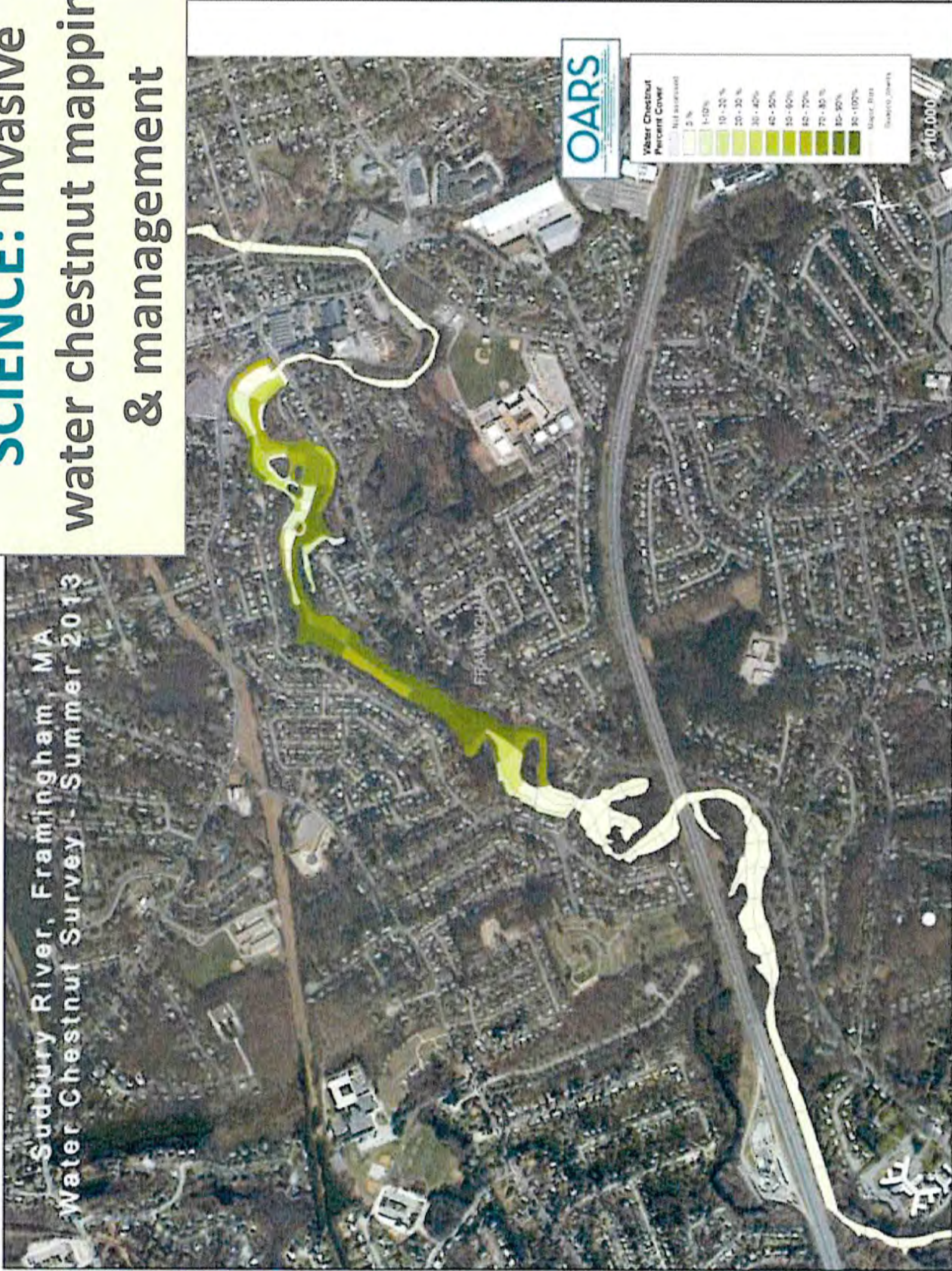
Climate Change: Temperature Logging



- Install temperature loggers at ~12 locations on the streams
- Year-long record (reading every 15 minutes)
- Compare with habitat information
- Add data to the USGS stream temp. database

SCIENCE: Invasive water chestnut mapping & management

Sudbury River, Framingham, MA
Water Chestnut Survey - Summer 2013



**Water Chestnut, Sudbury River at Saxonville
August 2013**



SCIENCE: Aquatic Plants
Other invasives



Eurasian Milfoil

ADVOCACY

- Wastewater Alternatives
- Wastewater Permitting
- State Policy—Sustainable Water Management Initiative (SWMI)



- Stormwater Recharge & LID
- Flooding and Climate Change Adaptation

STEWARDSHIP

Congressional Recognition of volunteers' hard work



STEWARDSHIP

27th Annual River Cleanup



12 towns, 152
volunteers, 43
sponsors, 67 pizzas,
tons of trash

Invasive Aquatic Plant: Water Chestnut



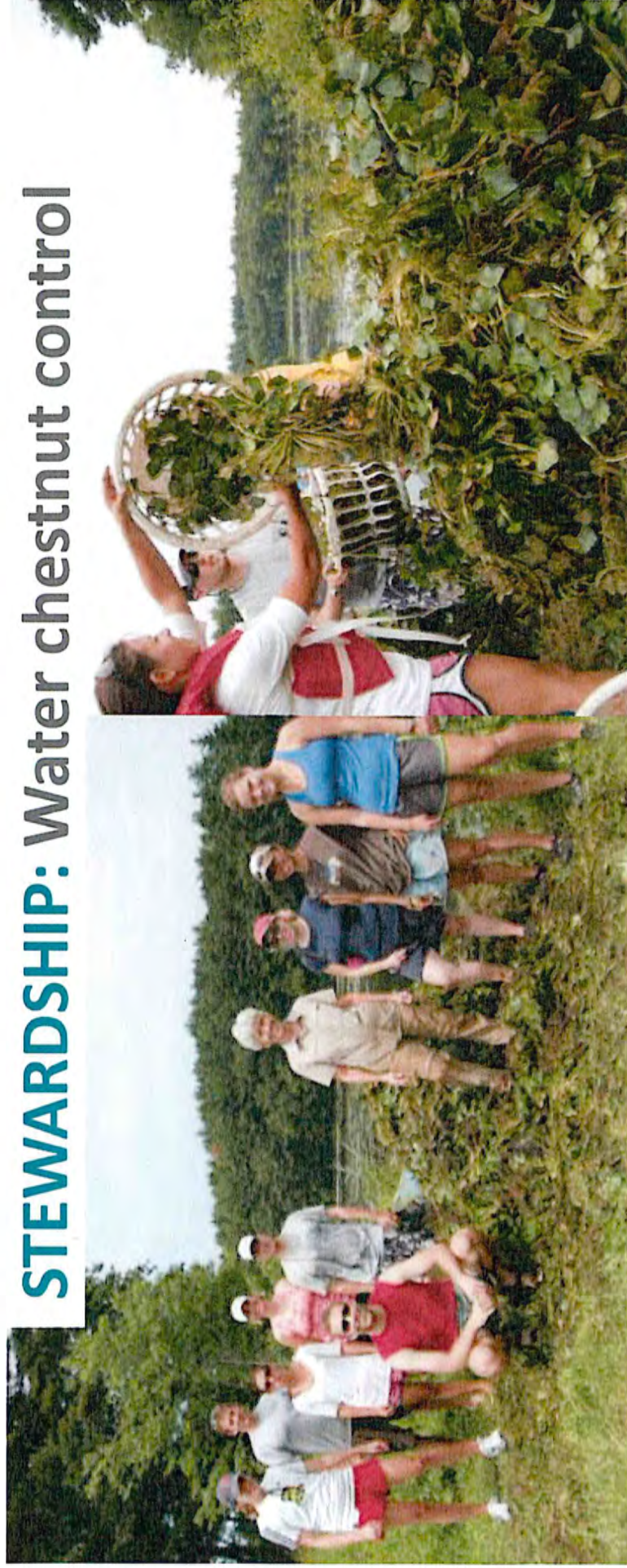
Water chestnut (*Trapa natans*) is an invasive aquatic plant found in many MA lakes and rivers including the Assabet, Sudbury, and Concord.

Problem:

- The plants grow into dense, floating mats.
- Mats reduce oxygen in the water, and damage habitat for fish and birds.
- Native vegetation cannot compete.
- Boating and fishing become impossible.
- Re-seeds from nuts for up to 12 years

Identification:

- Floating cluster of leaves form a rosette.
- Surface leaves are triangular with toothed edges, glossy tops and an inflated leaf stem.
- Nut-like fruits with four sharp, barbed spines form on the underside of the rosette.
- Submersed leaves are feathery and whorled around the leaf stem.



STEWARDSHIP: Water chestnut control

EDUCATION

Water Wise Workshops



EDUCATION

Intel-OARS Environmental Innovators Contest 2013

Bridge the gap between information
&
INNOVATION



Great way to prepare for the Intel-OARS Environmental Innovators Contest

Free INNOVATION Workshop for High School Students

- ◆ Saturday, July 13, 2013
- ◆ Noon - 3 PM (includes lunch)
- ◆ Assabet River National Wildlife Refuge (Sudbury)

Learn to solve real environmental problems in the Assabet, Sudbury & Concord Rivers

OARS

Info and registration at
oars3drivers.org or 978-369-3956



RECREATION: River trails



The Concord River Boater's Trail



BOATER'S TRAIL HOME ABOUT THE BOATER'S TRAIL DOWNLOADS CONTACT

welcome.

BOATING ON THE CONCORD

From Egg Rock at the beginning of the Concord River in Concord to the Middlesex Canal in Billerica into approximately 11 miles, it consists of 2 segments:

1. Egg Rock to Castle-Boater's Bridge (Route 222)
2. Castle-Boater's Bridge (Route 222) to the Middlesex Canal

Generally the current is gentle enough to paddle downstream and upstream upstream. Paddle for fun and energy. Observe, which one way is more perfect for a morning or afternoon outing.

RIVER LINKS

The Concord, Sudbury, and Middlesex Rivers all provide recreational, wildlife and historic sites. Middlesex Canal, Great Meadows State Park (MAE), Massachusetts Audubon Society, Southern Valley Trailers and Boater's Bridge Program.

WILD AND SCENIC

OUTREACH

www.oars3drivers.org and Facebook

OARS

FOR THE ASSABET SUBBURY & CONCORD RIVERS

HOME THE RIVERS THREATS TAKE ACTION OUR WORK EVENTS ABOUT Search

Upcoming events

- OARS Annual Meeting June 17 (12 days)
- Summer Solstice celebration June 21 (16 days)
- Overleaf, Myra, Dorely and Art in the Old Oak Barbur, Bourton June 20 (17 days)
- EvenQuest at Riverfest September June 23 (17 days)

Pool Stick Race, Sudbury River
Thomas Dooper

SUPPORT OARS

OARS' work is possible because of the support we receive from our members:

- Join or Renew
- Donate
- Corporate Giving

Volunteer Opportunities

Community Service Opportunity

OARS is looking for volunteers to survey river users and provide information to them such as maps and water chestnut ID cards

Where: Any of the boat landings throughout the watershed, especially Rts. 20, Wayland, Low Road, Concord, South Bridge Boat House, Concord, Bedford Boat Launch, Bedford

OARS - For the Assabet, Sudbury, and Concord Rivers

215 likes

10 friends like this page

High School Students, Who do you think...
Change awareness at the 5th OARS Environmental...
Dorely and Art in the Old Oak Barbur...
Photo in the Concord watershed since 1980 photo was taken by...

Supported by our communities

Questions?



AGENDA REQUEST – Item #7

BOARD OF SELECTMEN

Requestor's Section

Date of request: *October 17, 2013*

Requestor: *Jody Kablack*

Action requested:

Discussion on Right of First Refusal - 233 Concord Road – CH61A.

Financial impact expected:

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

See attached material.

Recommendations/Suggested Motion/Vote:

Discussion on Right of First Refusal - 233 Concord Road – CH61A

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

Jody Kablack

Selectmen's Office Section

Date of Selectmen's Meeting: *October 22, 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)

233 Concord Road Notice of Intent to Sell

List of Correspondence as of 10/17/2013

Sender Name	Address or Title	Date
		8/16/2013, received
Stephen and Sharon Booma	Notice of Intent to Sell	8/21/2013
Jody Kablack	Director, Planning and Community Development	8/28/2013
Linda Hawes	Chair, HDC	9/6/2013
Jill and Stefan Gross	309 Goodman's Hill Rd	9/8/2013
Frances & Edward Shashoua	328 Goodman's Hill Rd	9/8/2013
Susan Doherty	253 Concord Rd	9/9/2013
Sherry Weiland	4 Homestead St	9/11/2013
Nancy McShea	Director, Parks and Recreation	9/12/2013
Sudbury Conservation Commission		9/17/2013
Suzanne E. Kellogg	265 Concord Rd	9/23/2013
Board of Assessors		9/26/2013
Beth Whitlock	83 Concord Rd	10/3/2013
Christa Collins	Director, Land Protection, Sudbury Valley Trustees	10/4/2013
James J. Casey	120 Old Lancaster Rd	10/4/2013
Linda Hawes	Chair, HDC	10/5/2013
Holly & Gonzalo Leon	25 Plympton Rd	10/7/2013
Mike Carney	345 Boston Post Rd, Suite F	10/8/2013
Cynthia Rodriguez	252 Concord Rd	10/8/2013
Andrea Jewett	308 Concord Rd	10/11/2013
Michael Hunter	Chair, Planning Board	10/17/2013
Susan Doherty	253 Concord Road	10/9/2013

Additional Documents:

- Historic Districts Commission Guidelines
- Historic Districts Commission Application
- Emmons Property Conservation Restriction to Sudbury Valley Trustees, Inc.
- *Maps of Property*

RECEIVED

AUG 21 2013

STEPHEN R. BOOMA AND SHARON BOOMA (OWNERS)

RE: Lot B (formerly part of 233 Concord Road, Sudbury, Massachusetts)
Notice of Intent under Chapter 61A

August 16, 2013

Hand Delivered to:

Chairman Lawrence O'Brien
Board of Selectman
c/o Town Clerk
Sudbury Town Hall
278 Old Sudbury Road
Sudbury, MA 01776

Board of Assessors
Town of Sudbury
Flynn Building
278 Old Sudbury Road
Sudbury, MA 01776

Planning Board
Town of Sudbury
Flynn Building
278 Old Sudbury Road
Sudbury, MA 01776

Conservation Commission
Department of Public Works
Town of Sudbury
275 Old Lancaster Road
Sudbury, MA 01776

Certified Mail:
Massachusetts State Forester
Department of Conservation and Recreation
355 Boylston Street
Clinton, MA 01510

Exhibit A

NOTICE OF INTENT TO SELL

LAND CLASSIFIED UNDER M.G.L. CHAPTER 61A

Dear Sirs and Madams:

Please accept this letter as a statement of intent to sell made to the Board of Selectman, Board of Assessors, Planning Board and Conservation Commission of the Town of Sudbury, as well as the Massachusetts State Forester, by Stephen R. Booma and Sharon Booma, the owners of certain land located in the Town of Sudbury classified as Forest Lands under M.G. L. Chapter 61A, that the Sellers intend to sell such land for residential use. The land is a portion of the land conveyed to Sellers by deed dated January 27, 2001, recorded with Middlesex South Registry of Deeds in Book 32318, Page 411 and also shown as Lot B, containing 2.2 acres on a plan recorded with Middlesex South Registry of Deeds on June 12, 2013 in Plan Book 2013, Plan 401.

Sellers have agreed to sell the Land to Michael Carney, Inc. (Buyer), 345 Boston Post Road, Suite F, Sudbury, Massachusetts, under a purchase and sale agreement dated August 5, 2013 which is attached hereto. The land is to be converted to residential use for the construction of a single family dwelling to be sold by Buyer upon completion.

The address and telephone number for the Sellers, Stephen and Sharon Booma is as follows:

121 Muirfield Drive, Ponte Verde Beach, Florida 32082
Telephone 904-834-3070

The name, address and telephone number for the Sellers' Attorney is as follows:

Tammy M. Hornung, Esquire
Hornung & Scimone, P.C.
5 Commonwealth Road
Natick, MA 01760
Telephone 508-651-1090

Attached to this letter, please find the following:

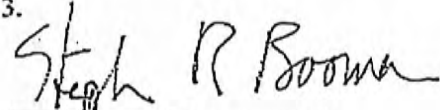
Exhibit A - Notice of Intent to Sell together with a statement of the proposed use of the land;

Exhibit B - Certified copy of Purchase and Sale Agreement;

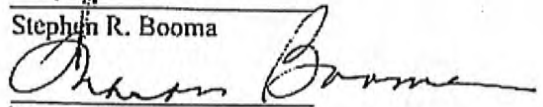
Exhibit C- Plan showing the location and acreage of the land

We look forward to hearing from you as soon as possible.

Signed this 19th day of August, 2013.

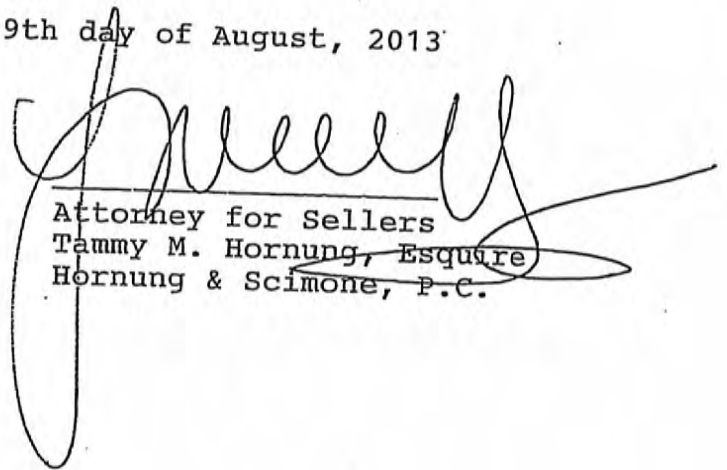


Stephen R. Booma



Sharon Booma

Signed this 19th day of August, 2013



Attorney for Sellers
Tammy M. Hornung, Esquire
Hornung & Scimone, P.C.

Exhibit "B"

TRUE AND ATTESTED COPY OF THE ORIGINAL BY 

Prepared By: **Hornung & Scimone P.C.**
5 Commonwealth Rd, 4th Floor
Natick, MA 01760

STANDARD FORM PURCHASE AND SALE AGREEMENT

This 5th day of August, 2013.

1. PARTIES AND MAILING ADDRESSES (fill in)

Stephen R. Booma and Sharon Booma of 121 Muirfield Drive, Ponte Vedra Beach, Florida 32082, hereinafter called SELLER, agrees to SELL and Michael Carney Inc., of 345 Boston Post Road, Suite F, Sudbury, Massachusetts 01776, or assigns, hereinafter called the BUYER OR PURCHASER, agrees to BUY, upon the terms hereinafter set forth, the following described premises: Lot B, Concord Rd (formerly part of 233), Sudbury, Massachusetts 01776

2. DESCRIPTION (fill in and include title reference)

Parcel of land containing 95,832 square feet of land on the westerly side of Concord Road, Sudbury, Middlesex County, Massachusetts and shown as Lot B on a plan of land entitled "Plan of Land 233 Concord Road in Sudbury, Mass" Owner/Applicant Stephen and Sharon Booma, dated April 23, 2013, Sullivan, Connors and Associates, Land Surveyors and Civil Engineers recorded with Middlesex South Registry of Deeds as Plan No. 401 of 2013. For further description see a portion of the property conveyed to Sellers by deed duly recorded in the Middlesex South District Registry of Deeds, Book 32318, Page 411.

3. BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES (fill in or delete)

Included in the sale is land only as set forth above.

4. TITLE DEED (fill in)

**Include here by specific reference any restrictions, easements, rights and obligations in party walls not included in (b) leases, municipal and other liens, other encumbrances, and make provision to protect SELLER against BUYER's breach of SELLER's covenants in leases, where necessary.*

Said premises are to be conveyed by a good and sufficient quitclaim deed running to the BUYER, or to the nominee(s) designated by the BUYER by written notice to the SELLER at least seven days before the deed is to be delivered as herein provided, and said deed shall convey a good and clear record and marketable title thereto, free from encumbrances, except:
(a) Provisions of existing building and zoning laws;
(b) Existing rights and obligations in party walls which are not the subject of written agreement;
(c) Such taxes for the then current year as are not due and payable on the date of the delivery of such Deed;
(d) Any liens for municipal betterments assessed after the date of this agreement;
(e) Easements, restrictions and reservations of record, if any, so long as the same do not prohibit or materially interfere with the current use of said premises; creation of ANR buildable lot.
*(f)

5. PLANS

If said deed refers to a plan necessary to be recorded therewith the SELLER shall deliver such plan with the deed in form adequate for recording or registration.

6. REGISTERED TITLE

In addition to the foregoing, if the title to said premises is registered, said deed shall be in form sufficient to entitle the BUYER to a Certificate of Title of said premises, and the SELLER shall deliver with said deed all instruments, if any, necessary to enable the BUYER to obtain such Certificate of Title.

7. PURCHASE PRICE (fill in); space is allowed to write out the amounts if desired

The agreed purchase price for said premises is THREE HUNDRED TWENTY-FIVE THOUSAND AND 00/100 (\$325,000.00) Dollars, of which

\$ 1,000.00 with initial offer to purchase
\$10,000.00 is to be paid by Buyer within 72 hours after notice from the Town of Sudbury that it has waived the right of first refusal on the property.
\$314,000.00 are to be paid at the time of delivery of the deed by certified, cashier's, treasurer's or bank check(s) or Mass Attorney IOLTA check
\$325,000.00 Total

8. TIME FOR PERFORMANCE; DELIVERY

Such deed is to be delivered at 12:00 o'clock Noon on the on or before December 5, 2013 at the Middlesex South District Registry of Deeds Registry of Deeds, or in the office of

OF DEED

(fill in)

9. POSSESSION AND
CONDITION OF PREMISE-
(attach a list of exceptions, if
any)

the closing attorney, unless otherwise agreed upon in writing. It is agreed that time is of the
essence of this agreement.

Full possession of said premises free of all tenants and occupants, except as herein
provided, is to be delivered at the time of the delivery of the deed, said premises to be then
(a) in the same condition as they now are, reasonable use and wear thereof excepted, and
(b) not in violation of said building and zoning laws, and (c) in compliance with provisions of
any instrument referred to in clause 4 hereof. The BUYER shall be entitled personally to
inspect said premises prior to the delivery of the deed in order to determine whether the
condition thereof complies with the terms of this clause.

10. EXTENSION TO
PERFECT TITLE OR
MAKE PREMISES
CONFORM

(Change period of time if
desired).

If the SELLER shall be unable to give title or to make conveyance, or to deliver possession of
the premises, all as herein stipulated, or if at the time of the delivery of the deed the premises
do not conform with the provisions hereof, then any payments made under this agreement
shall be forthwith refunded and all other obligations of the parties hereto shall cease and this
agreement shall be void without recourse to the parties hereto, unless the SELLER elects to
shall use reasonable efforts to remove any defects in title, or to deliver possession as
provided herein, or to make the said premises conform to the provisions hereof, as the case
may be, in which event the SELLER shall give written notice thereof to the BUYER at or
before the time for performance hereunder, and thereupon the time for performance hereof
shall be extended for a period of as reasonably needed, up to thirty (30) days.

11. FAILURE TO
PERFECT TITLE OR
MAKE PREMISES
CONFORM, etc.

If at the expiration of the extended time the SELLER shall have failed so to remove any
defects in title, deliver possession, or make the premises conform, as the case may be, all as
herein agreed, or if at anytime during the period of this agreement or any extension thereof,
the holder of a mortgage on said premises shall refuse to permit the insurance proceeds, if
any, to be used for such purposes, then any payments made under this agreement shall be
forthwith refunded and all other obligations of the parties hereto shall cease and this
agreement shall be void without recourse to the parties hereto.

12. BUYER'S ELECTION
TO ACCEPT TITLE

The BUYER shall have the election, at either the original or any extended time for
performance, to accept such title as the SELLER can deliver to the said premises in the
then condition and to pay therefore the purchase price without deduction, in which case the
SELLER shall convey such title, except that in the event of such conveyance in accord with
the provisions of this clause, if the said premises shall have been damaged by fire or casualty
insured against, then the SELLER shall, unless the SELLER has previously restored the
premises to their former condition, either

(a) pay over or assign to the BUYER, on delivery of the deed, all amounts recovered or
recoverable on account of such insurance, less any amounts reasonably expended by the
SELLER for any partial restoration, or

(b) if a holder of a mortgage on said premises shall not permit the insurance proceeds or a
part thereof to be used to restore the said premises to their former condition or to be so paid
over or assigned, give to the BUYER a credit against the purchase price, on delivery of the
deed, equal to said amounts so recovered or recoverable and retained by the holder of the
said mortgage less any amounts reasonably expended by the SELLER for any partial
restoration.

13. ACCEPTANCE OF
DEED

The acceptance of a deed by the BUYER or his nominee as the case may be, shall be
deemed to be a full performance and discharge of every agreement and obligation herein
contained or expressed, except such as are, by the terms hereof, to be performed after the
delivery of said deed.

14. USE OF MONEY TO
CLEAR TITLE

To enable the SELLER to make conveyance as herein provided, the SELLER may, at the
time of delivery of the deed, use the purchase money or any portion thereof to clear the title
of any or all encumbrances or interests, provided that all instruments so procured are
recorded simultaneously with the delivery of said deed. However, discharges for
institutional mortgages may be obtained within a reasonable period of time after
delivery of deed in accordance with local conveyancing custom.

15. INSURANCE
(insert amount, list
additional types of
insurance and amounts as
agreed)

Until the delivery of the deed, the SELLER shall maintain insurance on said premises as
follows: Type of Insurance

(a) Fire and Extended Coverage
(b)

Amount of Coverage
\$ Land only, NA

16. ADJUSTMENTS
(list operating expenses if any, or attach schedule)
- Taxes for the then current fiscal year, shall be apportioned as of the day of performance of this agreement and the net amount thereof shall be added to or deducted from, as the case may be, the purchase price payable by the BUYER at the time of delivery of the deed.
17. ADJUSTMENT OF UNASSESSED AND ABATED TAXES
- If the amount of said taxes is not known at the time of the delivery of the deed, they shall be apportioned on the basis of the taxes assessed for the preceding fiscal year, with a reapportionment as soon as the new tax rate and valuation can be ascertained; and, if the taxes which are to be apportioned shall thereafter be reduced by abatement, the amount of such abatement, less the reasonable cost of obtaining the same, shall be apportioned between the parties, provided that neither party shall be obligated to institute or prosecute proceedings for an abatement unless herein otherwise agreed.
18. BROKER'S FEE
(fill in fee with dollar amount or percentage; also name of Brokerage Firm(s))
- Not applicable
19. BROKER(S) WARRANTY
(fill in name)
- Not applicable.
20. DEPOSIT
(fill in name)
- All deposits made hereunder shall be held in escrow by Sellers' attorney, Hornung & Scimone, P.C. in a non-interest bearing account as escrow agent subject to the terms of this agreement and shall be duly accounted for at the time for performance of this agreement. In the event of any disagreement between the parties, the escrow agent shall retain all deposits made under this agreement pending instructions mutually given by the SELLER and the BUYER, or by final order of a court of competent jurisdiction.
21. BUYER'S DEFAULT DAMAGES
- If the BUYER shall fail to fulfill the BUYER's agreements herein, all deposits made hereunder by the BUYER shall be retained by the SELLER as liquidated damages ~~unless within thirty days after the time for performance of this agreement or any extension hereof, the SELLER otherwise notifies the BUYER in writing, and this shall be the SELLER'S sole and exclusive remedy at law and in equity.~~
22. RELEASE BY HUSBAND OR WIFE
- The SELLER's spouse hereby agrees to join in said deed and to release and convey all statutory and other rights and interests in said premises.
23. BROKER AS PARTY
- Not applicable.
24. LIABILITY OF TRUSTEE, SHAREHOLDER, BENEFICIARY, etc.
- If the SELLER or BUYER executes this agreement in a representative or fiduciary capacity, only the principal or the estate represented shall be bound, and neither the SELLER or BUYER so executing, nor any shareholder or beneficiary of any trust, shall be personally liable for obligation, express or implied, hereunder.
25. WARRANTIES AND REPRESENTATIONS
(fill in): if none, state "none"; if any listed indicate by whom each warranty or representation was made
- The BUYER acknowledges that the BUYER has not been influenced to enter into this transaction nor has he relied upon any warranties or representations not set forth or incorporated in this agreement or previously made in writing, except for the following additional warranties and representations, if any, made by either the SELLER or the Broker(s): None
26. MORTGAGE CONTINGENCY CLAUSE
(omit if not provided for in Offer to Purchase)
- Not applicable

27. CONSTRUCTION OF AGREEMENT

This instrument, executed in multiple counterparts, is to be construed as a Massachusetts contract, is to take effect as a sealed instrument, sets forth the entire contract between the parties, is binding upon and enures to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns, and may be cancelled, modified or amended only by a written instrument executed by both the SELLER and the BUYER. If two or more persons are named herein as BUYER their obligations hereunder shall be joint and several. The captions and marginal notes are used only as a matter of convenience and are not to be considered a part of this agreement or to be used in determining the intent of the parties to it.

28. LEAD PAINT LAW

Not applicable.

29. SMOKE DETECTORS/ CARBON MONOXIDE DETECTORS

Not applicable.

30. ADDITIONAL PROVISIONS

The initialed riders, if any, attached hereto, are incorporated herein by reference: This Agreement shall be contingent on the following:
1. Sellers to provide Buyers with a Town Approved or ANR Lot Plan for said Lot B, , without any easements, private or public of any kind;
2. Buyer obtaining all required State and local approvals and permits necessary to construct a five (5) to (6) bedroom house, with location, size and style of Buyer's choice. ;
3. Buyer shall be able to market the property after the signing of this P&S Agreement.

- See attached Addendum "A".

FOR RESIDENTIAL PROPERTY CONSTRUCTED PRIOR TO 1978, BUYER MUST ALSO HAVE SIGNED LEAD PAINT "PROPERTY TRANSFER NOTIFICATION CERTIFICATION"

NOTICE: This is a legal document that creates binding obligations. If not understood, consult an attorney.

Buyer(s) [Signature] 8-13-2013
Michael Carney Date

Seller(s) Stephen R Booma 8-14-13
Sharon A Booma 8-14-13
Stephen R Booma Sharon A Booma Date

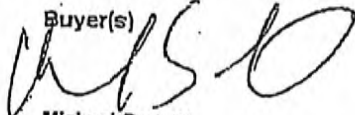
Addendum A

This Addendum modifies, amends and changes the Purchase and Sale Agreement and supersedes the same to the extent set forth herein. In the event there are any conflicts between the Purchase and Sale Agreement and this Addendum, this Addendum shall control.

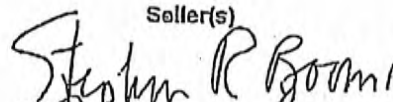
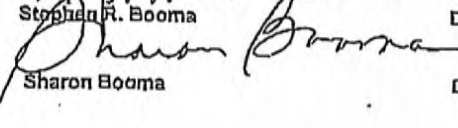
1. Buyer and Seller hereby acknowledge that they have been offered the opportunity to seek and confer with qualified legal counsel of their choice prior to signing this agreement and throughout this transaction.
2. Pursuant to paragraph 10 of the Purchase and Sale Agreement, the following language shall be added at the end of the paragraph "In no event shall the Seller be obligated in excess of \$2,500 to cure title, exclusive of the payment of mortgages or voluntary liens."
3. The Buyer acknowledges and agrees that the Seller has made no warranties or representations on which Buyer has relied as to the condition, past, present or future of the premises, other than those contained in this Agreement. Any statements made by the Seller in a realtor's/broker's or inspector's questionnaire, so-called "Seller's Disclosure Statement" or property listing information, if any, are not warranties and do not survive the closing. The seller states that any facts, in such forms, to the extent supplied by the Seller, are accurate according to the Seller's actual knowledge of the statements therein and Seller makes no representations concerning the accuracy of facts provided by the realtor(s) or broker(s) unless expressly incorporated into this Agreement. Buyer acknowledges that ample opportunity has been given to conduct an inspection without restrictions by an expert of their own choosing, and that such an inspection has taken place. Buyer acknowledges that they are fully satisfied with the condition of the premises and are accepting the premises "as is" in its current condition, reasonable wear and tear between the date hereof and closing, excepted, unless provided for herein otherwise.
4. The Seller and Buyer each represent that they have not dealt with any real estate broker in connection with this transaction, nor were they directed to each other as a result of any services or facilities of any real estate broker except for the brokers set forth herein and Buyer and Seller agree that each will hold harmless and indemnify the other from any and all claim, loss, damage, costs or, liability and expense including reasonable attorney fees incurred by Buyer or Seller as a result of the failure of this representation. The provisions of this paragraph shall survive the delivery of the deed.
5. This agreement supersedes all prior agreements and other understandings between the parties and represents the complete and full agreement of the parties hereto. All prior offers and agreements between the parties with respect to the transactions contemplated hereby and any such prior offers or agreements are null and void.
6. In order to facilitate the execution of such documents amending the terms of this agreement or modifying the time for performance of any event or notice that may be given under this agreement, each undersigned hereby authorizes his or her

respective attorney to assent and execute on that party's behalf, any amendments or agreement modifying the time for performance of any event or of any notice that may be given under this agreement.

This Agreement may be executed by fax or other electronic means and original ink signatures shall not be required.

Buyer(s)

Michael Carney

Date

Seller(s)
Stephen R. Booma 8-17-13

Stephen R. Booma Date
Sharon Booma 8.17.13

Sharon Booma Date

Buyer's Addendum to Purchase & Sale Agreement

BUYER: Michael Carney Inc.
SELLER: Stephen R. Booma and Sharon Booma
PROPERTY: Lot B Concord Rd Sudbury

BUYER and SELLER agree to the following terms, which are hereby incorporated into and shall become a part of the main portion of this Agreement as if fully and originally set forth therein

1. Quality of Title.

Notwithstanding any language contained in this Agreement to the contrary, title to the Premises shall not be considered satisfactory under the terms of this Agreement unless, at the time of delivery of the deed:

- a. the Premises shall abut either a public way or a private way to which BUYER shall have direct access for pedestrian, vehicular and utility purposes and, if a private way, that such private way in turn has satisfactory access to a public way and has been duly laid out and accepted as such by the municipality in which the Premises are located
- b. and
- c. the Premises shall be in compliance with all applicable building, zoning, subdivision, environmental, health and safety by-laws, codes, statutes, orders and regulations.

2. SELLER's Representations.

SELLER makes the following representations to BUYER as of the date of this Agreement and as of the time of delivery of the deed:

- a. To the best of SELLER's knowledge, no underground tanks or receptacles for the storage of gasoline, motor oil, fuel oil or other flammable liquids have ever been located at the Premises.
- b. SELLER has no knowledge or notice of any ordered, pending or proposed municipal betterment assessments against the Premises and has no knowledge of any ongoing, incomplete, planned or proposed public improvements that would benefit the Premises and could result in a betterment assessment against the Premises;
- c. To the best of Sellers' knowledge, the property is not located in a flood hazard area.

3. Cooperation of SELLER.

SELLER shall cooperate reasonably with BUYER or assigns and allow reasonable access for any marketing Buyer may wish to perform pursuant to the main portion of the agreement, which may include signage. Buyer shall indemnify and hold harmless Sellers for any loss, costs or damages resulting from Buyer's, Buyer's agents or prospective Buyers access to the property.

4. Right of Access to Premises.

BUYER, BUYER's mortgage lender and their respective servants, employees, agents, contractors or other representatives shall have the right to enter upon the Premises prior to the time specified for delivery of SELLER's deed for the purposes of showing, inspecting, measuring, surveying and appraising the property. The right of access provided by this section shall be exercised only on a reasonable number of occasions, at reasonable times and with reasonable advance notice (which, notwithstanding anything contained herein to the contrary, may be given orally) to and in the presence of either SELLER or SELLER's agent. Buyer shall indemnify and hold harmless Sellers for any loss, costs or damages resulting from Buyer's, Buyer's agents or prospective Buyers access to the property.

Executed as a sealed instrument on

Aug 14, 2013

[Signature]
, BUYER

[Signature: Stephen R. Brown]
, BUYER

, SELLER

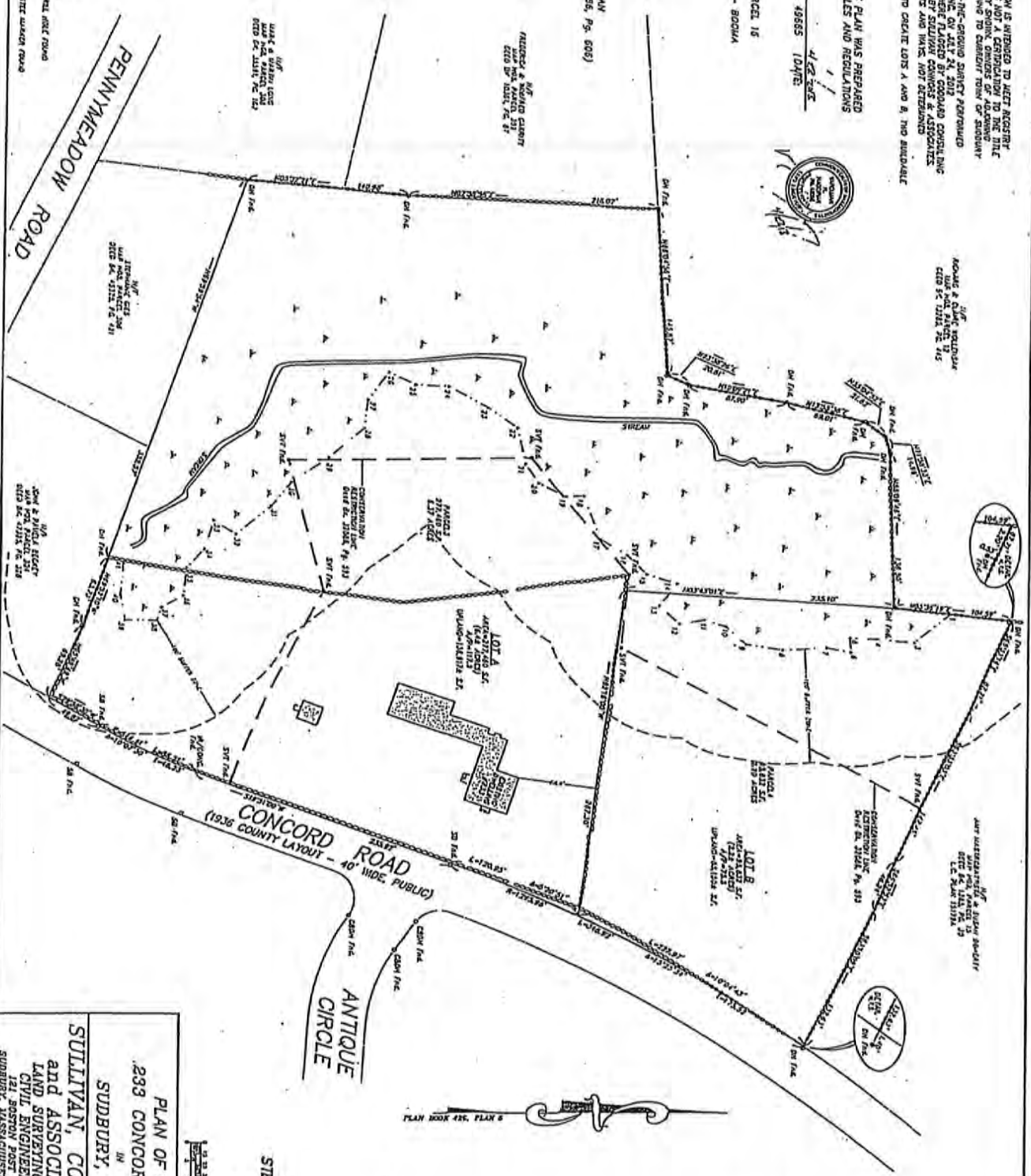
[Signature: Sharon A. Brown]
, SELLER

NOTES:
 1) CONSERVATION SHOW DESIGN IS INTENDED TO KEEP ACCOUNT OF DEEDS RECORDANTS AND IS NOT A LEGAL INSTRUMENT OR SUPERSEDES THE MAJORITY SHARE OWNERS OF ADJOINING PARCELS AND SHOWN ACCORDING TO CURRENT TOWN OF SUBURBY
 2) THIS PLAN IS BASED ON AN ON-NE-GROUND SURVEY PERFORMED BY CONSULTING ENGINEER NEIL ON JULY 24, 2013
 3) THE FOLLOWING SHOWN DESIGN HERE FILED BY CONCORD COUNTY ENGINEER NEIL ON JULY 24, 2013
 4) THE LOCAL STATUS OF EXISTING AND NEW UTILITIES AND ASSOCIATED BY THIS SUBJECT OF EXISTING AND NEW UTILITIES
 5) THIS SUBJECT OF EXISTING AND NEW UTILITIES
 6) THIS SUBJECT OF EXISTING AND NEW UTILITIES
 7) THIS SUBJECT OF EXISTING AND NEW UTILITIES
 8) THIS SUBJECT OF EXISTING AND NEW UTILITIES
 9) THIS SUBJECT OF EXISTING AND NEW UTILITIES
 10) THIS SUBJECT OF EXISTING AND NEW UTILITIES
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 13) THIS SUBJECT OF EXISTING AND NEW UTILITIES
 14) THIS SUBJECT OF EXISTING AND NEW UTILITIES
 15) THIS SUBJECT OF EXISTING AND NEW UTILITIES

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTRARS OF DEEDS.
 VEROLIAN H. MACOPAN, PLS. 19885 10MTR.
 TOWN ASSESSOR MAP NO.3, PARCEL 16
 DEED BOOK 2218, PAGE 411 - BOOMA
 L.C. PLAN 181794
 PLAN No. 31 OF 1974
 PLAN No. 428, PLAN 3
 PLAN No. 1027 OF 1992
 PLAN No. 1004 OF 1977
 PLAN No. 1000 OF 1985
 PLAN No. 1249 OF 1985
 PLAN No. 229 OF 1974
 PLAN No. 240 OF 1974
 CONSERVATION RESTRICTION PLAN
 DATED MAY 17, 2000 (PA. 3008, Pg. 608)

ZONING REFERENCE A
 2007 ZONING BY-LAW
 SECTION 10.01
 STRIPES: FRONT = 40' (44')
 REAR = 40' (44')
 SIDE = 20' (22')

- LEGEND
- ▲ 2" DIA. PINE
 - ▲ 4" DIA. PINE
 - ▲ 6" DIA. PINE
 - ▲ 8" DIA. PINE
 - ▲ 10" DIA. PINE
 - ▲ 12" DIA. PINE
 - ▲ 14" DIA. PINE
 - ▲ 16" DIA. PINE
 - ▲ 18" DIA. PINE
 - ▲ 20" DIA. PINE
 - ▲ 22" DIA. PINE
 - ▲ 24" DIA. PINE
 - ▲ 26" DIA. PINE
 - ▲ 28" DIA. PINE
 - ▲ 30" DIA. PINE
 - ▲ 32" DIA. PINE
 - ▲ 34" DIA. PINE
 - ▲ 36" DIA. PINE
 - ▲ 38" DIA. PINE
 - ▲ 40" DIA. PINE
 - ▲ 42" DIA. PINE
 - ▲ 44" DIA. PINE
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 - ▲ 94" DIA. PINE
 - ▲ 96" DIA. PINE
 - ▲ 98" DIA. PINE
 - ▲ 100" DIA. PINE



401 OF 2013

APPROVAL UNDER THE SUBDIVISION CONTROL LAW IS NOT REQUIRED.
 SUBURBY PLANNING BOARD
 DATE: 5/6/13

OWNER/APPLICANT:
 STEPHEN & SHARON BOOMA
 233 CONCORD ROAD
 SUBURBY, MA 01776

PLAN OF LAND
 233 CONCORD ROAD
 IN
 SUBURBY, MASS.
 SULLIVAN, CONNORS
 and ASSOCIATES
 LAND SURVEYING AND
 CIVIL ENGINEERING
 121 SOUTH POST ROAD
 SUBURBY, MASSACHUSETTS 01776

REVISIONS	DATE	BY
DESIGNED BY	APRIL 24, 2013	VJR
COMPUTED BY		VJR
FIELD SURVEY		SJC
DRAWN BY		VJR
SCALE: 1"=40'		
SHEET: 1 OF 1		

- NOTES
- 1) THE CERTIFICATION SHOWN HEREON IS INTENDED TO MEET REQUIREMENT OF DEEDS REQUIREMENTS AND IS NOT A CERTIFICATION TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJACENT PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN OF SUDBURY RECORDS.
 - 2) THIS PLAN IS BASED ON AN ON-OR-TO-GROUND SURVEY PERFORMED BY JOHN SULLIVAN, CIVIL ENGINEERING, 124 BOSTON POST ROAD, SUDBURY, MASSACHUSETTS 01776.
 - 3) THE PROPOSED LOT LINES AND CONSERVATION RESTRICTIONS ARE LOCATED ON THE GROUND BY SURVEYING EQUIPMENT AND ASSOCIATES.
 - 4) THE PURPOSE OF THIS PLAN IS TO CREATE LOTS A AND B, TWO BUILDABLE LOTS WITH AREAS AS SHOWN.

I, HENRY GENTILE, THAT THIS PLAN WAS PREPARED IN COMPLIANCE WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS.

VAROULIAN R. HAGOPIAN, P.L.S. 1986S (19)PVE

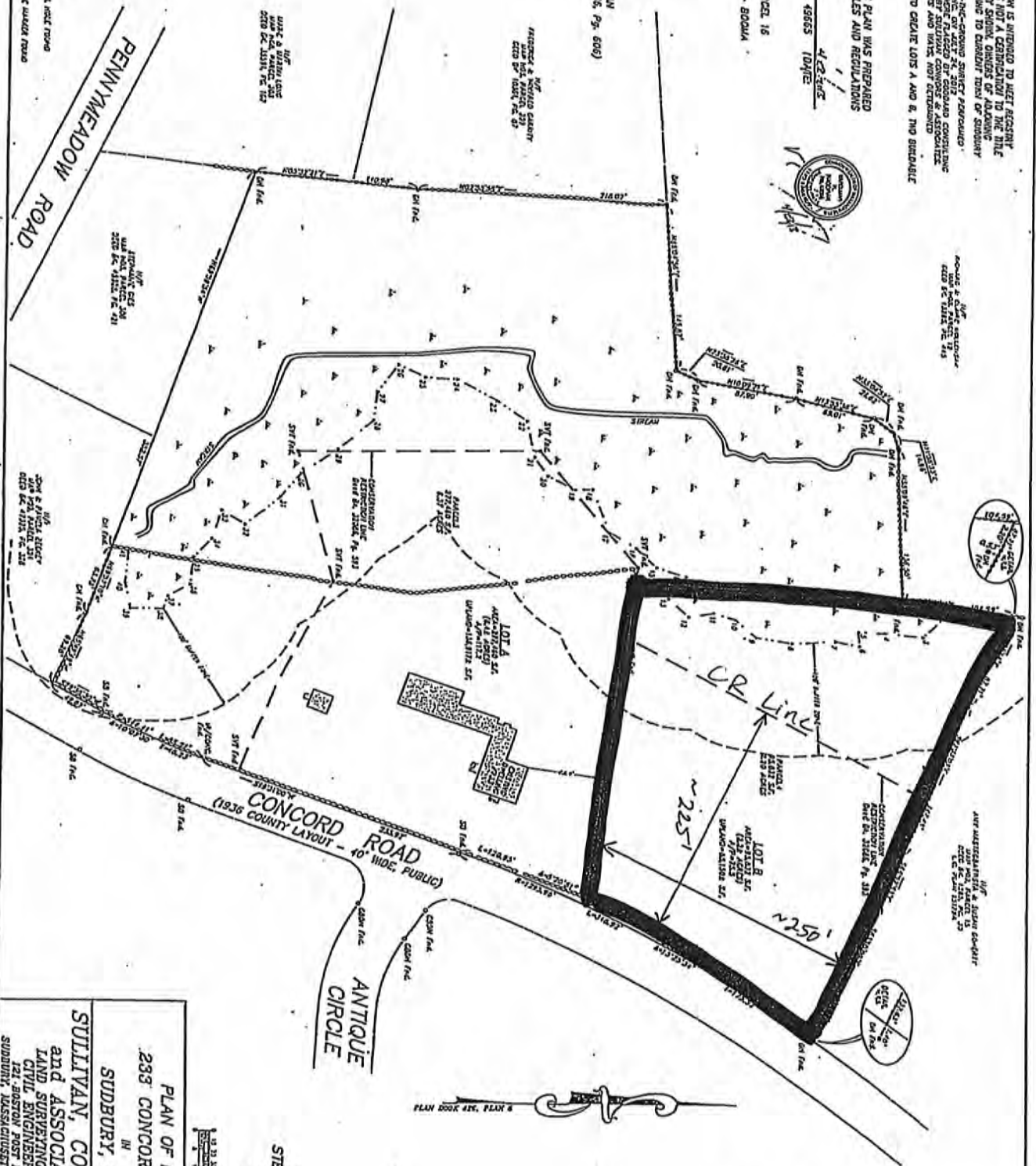
TOWN ASSESSOR MAP NO. 100, PARCEL 16 DEED BOOK 32318, PAGE 411 - BOOMA

L.C. PLAN 15179A
 PLAN No. 51 of 1974
 PLAN BOOK 426, PLAN 5
 PLAN No. 1027 of 1992
 PLAN No. 1034 of 1977
 PLAN No. 1000 of 1956
 PLAN No. 1347 of 1953
 PLAN No. 229 of 1974
 PLAN No. 740 of 1953
 CONSERVATION RESTRICTION PLAN DATED MAY 17, 2000 (P.L. 2106S, Pg. 606)

ZONING: RESIDENCE A
 AREA - 40,000 sq. ft.
 FRONT YARD SETBACK - 180 feet
 SIDE YARD SETBACK - 30 feet
 REAR YARD SETBACK - 30 feet

LEGEND

- 0.01' IN. ROAD
- 0.02' IN. ROAD
- 0.03' IN. ROAD
- 0.04' IN. ROAD
- 0.05' IN. ROAD
- 0.06' IN. ROAD
- 0.07' IN. ROAD
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- 0.09' IN. ROAD
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- 0.93' IN. ROAD
- 0.94' IN. ROAD
- 0.95' IN. ROAD
- 0.96' IN. ROAD
- 0.97' IN. ROAD
- 0.98' IN. ROAD
- 0.99' IN. ROAD
- 1.00' IN. ROAD



PLAN OF LAND	
233 CONCORD ROAD	
IN	
SUDBURY, MASS.	
SULLIVAN, CONNORS and ASSOCIATES	
LAND SURVEYING AND CIVIL ENGINEERING	
124 BOSTON POST ROAD	
SUDBURY, MASSACHUSETTS 01776	
REVISIONS	DATE
ASSIGNED BY -	
CHECKED BY -	
COMPUTED BY -	
FIELD SURVEY -	
DRAWN BY -	
SCALE: 1"=40'	
SHEET 1 OF 1	

OWNER/APPLICANT,
STEPHEN & SHARON BOOMA
 233 CONCORD ROAD
 SUDBURY, MA 01776



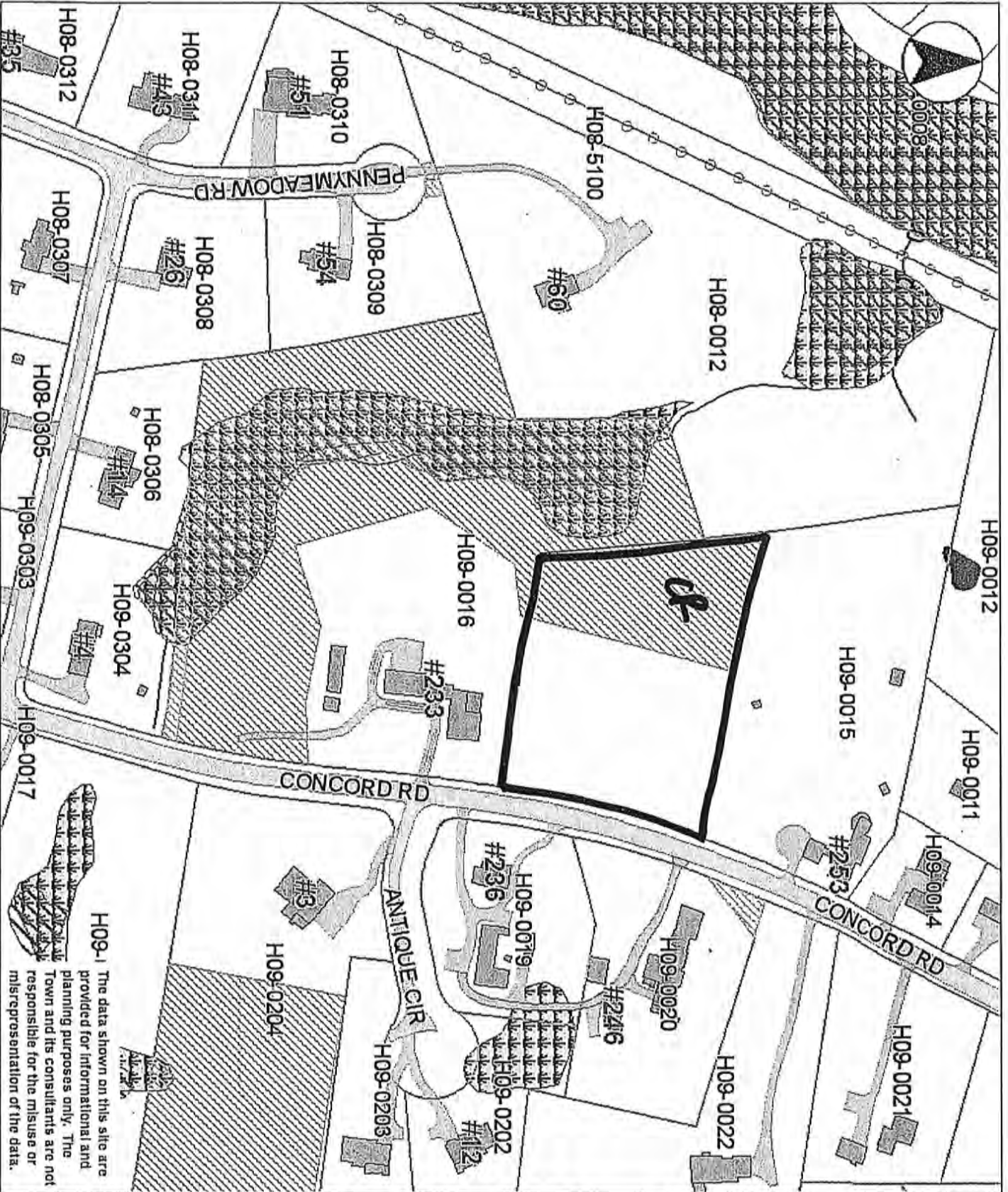
APPROVAL UNDER THE SUBDIVISION CONTROL ACT IS NOT REQUIRED.
 SUBDIVISION PLANNING BOARD
 DATE: 9/6/13

APPROVED BY THE REGISTER OF DEEDS
 HENRY GENTILE
 10/15/13

401 OF 2013



0 180 360 Ft.

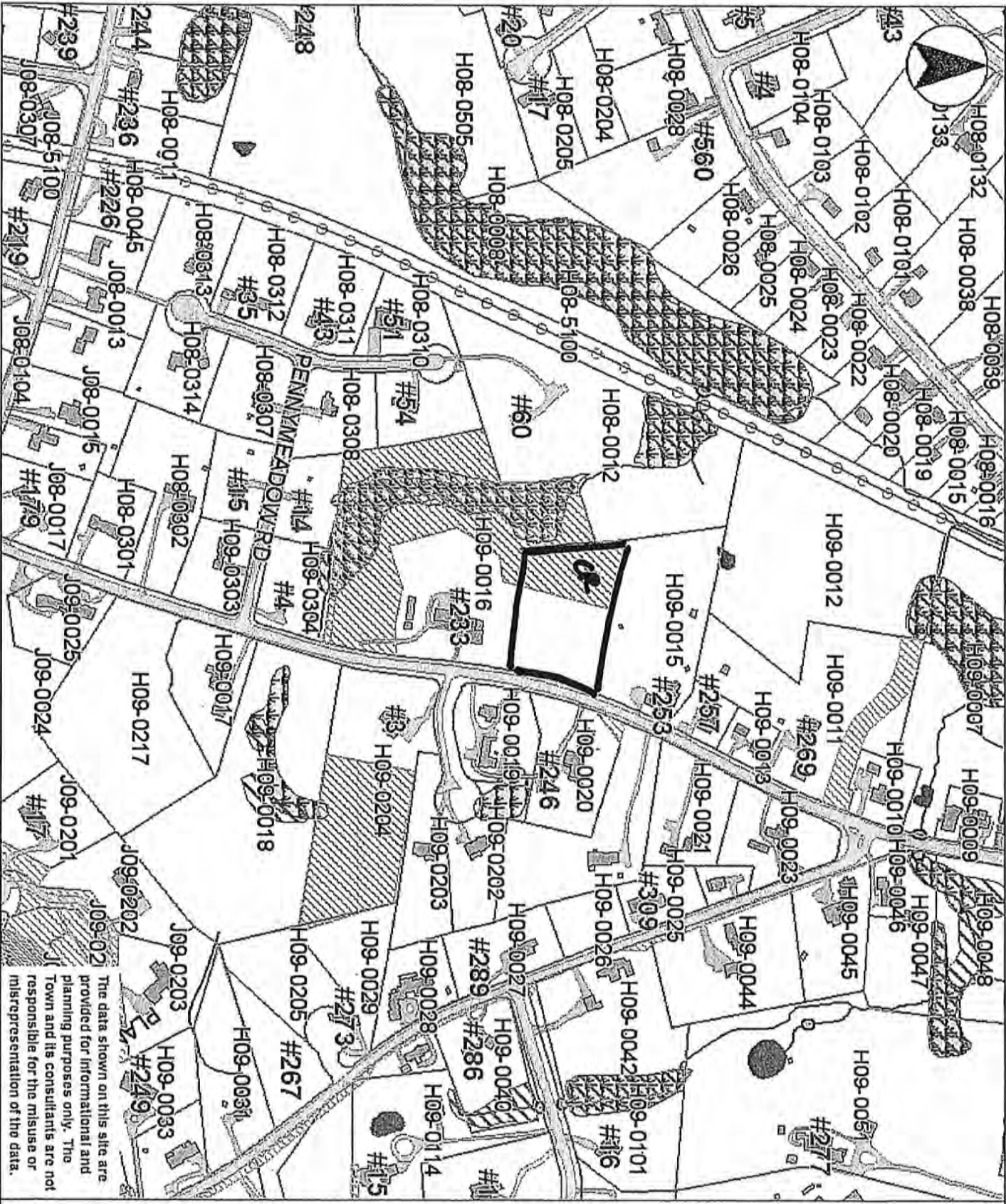


H09-1 The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.



- Town Boundary
- Easements
- Restridlers
- Parcels
- Parcels With Utilities
- Parcels with Utilities
- Abandoned Railroad
- Culverts
- Dams
- Drainage Ditches
- Headwalls
- Buildings
- Roads
 - Paved
 - Unpaved
- Medians
- Driveways
- Wetlands Town (2009)
 - Open Water
 - Deep Marsh
 - Shrub/Straw/Meadow/Fen
 - Bog
 - Strub Swamp
 - Wooded Swamp Deciduous
 - Wooded Swamp Coniferous
 - Wooded Swamp Mixed Trees
- Wetlands DEP (1992-93)
 - Marsh/Bog
 - Wooded Marsh
 - Open Water
 - Reservoir (with PWSID)
- Streams
- Open Water
- Artificial Towers

233 Concord Rd



- Town Boundary
- Easements
- Restridors
- Parcels
- Parcels With Offhos
- Parcels With Orthos
- Abandoned Railroad
- Drainage
 - Culverts
 - Dams
 - Drainage Ditches
 - Headwalls
- Buildings
- Roads
 - Paved
 - Unpaved
- Medans
- Driveways
- Wetlands, Town (2008)
 - Open Water
 - Deep Marsh
 - ShallowMarsh/Meadow/Fen Bog
 - Strubs Swamp
 - Wooded Swamp Deciduous
 - Wooded Swamp Coniferous
 - Wooded Swamp Mixed Trees
- Wetlands, DEP (1992-93)
 - Marsh/Bog
 - Wooded marsh
 - Open Water
 - Reservoir (With PWSID)
- Streams
 - Open Water
 - Abating Towns

This data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.

0 370 740 Ft.

233 Concord Rd

Glaser, Dev

From: Kablack, Jody
Sent: Wednesday, August 28, 2013 10:43 AM
To: Planning Board; Conservation Commission; Historical Commission; Historic Districts Commission; Land Acquisition Review Committee; Board of Selectmen; Board of Assessors; 'Christa Collins' (ccollins@svtweb.org); 'mma63@msn.com'; Kenny, Paul; Jones, Elaine; Park and Rec Commission
Subject: 233 Concord Road
Attachments: Notice of Intent to Sell.pdf

The owners of 233 Concord Road (the Boomas) have sold their house, and divided off a building lot to the north of the house which is under Chapter 61A. They have recently submitted a Notice of Intent to Sell, which gives the Town the right of first refusal to purchase the property under the terms of the P&S. The price in the P&S is \$325,000.

The lot is 2.2 acres. It looks like approximately ½ the parcel is buildable – outside the limits of the 100' wetland buffer, and outside the conservation restriction line. The parcel is a field that used to be a Christmas tree farm. This parcel is not on the current Open Space and Recreation Plan. It is within the Historic District.

Issues that have been brought up to date include:

- The design of the house is critical to preserving the character of the neighborhood.
- Purchasing the lot may have a significant positive impact on the open space of the historic district, similar to 15 Hudson Rd. The 5.2-acre lot across the street is protected under an agricultural restriction. The rear of 3 Antique Circle is under a CR. The Town just purchased 15 Hudson Road, which adds to Grinnell Park and Heritage Park. Open space in the heart of the historic center is important.
- ConCom should review the wetland line for concurrence. BOH should be asked if there are any soil issues in that area. Knowing the true alteration potential will be important.
- Various group should be made aware of this proposal to see if there is an appetite to fund this project collaboratively, including the Sudbury Foundation, Sudbury Valley Trustees, and abutters.

Each board should discuss this in an open meeting, and recommendations made to the Selectmen (via me). We have 120 days, or until Dec. 19, 2013 to render a decision on the right of first refusal. If however we are not interested, this can be communicated earlier rather than later.

Jody Kablack
Director of Planning and Community Development
Town of Sudbury
278 Old Sudbury Road
Sudbury, MA 01776
978-639-3387

Kablack, Jody

From: Linda Hawes <Linda_Hawes@lsrhs.net>
Sent: Friday, September 06, 2013 10:23 AM
To: Kablack, Jody
Subject: 233 Concord Rd

Hi Jody - We discussed the Booma extra lot last night at our Historic Districts Commission meeting, and we were divided as to it being an appropriate lot for the Town to preserve, or for a builder to purchase.

I personally feel that new construction in such a significant historic area is risky, no matter how carefully we work with the builders. I hope somehow the property can be left open.

Linda Hawes
Chair, HDC

Kablack, Jody

From: JILL AND STEFAN GROSS <sjgross662@msn.com>
Sent: Sunday, September 08, 2013 1:27 PM
To: Planning Board
Subject: Open land at 233 Concord Rd. Lot B

Planning Board,

This is a plea to request that the Town of Sudbury purchase the land parcel between 233 and 253 Concord Rd. in order to preserve Sudbury's historic nature. I am a citizen of Sudbury and believe it is good use of Preservation funds to purchase this land.

Sincerely,

Jill and Stefan Gross
309 Goodmans Hill Rd.
Sudbury, MA

Kablack, Jody

From: Frances Shashoua <fshashoua@gmail.com>
Sent: Monday, September 09, 2013 9:39 AM
To: Board of Selectmen; Planning Board; Conservation Office; Assessors, Board of;
larc@sudubry.ma.us
Subject: Request for town to purchase land on Concord Rd.

This is a plea to request that the Town of Sudbury purchase the land parcel between 233 and 253 Concord Rd. in order to preserve Sudbury's historic nature and preserve the open meadow. I am a citizen of Sudbury and believe it is good use of Preservation funds to purchase this land.

We are unable to attend the meeting tonight due to high school mandatory meeting this evening and would appreciate if you would pass on our sentiments at the meeting.

Sincerely,

Frances and Edward Shashoua
328 Goodman's Hill Rd
Sudbury, MA 01776

Susan Doherty September 09, 2013 at 12:17 PM

Thank you all for your comments. This morning I met with BOS at their 10:30a.m. meeting to request that this be put on their agenda for next Selectmans meeting. Mr. Simmons, Hardy and O'Brien were in attendance. Mr. Obrien suggested I speak with the secretary in the Town Managers office to request that Lot b is put on upcoming Selectmans agenda. Also, your neighbors in the Historic District and surrounding residents will be drawing up a petition to request a Public Hearing. (which state law permits) on this matter. During last weeks Planning Board meeting, Chris Morley mentioned to his board members that -something to the effect of, when land purchases come up before the Town for Discussion or Vote most residents always it is voted down. In addition to this, I've just discovered that the Historic District Commision met on Sept 5. Lot B 233 Concord Road was not an agenda posted on the Town Website. Evidently, the board spent three minutes discussing Lot B and the decision was split. Its my understanding that all committees are suppose to list items on their agenda at least 2 days in advance-otherwise how would the public participate?. Presently, if you click on the Historic District Commisions agenda for Sept 5th- the link comes up as broken. I called Dev Glaser in the Historic District Commision's office and she confirmed that this "was not" posted on the towns website. Is this illegal??????

Kablack, Jody

From: sherrylw9@verizon.net
Sent: Wednesday, September 11, 2013 2:36 PM
To: Planning Board; Board of Selectmen; Conservation Office; Assessors, Board of; Land Acquisition Review Committee
Subject: open space

Hi,

I am writing regarding the 2.2 acre property in the historic district that is for sale. As a Sudbury resident I am in favor of the town purchasing the land in order to preserve it as open space.

My husband and I moved from Arlington to Sudbury in large part because of the ability to both own more land ourselves, and the greater amount of open space that exists in general. We have both been dismayed at the amount of development that has occurred in the short time we have resided there. If we could choose only one place for our property taxes to be used – it would be for land preservation.

I urge you to help preserve the character of Sudbury by purchasing this land. Please let me know your decision on this issue.

Sincerely,

Sherry Weiland
Homestead Street

Kablack, Jody

From: McShea, Nancy
Sent: Thursday, September 12, 2013 10:04 AM
To: Kablack, Jody
Subject: 233 Concord Road

Hi Jody, the Park and Recreation Commission met last evening and discussed 233 Concord Road. The commission voted unanimously that they had no recreational use for this property. On a side note they did not weigh in on the value of the land nor location ect, only whether they thought it served a purpose for them from a recreation stand point. Thanks
-Nancy

Nancy McShea, CPRE, CPSI
Park and Recreation Director
Park and Recreation/Atkinson Pool - *Something for Everyone!*
40 Fairbank Road
Sudbury, MA 01776
(978) 639-3259

Sudbury Parks and Recreation – seeking national accreditation in 2013!



TOWN OF SUDBURY
Conservation Commission

Sudbury, Massachusetts 01776

To: Board of Selectmen
Maureen Valente, Town Manager
From: Sudbury Conservation Commission
Date: Sept. 17, 2013
Re: Notice of Intent to Sell Land under Chapter 61A
Lot B Concord Rd. (adjacent to 233 Concord Rd.)

At the Conservation Commission meeting held September 9, 2013, the Commission discussed the Town's first option to purchase a 2.2-acre lot on Concord Road in the Sudbury Town Center Historic District for \$325,000. The Commission voted unanimously in favor of recommending that the Selectmen exercise this option.

The cost to exercise this option is relatively the same as the cost to the Town for the recent purchase of 15 Hudson Road. 15 Hudson Road was purchased to expand our park system in the Town Center, remove an eye-sore, and hold the land for further municipal use, especially drainage needs, in the future. The purchase of Lot B can also expand our Town Center park system, and potentially prevent a future eyesore, while preserving the last undeveloped lot in the core area of the Center. Grinnell Park and Heritage Park are located less than 1,000 ft. north of Lot B. Our walkway system, historic stone walls, and mature roadside trees extend to Lot B.

Lot B is currently a meadow that slopes slightly down to a forested wetland toward the west. Several large mature trees that were part of its former agricultural use as a tree farm remain within the meadow. Removal or relocation of several of these planted trees will produce an open, sunny meadow where granite benches and a mowed path during the growing season will welcome residents and visitors with little maintenance on the part of the Town.

Conversely, development of this lot will require the placement of the house and septic system near the street due to the permanent protection of the wetland area in the rear of the lot in a conservation restriction. No meadow will remain.

Lot B is listed on Sudbury's Open Space and Recreation Plan under lands of 61A interest. Chapter 61 recognizes the special roles some lands play in protecting history, natural resources, and agriculture as having benefits beyond those associated with private land ownership. Property that qualifies for Chapter 61 tax treatment has some degree of public benefit that warrants special consideration for preservation in the form of tax breaks and right of first refusal for public purchase to protect those special attributes.

The Conservation Commission is not just about wetlands regulation. The Commission was established for the promotion and development of the natural resources and for the protection of watershed resources. After careful consideration of the role this 2.2-acre property in the overall character and quality of life in Sudbury, the Commission strongly encourages the Board of Selectmen to exercise the town's right of first refusal for the purchase and protection of Lot B Concord Road for public open space, park, and historic purposes. This is a one-time only opportunity at a reasonable cost that will yield priceless long-term benefits for future Sudbury Citizens.

JB

Suzanne E. Kellogg
265 Concord Road
Sudbury MA 01776

September 23, 2013

To Whom It May Concern;

I've known Sudbury since I was a young child. When my family moved to 265 Concord Road (the Noyes House) in 1952, the population was 2,000. My father was the only doctor in town and enjoyed bird-watching in the fields behind our house. The variety of bird life there has probably diminished significantly since then. My brothers and sister and I used to play ball in the road.

I travelled and lived abroad for many years, then lived in Boston and on the North Shore before my husband and I bought our house from my mother, who moved to a house she'd had built in Maine after my father died. Having witnessed the seemingly haphazard over development of this formerly unique New England village over many decades, I now feel a responsibility to participate in an effort to safeguard an area in the center of town where some early settlers established themselves. The land on Lot B, 233 Concord Road, is what Sudbury was like when it was first settled; it is historic in nature or naturally historic and must be preserved in order to serve the townspeople as a reminder of their heritage and as a place to visit. In the 2007 Sudbury Reconnaissance Report, this land was identified as a Heritage Landscape.

Many of the town roads date from colonial times. As you drive along these roads, the picturesque views of woods, fields and meadows, defined by painstakingly constructed stone walls, provide glimpses into Sudbury's rural past.

Unless the people of Sudbury sincerely care about the remaining parcels of pristine land and take measures to protect them and their natural inhabitants indefinitely, the town will look just like any other town, destroyed by tasteless and energy-consuming development and commercial eyesores that are destined to become obsolete.

For the reasons mentioned above, I believe that the town of Sudbury should purchase Lot B. Thanking you in advance for your kind attention to this matter....

Sincerely, Suzanne E. Kellogg

Board of Assessors Town of Sudbury

278 Old Sudbury Road Flynn Building • Sudbury, Massachusetts • 01776
Phone: (978) 639-3395 • Fax: (978) 639-3314 • E-mail: assessors@sudbury.ma.us

MEMORANDUM

TO: Board of Selectmen
FROM: Board of Assessors *CWG*
DATE: September 26, 2013

At the Board of Assessors meetings held on September 10th and 24th 2013 the Assessors reviewed the Booma property "Notice of Intent to Sell Land Classified under M.G.L. Chapter 61" received on August 21, 2013. The Board discussed the location, size and other characteristics of the parcel in question, as well as the price and various communications received from citizens petitioning the Town to exercise its right to purchase.

The Board of Assessors has received, reviewed and considered the e-memoranda from several residents urging that the Town exercise its option to purchase the property "in order to preserve Sudbury's historic nature" by utilizing CPF funds.

While the Assessors take no position recommending in favor or against the Town exercising its option to purchase, the Board considers the accepted offer amount of \$325,000 to be consistent with neighborhood land values, assuming the lot is buildable. The Board will be available for consultation or discussion should any assessment related issues be raised.

Kablack, Jody

Subject: FW: preserving the meadow

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

From: Beth Whitlock [mailto:bethwhitlock@me.com]
Sent: Thursday, October 03, 2013 6:03 PM
To: Board of Selectmen
Subject: preserving the meadow

Dear Selectmen,

We live on Concord road. We chose to live here because of the beauty of Sudbury in general and our road in particular. Please purchase the meadow parcel to keep the beauty that attracted us and thousands of others to Sudbury.

I not only live here, (my husband and I have two children), but I am also a business owner on Boston Post Road.

Sudbury is such a wonderful town.

We have a duty to protect as much land as we can here and elsewhere in the world to preserve it for our children and our children's children. If we have the power and means to keep a piece of serene beauty instead of filling it with buildings, why wouldn't we do that? Those parcels of beauty are why people come to Sudbury. We will increase and maintain members of our community if we keep the beauty of it in tact.

Thank you.
Sincerely,

Beth Whitlock
83 Concord Road

Kablack, Jody

From: Christa Collins <ccollins@svtweb.org>
Sent: Friday, October 04, 2013 7:45 AM
To: Kablack, Jody
Cc: Laura Mattei
Subject: Fwd: Conservation Restrictions

Hi Jody,

Sincere apologies that I haven't gotten you a formal response about the Concord Road lot yet - I've been flat out lately. But I did speak with Susan Doherty, and explained our situation - namely that because it was such a small lot and was already carved out of the CR as a building lot, it wasn't something that SVT would be likely to put a lot of energy into fundraising around. I also explained that it wasn't a good candidate for grants because of its size, etc. I did say, however, that if she thought there were enough neighbors willing to make a significant contribution, that donations could come through us.

I also explained that if the Town were to purchase the land outright, it might make sense to amend SVT's CR to cover that area, as well. I'm not sure if you were thinking about an outright purchase or a CR, though, and if the latter, who would own the land.

I hope this suffices for your planning board discussion. Our board meets next Wednesday and I will mention this, though I'm not prepared to ask them for a vote on anything. If you need something on letterhead I will get it to you next week.

Thanks,
Christa

----- Forwarded message -----

From: Susan Doherty <truro2001@gmail.com>
Date: Fri, Oct 4, 2013 at 6:02 AM
Subject: Re: Conservation Restrictions
To: Christa Collins <ccollins@svtweb.org>

Dear Christa, You mentioned being able to set up a donation fund for 233 Concord Road, Lot B. We are very much interested in establishing a fund at this time as well as any help SVT can offer in the way of fundraising. On Wednesday October 9th, the Planning Board will be meeting to discuss and make a final recommendation to Board of Selectmen on Lot B.

Your help and guidance is very much appreciated. Recent photo of the land



Thanks, Susan Doherty

On Tue, Oct 1, 2013 at 7:39 PM, Susan Doherty <truro2001@gmail.com> wrote:

Dear Christa, Great talking with you too. Your work is certainly valuable and so much appreciated. We shall keep you in the loop and again thanks for your input and information on original conservation restrictions.

Warm Regards, Susan Doherty

On Tue, Oct 1, 2013 at 1:03 PM, Christa Collins <ccollins@svtweb.org> wrote:

Hi Susan,

It was nice to talk with you this morning, and thank you for your interest in and efforts to protect land in Sudbury's historic center.

As I mentioned, SVT holds a Conservation Restriction (CR) on the land around the building lot on Concord Road. When that CR was originally donated by the Emmons family in 2000, the lot in question was reserved as a building lot. I've attached the original CR here so you can see a) what a CR looks like, and b) so you can see the plan, which shows pretty clearly where the reserved building lots are. This is a public document that is recorded with the Registry of Deeds.

I've also attached our CR information sheet, which describes the basics of how CR's work.

If enough money can be raised privately and the Town is willing to make a substantial contribution, SVT could play a role in facilitating fundraising and holding contributions and/or pledges as they came in. Typically we offer to return money donated if a project is not successful. If enough money could be raised, and Town Meeting approved a Town purchase of the land using Community Preservation funds, SVT could hold a CR on the lot. As I mentioned, we might be able to do that by amending the existing CR to include the extra land area.

I will be following up with Jody Kablack to let her know where we stand on this, as the Town has asked for our input.

Please keep me apprised of your efforts, and if there's a way to help, we will do what we can.

Best,
Christa

--
Christa Hawryluk Collins
Director of Land Protection
Sudbury Valley Trustees
18 Wolbach Road
Sudbury, MA 01776
Ph: 978-443-5588 x115
Fax: 978-443-2333

--
Christa Hawryluk Collins
Director of Land Protection
Sudbury Valley Trustees
18 Wolbach Road
Sudbury, MA 01776
Ph: 978-443-5588 x115
Fax: 978-443-2333

Kablack, Jody

From: Valente, Maureen
Sent: Friday, October 04, 2013 1:56 PM
To: Kablack, Jody
Cc: Golden, Patricia
Subject: FW: Acquisition of land at 233 Concord Road

From: jcaseygreenhill@comcast.net [mailto:jcaseygreenhill@comcast.net]
Sent: Friday, October 04, 2013 1:25 PM
To: Board of Selectmen
Cc: truro2001@gmail.com
Subject: Acquisition of land at 233 Concord Road

Gentlemen:

I wish to go on record in support of the Town of Sudbury acquiring and conserving the 2.2 acre parcel of open land at 233 Concord Road.

I am, and have been since 1995, a resident and voter in Sudbury, residing at 120 Old Lancaster Rd.

During my residence here, I have witnessed the on-going conversion of Sudbury from a placid New England oasis into the crossroads of unbridled metropolitan growth. The result of additional building and consequent traffic on Rt. 20 is typified by aggressive commuters avoiding that state highway and using my "Scenic Road" as a slalom test track. Local car dealers have discovered the Green Hill section and now use this area for demonstration drives, while walkers have no sidewalk.

It seems to me that the Town should act to preserve Sudbury's essential character and history and avoid more building. Several years ago the Town permitted development of what was then described as an 'unbuildable' wetland: now, we have five mega-mansions and the new Plantation Road directly behind where I live.

Sudbury is a great place to live. Let us preserve and restore the serenity of this town.

James J. Casey
120 Old Lancaster Road



Town of Sudbury

Historic Districts Commission

Flynn Building
278 Old Sudbury Rd
Sudbury, MA 01776
978-639-3389
Fax: 978-443-0756

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

To: Board of Selectmen
From: Linda Hawes, Chair, Historic Districts Commission
Date: October 5, 2013
Re: Exercising the Option to Purchase the Land at 233 Concord Rd

The Historic Districts Commission strongly supports the efforts being made to preserve the land at 233 Concord Road. With its position among the most beautiful and historic homes in the Town Center Historic District, this piece of land merits the most careful consideration. If the land is sold to a developer, and new construction is planned, it would be difficult to design a building that is in scale with and appropriate to this historic neighborhood.

The neighbors are united in opposing a plan to build on the land, and we agree with their wish that it be kept as open meadow. Their serious concerns and their strong efforts to find ways to preserve this property, should be strongly considered. They attended our HDC meeting and agreed on ways they could maintain the property themselves, should the Town not wish to take on that responsibility.

At our meeting September 26, 2013, the HDC unanimously voted in favor of the Town exercising its option to purchase and preserve this historic property.

HISTORIC DISTRICTS COMMISSION
MINUTES
September 26, 2013

Present: Linda Hawes, Lee Swanson, Fred Taylor, Frank Riepe

Case No. 13-14: 289 Concord Road; Ramon Llamas

The applicant plans demolition of the garage and mud room, as well as construction of a new garage, mud room and second floor on the house. He will be using the same footprint and replicating all details in effort to restore the appearance of the original home. Siding will be ½ x 6 WRC clapboard, pre-primed and finished to match the existing house, as will be the trim. The new garage door will be custom wood T&G, v-groove or similar; windows wood 2/2 double-hung, simulated divided lights to match the existing. The Commission approved all the plans as presented, with the exception of a door in the new section of the house which should have 4 lights, 2/2, with 2 flat panels below. Lighting is still to be determined – either black lantern or onion style.

Case No. 13-15: 8 Concord Road; Catherine Carchidi

Ms. Carchidi wishes to affix a wooden two-part 71" x 12"/23"x 23" business sign to the face of the building at 8 Concord Road (*You're Home Custom Interiors*). The smaller plaque will have the logo of the business (key with tassel attached) and be situated beside the larger name sign. Colors are dark brown background with light blue lettering. The Commission unanimously approved the plans.

Other business:

Eight abutters participated with the Commission in the discussion re. Notice of Intent to sell 2.2 acres of land under Chapter 61A, Lot B adjacent to 233 Concord Road. If the Town does not exercise the option of purchasing the land, developers will build a house on the lot. Abutters are united in opposing this plan and recommend it be preserved as open space while suggesting a number of uses for it, such as a public garden or an area for nature exploration by school children. The Commission was most concerned that there is a stated purpose to the space and a plan for ownership and stewardship defined by the Town to care for it. Abutters posed the question of whether the usage or the maintenance is most important. Commission members reiterated that if the land were kept as open field it must be cared for. Neighbors stated they would be willing to take that responsibility. Another consideration to be addressed is the fact that there is no walk on that side of the street. There was another question of whether this could be officially declared conservation land. After considerable discussion it was unanimously voted to recommend the Town take ownership with defined responsibility to maintain the lot as an open meadow and certain restrictions on usage, such as no ball field or building for any purpose. Linda Hawes will present this recommendation to the Town in the form of a letter.

Exploratory: Charles Baker, 257 Concord Road came in with his wife for a brief exploratory meeting re. storm windows, concerned primarily about the limitations of materials. He was advised to investigate interior storms, which might be better suited to his needs. Mr. Baker will submit an application and return at a later date.

Sally Hild will be taking over responsibilities for the preparation of meetings hereafter. It is planned to eventually hire a shared secretary to record minutes.

Submitted by: Dev Glaser, Recording Secretary

36
Sobry

Oct. 7, 2013

Dear Sudbury Selectmen,

We strongly urge you to vote
for preservation of "the meadow"
in the town center.

Too much of the town's land
is being taken up with development,
particularly McMansions -

Sincerely,
Holly + Gonzalo Leon
25 Plympton Rd.
Sudbury

RECEIVED
BOARD OF SELECTMEN
SUDBURY, MA
2013 OCT -9 A 11:45

Kablack, Jody

From: Mike Carney <mikec@michaelcarneyinc.com>
Sent: Tuesday, October 08, 2013 8:54 AM
To: Kablack, Jody
Cc: Jeff Walker
Subject: initial house plans
Attachments: Lot B Concord Rd Sudbury Initial plans.pdf; Lot B Concord Rd Sudbury Initial plans.pdf

Jody,

Good morning.

Please find the initial plans for the house and please note they are not complete. We want to meet with historic obviously to get the required exterior detail additions they would request if the town chooses to not purchase the lot.

For your notes

1. We plan to keep the large oak tree in the front yard
2. We plan to have a circular driveway for egress and guest parking safety.
3. The garages are on the north end of the house
4. We hope historic will want shutters and a front door portico.
5. Other details we will talk about are above window millwork, taller windows first floor, and landscaping need to be discussed with historic prior to any additional design investment on our end.
6. We have talked about placing a barn door façade on the garage facing the street to give a barn look to that part of the building.
7. Finally we hope to have the house lot as flat as possible

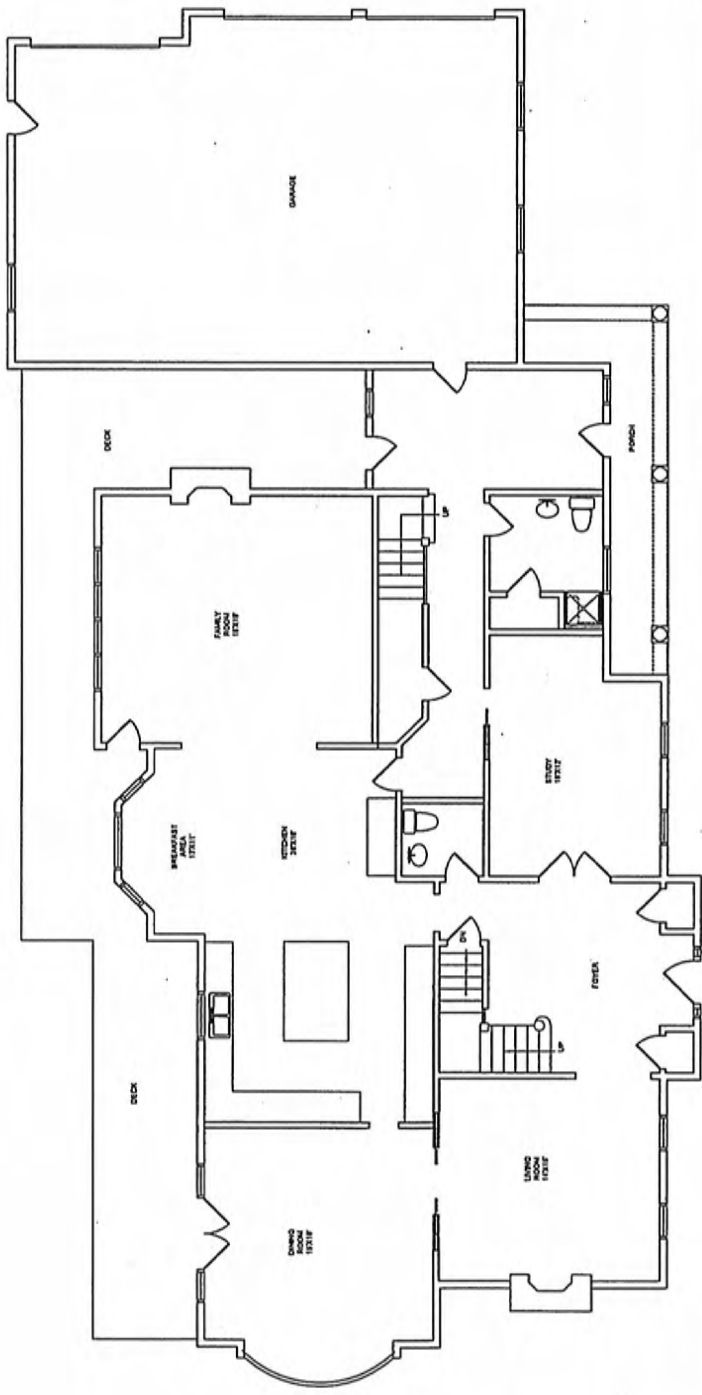
Again this plan is in its initial phase and not complete. We understand that we will be working with historic and others to finalize.

Let me know your thoughts when you get a moment.

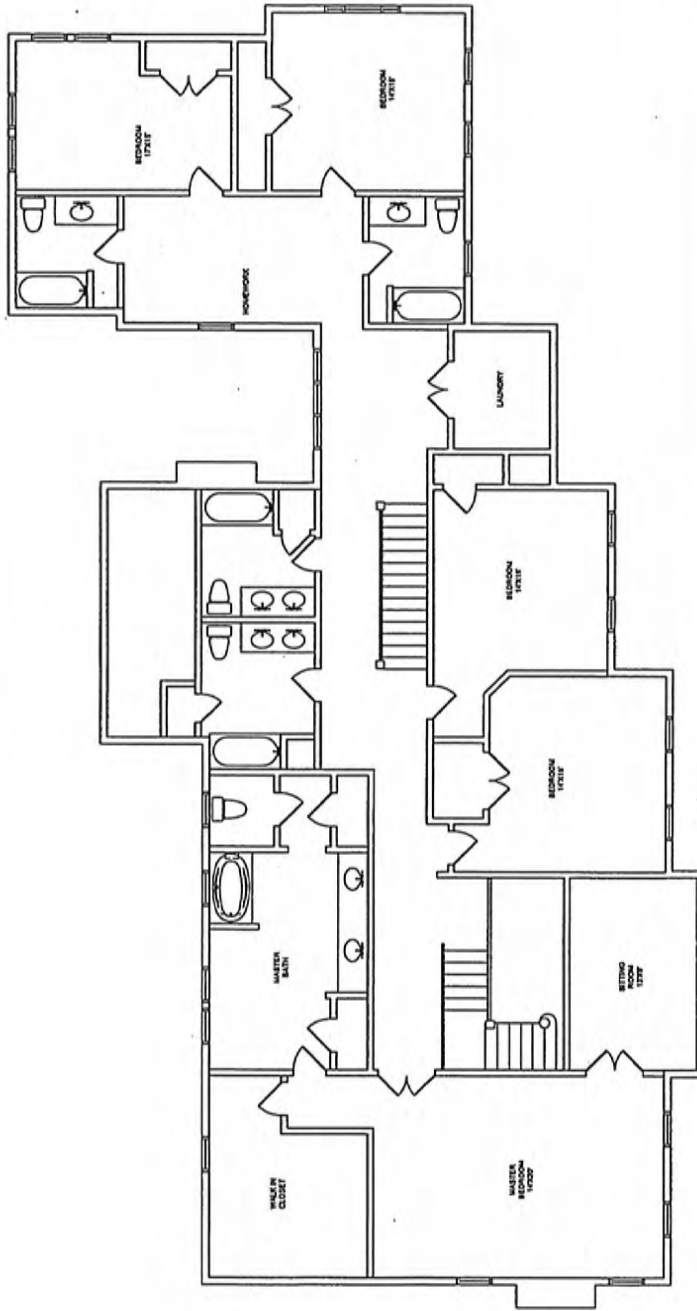
Regards,
Mike Carney
Michael Carney Inc.
345 Boston Post Road, Suite F
Sudbury, MA 01776

mikec@michaelcarneyinc.com

P: 978-815-0747
F: 208-460-0948



FIRST FLOOR PLAN
SCALE 1/4" = 1'-0"



October 8, 2013

252 Concord Road
Sudbury, MA 01776

Dear Sir/Madam,

I am writing today to express my concerns over "Lot B" at 233 Concord Road. My husband and I have been residents of Sudbury since March 1988. We chose to move to Sudbury for several reasons. We felt it idealic for its rich historic attributes and openness. We found it to be a quaint community, one in which we would like to bring up our children, albeit, at the time we only had one. Since then we have had three more children who have enjoyed growing up and attending some of the best schools in the region. I myself have enjoyed serving on the PTO's in various capacities and even as Co-Chair of the L/S Senior Safe Night over the years. My children are ages 25, 19, 14 and 13 so as you can see we have been in the schools for twenty years and will remain another five years.

Given the above, I have also witnessed the CEO's who move to town due to job transfers. Their wives very generously serve on our Boards. But, what also occurs is they come to town for a short period of time, some for five or fewer years. During this time as residents they get a voice. For many, many years a lot of these transients voted for school overrides on a yearly basis which 1) overrides were not meant as a yearly option, and 2) raised the long term residents taxes.

The above was meant as an example of how our Town is affected by short-term residents. Another is land. Which in the Lot B controversy is a prime example. I was always told by the previous owners that Lot B is considered wetlands and that the two lots were to be sold together. I was upset to learn that the short-term residents were able to split the lots, after enjoying a generous tax break on the lot.

Page 2

Lot B, 233 Concord Road

I think it's a beautiful piece of land considered part of the historic section of Town and one of the few "open spaces" left of town center. This land plays a role in protecting history, natural resources, and agriculture. Is this not what the Conservation Commission and Preservations Commissions were created to accomplish? Save our Town, Save our Resources! It pains me to see how much "housing" has taken over our Town, my Town! Our school's classrooms are becoming more and more overcrowded, just trying to travel from one location to another on Route 20 now takes fifteen or more minutes. I think it is frightening to see all these "complexes" being built which are putting burdens on our town resources.

I strongly feel these Commissions need to step up to the plate to save our open spaces and purchase Lot B.

Sincerely,

Cynthia Rodrigues
252 Concord Road
Sudbury, MA 01776

Kablack, Jody

Subject: FW: town center historic distric-preservation

From: Andrea Jewett [<mailto:andrea.jewett@gmail.com>]

Sent: Friday, October 11, 2013 11:41 AM

To: Board of Selectmen

Subject: town center historic distric-preservation

Dear Board of Selectmen,

I am writing to to support the preservation of the land between 233 and 253 Concord Rd. As a Sudbury resident who lives in a historic home, 308 Concord Rd, I support any effort to preserve town center historic district's character.

Please let me know if you need anything further.

Andrea Jewett



Town of Sudbury

Planning Board

planningboard@sudbury.ma.us

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

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

October 17, 2013

Mr. John Drobinski, Chairman
Board of Selectmen
Sudbury, MA 01776

RE: Notice of Intent to Sell
Lot B, part of 233 Concord Road
Stephen R. Booma and Sharon Booma, Owners

Dear Board members,

At its meeting on October 9, 2013 the Planning Board discussed the above matter, and recommends the Town exercise its right of first refusal for purchase of the above property. The Planning Board took into account recommendations from the Conservation Commission and the Historic Districts Commission, who also recommend purchase of this property. Although the property is not specifically listed on the Town's 2009 Open Space and Recreation Plan, said plan references Chapter 61 properties and the Town's ability to evaluate these parcels for open space and recreation purposes as they are offered to the Town. We believe this parcel merits consideration.

We also heard testimony from several area residents of the importance of this parcel in preserving the historic character of the district, and its relevance to the 2001 Master Plan. These residents pledged their financial support of this project towards restoration of the property to its historical use as a meadow, including continued management as same. The Planning Board strongly recommends that if preservation of this parcel is successful, a perpetual care plan and fund be established, or the important intent of the land purchase will surely be lost sometime in the future.

If we can be of any further assistance, please do not hesitate to ask.

On behalf of the Planning Board,

Michael Hunter, Chairman

cc: Conservation Commission
Historic Districts Commission
Park & Recreation Commission
Board of Assessors
Owners

Sudbury Planning Board Meeting October 9, 2013 Re: 233 Concord Road Lot B Right of First Refusal

Dear Members: Tonight your board is meeting for a second time to discuss and take a vote on whether or not the town should exercise its option to purchase a 2.2 acre parcel known as Lot B located at 233 Concord Road. The purchase price is \$325K.

As I am sure you are all already aware, both the Conservation Commission and Historic Commission have already voted unanimously in favor of purchasing the property. Additionally, the Land Acquisition Review Board, as reflected in their minutes, seems to strongly support the Town purchase of the property and the Board of Assessors recently valued the land and determined its asking price of \$325,000 to be fair market value.

I would like to take a moment to provide you with the opinion letters prepared by the Conservation Commission and Historic Commission and submitted to the Board of Selectman as well as the minutes from the Land Acquisition Review Board. Also, here is a copy of tonight's presentation, the presentation the neighborhood made to the Historic Districts Commission and individual letters of support written by Sudbury citizens who could not be here tonight, all of which represents the collective thoughts of the neighborhood I live in – The Town Center Historic District. We know that you will find these documents to be informative. They are well grounded in the facts.

First and foremost, this is an extraordinary opportunity for the town not only to purchase a piece of historic property but also to adhere to and respect the goals and objectives explicitly stated in the Town of Sudbury's Master Plan published in 2001 and initiated by the Planning Board and the Board of Selectmen.

The Master Plan translates statements of public policy into a comprehensive, long term document, which serves as a ***guide to decision making -- your decision making***. The Master Plan was created in response to the "explosive development of vacant land that was converted into residential use at a rapid rate, with over 1000 acres developed in the last decade" (the 1990's).

The purchase of Lot B is supported by the Master Plan as 2 of its 6 stated fundamental goals are preventing the "erosion" of "community character" and "critical open spaces." The Master Plan explicitly contemplates land acquisition as a method for "preserving community character."

What is community character? As defined in the Master Plan:

We value the town's essentially residential, low-density nature. A significant aspect of Sudbury's charm and character is derived from its rural/suburban feeling. Becoming more like towns nearer Boston would not be considered "progress." This is not to say that the value and convenience of consumer oriented, commercial activity and development is not appreciated. We remain open to positive change, while **zealously safeguarding historical treasures and traditions. High value is placed upon Sudbury's natural resources and beauty, its open spaces, wetlands, forests and wildlife. The opportunities that these resources provide for enjoying and appreciating nature, recreation and escaping from our hectic lives is precious...**We expect that public officials, working in

conjunction with others, will keep the sense of Sudbury's character at the forefront in their decision making process.

The physical and historical environment that the Master Plan describes below is epitomized by Lot B:

...remnants of the past—old farmsteads and stone walls marking the boundaries of adjacent fields, granite road markers along old roadways, historic homes and churches, colonial graveyards, and historical markers denoting points of interest...The colonial flavor of the town center and winding roads bordered by stone walls built by the farmers of yesteryear impart an historic, semi-rural ambience the town cherishes.

The Master Plan described how our neighborhood views the construction of a 5-6 bedroom house (this is a 5,500-7,000 square foot house crowded up on the Concord Road) on the land:

...the development seems out of scale. Many citizens feel that the character of the Town is threatened by the style and size of new residential construction and its displacement of what once was forest and open field.

The Master Plan specifies objectives and implementation strategies for its stated goals:

Objective A: Protect and preserve critical natural resources and wildlife habitat in all land use decisions and policies. As a first priority, the natural environment in Sudbury must be protected...by...: (3) supporting town acquisition of open space based on identified priorities, and (4) exploring means and costs of purchasing development rights and other options for funding open space preservation... Objective B: Maintain the community's traditional, historic character. **In making all land use decisions, preservation and enhancement of the bucolic atmosphere that we cherish must be considered, and we should strive to prevent additional losses of community character.**

The purchase of Lot B is consistent with the objectives stated above and community preservation funds are available for the purchase. In fact, all of the General Criteria, Open Space Criteria and Historical Criteria listed in support of the purchase of 15 Hudson Road are equally present here. I have attached the project submission form to this presentation for your convenience. In fact, the failure to purchase Lot B under minds the goals and objectives stated in the purchase of 15 Hudson Road by eroding the integrity and continuity of the Town Center Historic District.

Although financial considerations are for the Board of Selectmen, not the Planning Board, to consider the Master Plan provides guidance and hard data:

The impacts of land preservation costs versus development costs in terms of services needed must be understood by the community. The American Farmland Trust has concluded that the cost of services on residential land is \$1.13 for every \$1 in tax revenue generated, compared to the cost of maintaining open space which is \$.29 for every \$1. In a separate study conducted by the Southern New*

England Forest Consortium in 1995, it was found that for every dollar of revenue raised, \$1.14 was spent in services for the residential sector, \$0.43 for the commercial/industrial sector, and \$0.42 for forest, farm and open space. Although neither of these scenarios includes the initial purchase costs for land acquisition, these costs are typically dissipated after 10-20 years. Development costs never disappear, as residential development will always have ongoing costs associated with it. We can thus assume that the costs of development of 1000 additional homes in Sudbury will be greater than the tax revenue generated, and that additional capital expenses (possibly new schools) may be necessary...*

You've been asked to write a letter of recommendation to the Board of Selectmen to help them make a decision as to whether the town should or should not purchase this land. At this time, we ask you to please take a moment to read (i) the opinion letters from the Conservation Commission and the Historic Districts Commission, (ii) the meeting minutes of the Land Acquisition Review Board, and (iii) the Project Submission Form from the Town of Sudbury to Purchase 15 Hudson Road, each of which supports the purchase of Lot B. I would also ask you to carefully consider the letters submitted by various Sudbury citizens in support of the purchase of the land. Given all the facts and supporting documentation, we do not see how you can make any decision other than to recommend the purchase of the land.

Respectfully Submitted by

Susan Doherty
Concord Road

Town of Sudbury, MA
HISTORIC DISTRICTS COMMISSION
GUIDELINES

The Commission will review all proposed alterations, additions, and new construction. Demolition proposals must be reviewed by the Historical Commission as well as the HDC. Following are guidelines; each individual situation needs to be reviewed.

- Windows and Doors: windows should be wood. Window and door openings must remain the same size, unless approved by the HDC. Doors (including garage doors) must be wood. Muntins in windows may only be authentic divided light. Any exceptions must be reviewed by the HDC.
- Siding: neither vinyl nor aluminum siding is allowed.
- Shutters: all shutters must be made of wood, hung on working hinges, proportioned to the window and, if louvered, hung so as to shed water when closed.
- Chimneys: must be constructed of either brick, stone or stucco.
- Colors: exterior paint can be white or a historically-appropriate color approved by the HDC.
- Moldings and Trim: must be wood, proportioned to the scale and period of the house.
- Brick: must be water-struck, sand-struck or wire cut, in colors ranging through oranges, reds and browns.
- Steps and Porches: materials and scale should be appropriate to the age of the structure. If pressure-treated wood is used, it must be concealed. Open porches and entrance porticos should not be enclosed.
- Gutters: must be wood or half-round metal.
- Skylights: should not be visible from a public way.
- Dormers and cupolas: must be proportioned to the structure and period. Generally the width of a cupola should be 1/12 of the length of the ridge beam.
- Indigenous Stone Walls: must be preserved.
- Bituminous paving: must be minimized.
- Fences: must be of natural wood, stone, or other period-appropriate materials. Vinyl and other synthetics are not allowed.
- Landscaping: preservation of mature trees is encouraged. All changes to the landscape need to be reviewed by the HDC.
- Dormers and Cupolas: must be proportioned to the structure and period. Generally the width of a cupola should be 1/12 of the length of the ridge beam.
- Lighting: should be appropriate to the period style and in scale.
- New construction: should be sympathetic to the pre-twentieth century local vernacular in line, detail, and scale.

In general, materials should be genuine and historic. All substitutions must be approved by the HDC.

SUDBURY HISTORIC DISTRICTS COMMISSION
278 Old Sudbury Road
978-639-3399, x3399
Sudbury, Massachusetts 01776

Application for: CERTIFICATE OF APPROPRIATENESS
 PERMIT FOR DEMOLITION OR REMOVAL

Date: _____

Pursuant to Section 7 of Chapter 40 of the Acts and Resolves of Massachusetts, 1963, application is hereby made for issuance of: a Certificate of Appropriateness for Construction Reconstruction Alteration Painting of a building or structure, or Addition to Rearrangement of landscaping; or a Permit for Demolition or Removal at the location and as described below:

Location: _____

Description of Work Proposed: _____

Name of Applicant: _____

Address: _____

Telephone No: _____ E-Mail: _____

NOTE: This application should include a plot plan showing the location of any proposed work, appropriate photos, three (3) copies of each building elevation, and information about materials: catalog cut or product specifications, paint samples, detailed drawings, or samples of product. Complete plans and materials must be delivered to the Historic Districts Commission office by one week prior to the scheduled meeting.

Any changes in the physical characteristics of the lot, such as changes of grades, removal of trees and/or shrubbery necessitated by action of the Board of Health, or for any other reason, shall be referred back to the Historic Districts Commission before construction takes place. For new construction or when making changes, please refer to the H. D. C. Guidelines.

Applications for Certificates of Appropriateness/Permits for Demolition or Removal should be accompanied with cash or a check made payable to the Town of Sudbury for \$20.00.

A hearing will be scheduled generally within four weeks from time of receipt. Plans/materials and application with check should be mailed or delivered to the Historic Districts Commission one week prior to meeting.

Date application received: _____ By whom: _____

Fee received: _____ Case No: _____

CONSERVATION RESTRICTION

To

Sudbury Valley Trustees, Inc.

Emmons Property, Sudbury

214
/

Grantor Clause.

Beverly Emmons Simon, individually and as Executor of the Will of Howard W. Emmons (Middlesex Probate No. 98P6066EP) of Brooklyn, New York, and **Scott W. Emmons**, of New York, New York and **Keith H. Emmons** of Las Gatos, California, both individually (the "Grantors"), hereby grant for no monetary consideration but as a gift, with quitclaim covenants, to **Sudbury Valley Trustees, Inc.**, a Massachusetts non-profit corporation, with a principal place of business at 2 Clock Tower Place, Suite 500, Maynard, Massachusetts 01754, its successors and permitted assigns ("Grantee"), in perpetuity and exclusively for conservation purposes, the following described Conservation Restriction on two parcels of land containing approximately 17.42 acres located in the Town of Sudbury, Massachusetts, said parcels being shown on a plan (the "Plan") attached hereto as Exhibit A (the "Premises").

For title, see deed from Howard W. Emmons and Dorothy A. Emmons dated August 25, 1986 and recorded with the Middlesex South Registry of Decds in Book 17366, Page 470. See also Estate of Dorothy A. Emmons (Middlesex County Probate No. 90P5314E) and Estate of Howard W. Emmons (Middlesex County Probate No. 98P6066EP).

Purposes.

This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the General Laws and otherwise by law. Its purpose is to prevent any use of the Premises that would significantly impair or interfere with the conservation values of the Premises so that they are preserved for present and future generations. The conservation of the Premises will yield significant public benefit for the following reasons:

1. The Premises contains substantial wetland and forest resources, which, if retained in their predominantly natural condition in perpetuity, will continue to provide a diversity of wildlife habitat and contribute to watershed protection, groundwater recharge, flood prevention and pollution mitigation. Preserving the Premises' natural resources will help to address the Town of Sudbury 1997-2002 Open Space and Recreation Plan's stated goals of maintaining natural features, preserving wildlife habitat, and protecting water quality and quantity.
2. The Premises is partially located within the Sudbury Town Centre Historic District, which, along with the rest of the Town, is subject to increasing development pressure. This Restriction imposes reasonable limits on the number and placement of new homes that can be developed on the Premises.

CONCORD RD, SUDBURY

MSD 12/01/00 05:01:54 95 50.50

3. The Premises contains the remnants of a small family farm. Permitting continued use of a limited portion of the property for orchard, garden, grazing pasture and/or timber production will encourage the maintenance of a use that is integral to the history of the property and of the Town.

Prohibited Acts and Uses, Exceptions thereto and Permitted Uses.

A. Prohibited Uses. Subject to the exceptions set forth in paragraph B below, the following actions and uses are prohibited on the Premises:

- 1) Constructing or placing of any building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, sign, fence, billboard or other advertising display, antenna, utility pole, tower, conduit, line or other temporary or permanent structure or facility on, above or below the Premises;
- 2) Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit;
- 3) Placing, filling, storing or dumping on the Premises of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste or other substance or material whatsoever or the installation of underground storage tanks;
- 4) Cutting, removing or otherwise destroying trees, grasses or other vegetation, including leaf litter, except that, in conjunction with a conservation management plan approved by the Grantee, Grantee may permit cutting to maintain wildlife habitat, or to remove and control invasive exotic plant species;
- 5) Activities detrimental to wildlife habitat, drainage, flood control, water conservation, water quality, erosion control or soil conservation;
- 6) The use of motorcycles, motorized trail bikes, snowmobiles and all other motor vehicles, except as reasonably necessary in exercising any of the reserved rights in paragraph B, or as required by the police, firemen or other governmental agents in carrying out their lawful duties; and
- 7) Any other use of the Premises or activity thereon which is inconsistent with the purpose of this Conservation Restriction.

B. Reserved Rights. Notwithstanding the provisions of paragraph A, the following acts and uses are permitted but only if such uses and activities do not materially impair the purpose of this Conservation Restriction or other significant conservation interests:

- 1) Hunting, hiking, horseback riding, cross-country skiing, and other non-commercial, non-motorized, passive outdoor recreational activities.
- 2) Exclusively within the Designated Field Area, bounded by the stone wall, and shown on the attached Plan, and within the Agricultural/Building Areas described in Section

III B (11) hereunder, agricultural, horticultural, and animal husbandry operations, including but not limited to the cultivation of crops, mowing and grazing, clearing of fields and/or meadows and the planting and maintenance of fruit or nut-bearing trees, providing such operations are carried out in a manner consistent with conservation of wetlands and other conservation values of the Premises.

- 3) In accordance with generally accepted forestry management practices, (a) selective pruning, cutting and mowing to prevent, control or remove hazards, disease or insect damage, fire, or to preserve the present condition of the Premises, including vistas, and trails; (b) harvesting trees to provide firewood for use on the Premises or on other adjacent lands of Grantors; and (c) the cutting of trees and activities incidental thereto for commercial timber production, but only in accordance with a plan prepared by a professional forester and approved by Grantee, that is designed to protect the conservation values of the Premises, including without limitation, scenic and wildlife habitat values and to ensure compliance with the provisions of Massachusetts General Laws Chapter 132..
- 4) The piling and composting of trees and brush limbs and similar biodegradable materials, but not stumps, originating on the Premises or on property adjacent to the Premises and owned by the donor of this Conservation Restriction on the date of this instrument, provided such piles are not unduly conspicuous from any public way or placed in any wetland or otherwise have a deleterious impact on the purposes (including scenic values) of this Conservation Restriction.
- 5) Consistent with sound agricultural and forest management practices, use of motorized vehicles necessary to agricultural or forestry activities and the construction, use, maintenance and repair of unpaved roads for such purposes.
- 6) The maintenance and, following written notice to the Grantee, the construction of drilled or driven wells for use as a water supply for any of the Permitted Uses on the Premises, and the installation of underground utility lines running between said wells and said property. Any above-ground well structure shall be kept to the minimum size necessary for well operation, and any topsoil excavated in the course of such activities must remain on the Premises.
- 7) The maintenance and, following written notice to Grantee, the installation and replacement of underground utility lines, provided that, following any such activity, the Premises are restored as nearly as practical to their condition prior to such activity, and any topsoil excavated in the course of such activities remains on the Premises.
- 8) Following written notice to the Grantee, subdivision of the Premises, in which case the Grantors shall make reference to this restriction in the deeds, and providing that such subdivision shall not cause the total number of parcels in that portion of the Premises lying west of Concord Road to exceed two (2), nor the total number of parcels in that portion of the Premises lying East of Concord Road to exceed two (2).
- 9) Following written notice to the Grantee, the construction within each of Agricultural/Building Areas A, B and C as shown on the attached Plan of one (1)

single family residence with appurtenant structures, including but not limited to garages, tool sheds, fences, tennis courts and swimming pool, as well as gardening and landscaping appropriate to such use, together with the construction, use, maintenance, repair and replacement of one (1) paved or unpaved driveway, septic system, and utilities to serve any or all of the foregoing uses and structures, provided that all such structures and appurtenant uses are in conformity with Town of Sudbury building and zoning by-laws. Within Agricultural/Building Area A only, use of such residence and appurtenant structures for such business and professional purposes as may be permitted by the Town of Sudbury, shall also be permitted by this Conservation Restriction.

- 10) Erection of signs by the Grantors or Grantee with respect to hunting, trespass, identity and address of occupants and sale of property and signs by the Grantors or Grantee identifying the Grantees as holders of the Conservation Restriction and Grantors as owners of the Property and to educate the public about the conservation values protected and any limitations relating to public access.

C. Permitted Acts and Uses. All acts and uses not prohibited by subparagraphs A and B are permissible but only if such acts and uses do not materially impair the Purposes of this Conservation Restriction.

The exercise of any right reserved by Grantors under paragraphs B and C shall be in compliance with the then-current Zoning By-Law of the Town of Sudbury, the Wetlands Protection Act (General Laws Chapter 131, Section 40), the Sudbury Wetlands By-Law and all other applicable federal, state and local law. The inclusion of any reserved right in this paragraph B requiring a permit from a public agency does not imply that Grantee takes any position on whether such permit should be issued.

Notice and Approval.

Whenever notice to or approval by Grantee is required under the provisions of paragraphs A or B, Grantors shall notify Grantee in writing not less than sixty (60) days prior to the date Grantors intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit Grantee to make an informed judgment as to its consistency with the purposes of this Conservation Restriction. Where Grantee's approval is required, Grantee shall grant or withhold its approval in writing within sixty (60) days of receipt of Grantors' written request there for. Such approval shall not be unreasonably or arbitrarily withheld. Failure of response within sixty (60) days shall be deemed to indicate approval.

Proceeds from Extinguishment.

The Grantors and the Grantee agree that the donation of this Conservation Restriction gives rise for purposes of this paragraph to a real property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction, determined at the time of the gift, bears to the value of the unrestricted Premises at that time, and represents all development rights associated with the Premises (minus

any increase in value attributable to improvements made after the date of this grant). Such proportionate value of Grantee's property right shall remain constant. If circumstances arise in the future such as render the purpose of this Conservation Restriction impossible to accomplish, this Conservation Restriction can only be terminated or extinguished, whether in whole or in part, by judicial proceedings in a court of competent jurisdiction. If any change in conditions ever gives rise to extinguishment or other release of the Conservation Restriction under applicable law, then Grantee, on a subsequent sale, exchange or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds equal to such proportionate value, subject, however, to any applicable law which expressly provides for a different disposition of proceeds. Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain, or if all or any part of this Conservation Restriction is otherwise extinguished by act of public authority, then Grantors and Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by Grantors and Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between Grantors and Grantee in shares equal to such proportionate value. Grantee shall use its share of the proceeds in a manner consistent with the conservation purpose set forth herein.

Access.

The Conservation Restriction hereby conveyed does not grant to Grantee, to the public generally, or to any other person any right to enter upon the Premises except as follows: There is hereby granted to Grantee and its representatives the right to enter the Premises (a) at reasonable times and in a reasonable manner and with reasonable prior notice to Grantors for the purpose of inspecting the same to determine compliance herewith.

Legal Remedies of Grantee.

A. Legal and Injunctive Relief The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including without limitation, relief requiring restoration of the Premises to its condition at the time of this grant (it being agreed that Grantee may have no adequate remedy at law), and shall be in addition to, and not in limitation of, any other rights and remedies available to Grantee. Grantors, and thereafter the successors and assigns of the Grantors, covenants and agrees to reimburse Grantee all reasonable costs and expenses (including without limitation reasonable counsel fees) incurred in enforcing this Conservation Restriction or in taking reasonable measures to remedy or abate any violation thereof. By its acceptance, Grantee does not undertake any liability or obligation relating to the condition of the Premises. Enforcement of the terms of this Conservation Restriction shall be at the discretion of Grantee, and any forbearance by Grantee to exercise its rights under this Conservation Restriction shall not be deemed or construed to be a waiver. If any provision of this Conservation Restriction shall to any extent be held invalid, the remainder shall not be affected.

B. Hold Harmless Clause Grantors hereby release and agree to hold harmless, and indemnify Grantee and its members, directors, officers, employees, agents and contractors and the heirs, personal representatives, successors, and assigns of each of them (collectively "Indemnified Parties") from and against any and all liabilities, penalties, fines, charges, costs, losses, damages, expenses, causes of action, claims, demands, orders, judgments, or administrative actions, including, without limitation, reasonable attorneys' fees, arising from: (1)

injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Premises, except to the extent caused by the actions of any of the Indemnified Parties; (2) the violation or alleged violation of, or other failure to comply with, any state, federal, or local law, regulation, or requirement, by any person other than any of the Indemnified Parties, in any way affecting, involving, or relating to the Premises; (3) the presence or release in, on, from, or about the Premises, at any time, of any substance now or hereafter defined, listed or otherwise classified pursuant to any federal, state, or local law, regulation, or requirement as hazardous, toxic, polluting, or otherwise contaminating to the air, water, or soil, or in any way harmful or threatening to human health or the environment, unless caused solely by any of the Indemnified Parties. By its acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises, including with respect to compliance with hazardous materials or other environmental laws and regulations.

Acts Beyond Grantors' Control.

Nothing contained in this Conservation Restriction shall be construed to entitle Grantee to bring any action against Grantors for any injury to or change in the Premises resulting from causes beyond the Grantors' control, including, but not limited to, fire, flood, storm, earth movement, and acts caused by trespass on the Premises not contributed to by acts or omissions of Grantors, or from any prudent action taken by Grantors under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes.

Duration and Assignability.

The burdens of this Conservation Restriction shall run with the Premises in perpetuity and shall be enforceable against Grantors for such periods of time as Grantors own any portion of the Premises and thereafter shall be enforceable against the successors and assigns of the Grantors holding any interest in the Premises. Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; and Grantors on behalf of themselves and their successors and assigns appoints Grantee as their attorney-in-fact to execute, acknowledge and deliver any such instruments on their behalf. Without limiting the foregoing, Grantors agree to execute any such instrument upon request. The benefits of this Conservation Restriction shall be in gross and shall not be assignable by Grantee, except in the following instances and from time to time: (i) as a condition of any assignment, Grantee requires that the purpose of this Conservation Restriction continue to be carried out, and (ii) the assignee, at the time of assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and under Section 32 of Chapter 184 of the General Laws as an eligible donee to receive this Conservation Restriction directly. This Conservation Restriction shall be effective when the Grantors and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the General Laws have been obtained, and it has been recorded.

Subsequent Transfers.

Grantors and their successors and assigns agree to incorporate the terms of this Conservation Restriction in any deed or other legal instrument by which they convey any interest in all or a portion of the Premises, including, without limitation, a leasehold interest. Grantors further agree to give written notice to Grantee of the transfer of any interest at least twenty (20)

days prior to the date of such transfer. Failure of Grantors to do so shall not impair the validity of this Conservation Restriction or limit its enforceability in any way.

Estoppel Certificates.

Upon request by Grantors, Grantee shall within twenty (20) days execute and deliver to Grantors any document, including an estoppel certificate, which certifies Grantors' compliance with any obligation of Grantors contained in this Conservation Restriction, and which otherwise evidences the status of this Conservation Restriction as may be requested by Grantors.

Effective Date.

This Conservation Restriction shall be effective when the Grantors and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the General Laws have been obtained, and it has been recorded, or if registered land, it has been registered.

Recordation.

The Grantors shall record this instrument in a timely fashion with the Middlesex South Registry of Deeds.

Termination of Rights and Obligations.

Notwithstanding anything to the contrary contained herein, the rights and obligations under this Conservation Restriction of any party holding any interest in the Premises terminate upon transfer of that party's interest, except that liability for acts or omissions occurring prior to transfer, and liability for the transfer itself if the transfer is in violation of this Conservation Restriction, shall survive the transfer.

Miscellaneous.

A. Controlling Law

The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. Liberal Construction

Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the Purposes of this Conservation Restrictions and the policy and purpose of Mass. Gen. Laws Chapter 184, Sections 31-33. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the Purposes of this Conservation Restriction that would render the provisions valid shall be favored over any interpretation that would render it invalid.

C. Entire Agreement

This instrument sets forth the entire agreement of the parties with respect to the Conservation Restriction and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Conservation Restriction, all of which are merged herein.

D. Joint Obligation

The obligations imposed by this Conservation Restriction upon the parties that together comprise "Grantors" shall be joint and several.

E. Captions

The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

F. Compliance with Applicable Law

The exercise of any right reserved by the Grantors, their successors and assigns of this Conservation Restriction shall be in compliance with the then-current Zoning By-Law of the Town of Sudbury, the state Wetlands Protection Act (Massachusetts General Laws Chapter 131, Section 40) and all other applicable federal, state, and local law.

G. Pre-existing Rights of the Public

Approval of this Conservation Restriction pursuant to M.G.L. Chapter 184, Section 32 by any municipal officials and by the Secretary of Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Property, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

H. Notices

Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage prepaid, addressed as follows:

To Grantors: Beverly Emmons Simon
287 Adelphi Street
Brooklyn, NY 11205

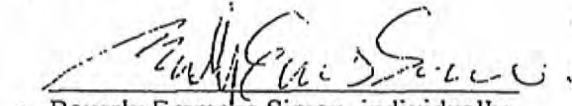
With a copy to: Mary S. Tracy, Esq.
Palmer & Dodge, LLP
One Beacon Street
Boston, MA 02108

To Grantee: Sudbury Valley Trustees, Inc.
P.O. Box 7
Wayland, MA 01778

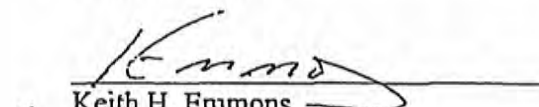
With a copy to: Jonathan Book, Esq. or Charles Beard, Esq.
Foley, Hoag & Eliot LLP
1 Post Office Square
Boston, MA 02109

This instrument is exempt from documentary stamp excise taxes pursuant to Section 1 of Chapter 64D of the General Laws..

Executed under seal this 7 day of August, 2000.


Beverly Emmons Simon, individually
and as Executor of the Will of
Howard W. Emmons


Scott W. Emmons

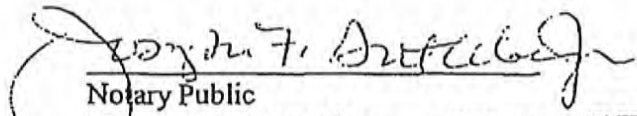

Keith H. Emmons

STATE OF NEW YORK

August
~~July~~ 7, 2000

Court of Kings ss.

Then personally appeared the above-named Beverly Emmons Simon, individually and as Executor of the Will of Howard W. Emmons, and acknowledged the foregoing instrument to be her free act and deed, as Executor as aforesaid, before me.


Notary Public
My commission expires: 9

JOSEPH F. GUTLEBER JR.
Notary Public, State of New York
No. 24-4784416
Qualified in Kings County
Commission Expires Nov. 30, 2001

STATE OF NEW YORK

County of King ss.

August 7, 2000

Then personally appeared the above-named Scott W. Emmons, and acknowledged the foregoing instrument to be his free act and deed, before me.

Joseph F. Gutleber Jr
Notary Public
My commission expires:

JOSEPH F. GUTLEBER JR.
Notary Public, State of New York
No. 24-4784416
Qualified in Kings County
Commission Expires Nov. 30, 2001

STATE OF CALIFORNIA

SANTA CLARA
County, ss.

8/13, 2000

Then personally appeared the above-named Keith H. Emmons, and acknowledged the foregoing instrument to be his free act and deed, before me.

Donielle N. De Chaine
Notary Public
My commission expires: June 10, 2004



ACCEPTANCE OF GRANT

The above Conservation Restriction is accepted this 14th day of August, 2000.

SUDBURY VALLEY TRUSTEES, INC.

By: [Signature]
Its: Sudbury Valley Trustees, Inc.

COMMONWEALTH OF MASSACHUSETTS

PLIMMOUTH ss. AUGUST 14, 2000

Then personally appeared the above-named STEPHEN T. THOMPSON and acknowledged the foregoing instrument to be his or her free act and deed and the free act and deed of Sudbury Valley Trustees, Inc., before me.

[Signature]
Notary Public
My commission expires: SEPT. 8, 2000
ROBERT A. LEVITE

APPROVAL OF SELECTMEN

We, the undersigned, being a majority of the Selectmen of the Town of Sudbury, Massachusetts, hereby certify that at a meeting duly held on August 14, 2000, the Selectmen voted to approve the foregoing Conservation Restriction to Sudbury Valley Trustees, Inc. pursuant to M.G.L. Chapter 184, Section 32.

Selectmen

Kristen D. Roopian
Robert W. Blum
[Signature]

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

August 14, 2000

Then personally appeared the above-named KIRSTEN D. ROOPENIAN and acknowledged the foregoing instrument to be his or her free act and deed as a member of the Sudbury Board of Selectmen, before me.

Janet Silva
Notary Public
My commission expires: July 9, 2004

APPROVAL BY SECRETARY OF ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS

The undersigned, Secretary of the Executive Office of Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction to Sudbury Valley Trustees, Inc. has been approved in the public interest pursuant to M.G.L. Ch. 184, §32.

Date: 11/24/00, 2000

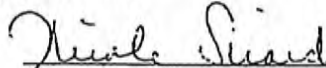

Secretary of Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

Sutton, ss.

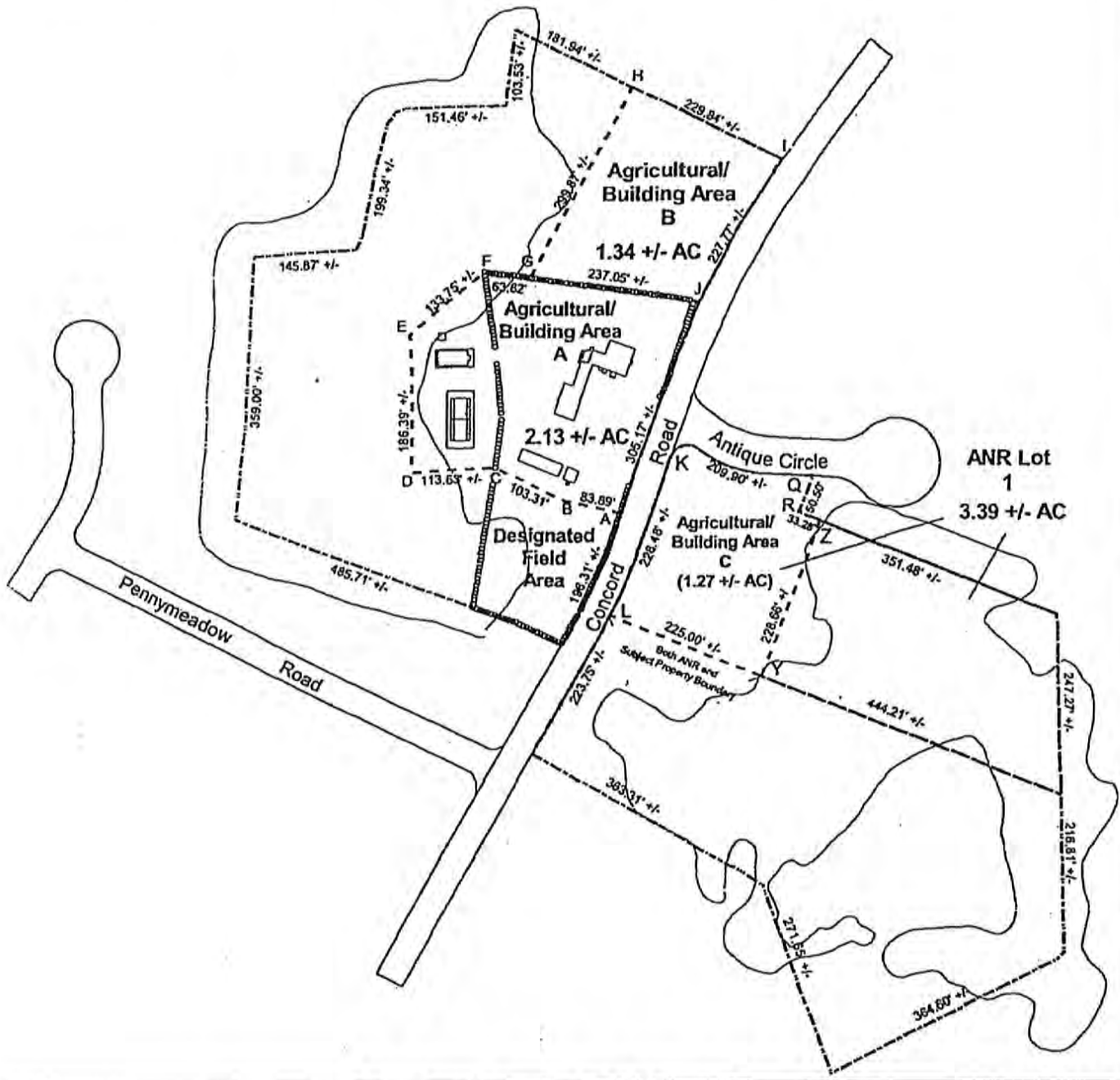
11/24, 2000

Then personally appeared the above-named Bob Demand and acknowledged the foregoing to be his ~~or her~~ free act and deed, before me.


Notary Public
My commission expires:

NICOLE SICARD
Notary Public
My Commission Expires December 31, 2004

Exhibit A



Conservation Restriction Plan

<p><i>Legend</i></p>	<p>Project Number: 3069</p>	<p>Emmons Property 233 Concord Road, Sudbury, MA</p>
<p>Subject Property Boundary</p>	<p>Date: May 17, 2000</p>	<p>Notes:</p>
<p>Building Area Boundary</p>	<p>This plan is conceptual only and is not represented as an engineered plan.</p>	<p>Building envelope boundaries will be staked with iron pipes corresponding to the letters on this plan.</p>
<p>Roads</p>	<p>Scale 1" = 150'</p>	<p><i>LandVest</i>[®]</p>
<p>Buildings</p>	<p>50 0 50 100 150 Feet</p>	<p>Ten Post Office Square, Boston, MA 02109</p>
<p>Approximate wetlands</p>		
<p>Stonewall</p>		

AGENDA REQUEST – Item #8

BOARD OF SELECTMEN

Requestor's Section

Date of request: *October 17, 2013*

Requestor: *Police Chief Scott Nix*

Action requested: *Question of voting to approve the updated Selectmen's Alcohol Rules & Regulations*

Financial impact expected: *Not applicable*

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

See attached material.

Recommendations/Suggested Motion/Vote: *Question of voting to approve the updated Selectmen's Alcohol Rules & Regulations*

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

Police Chief Scott Nix

Selectmen's Office Section

Date of Selectmen's Meeting: *October 22, 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)



Town of Sudbury

Office of Selectmen

Alcohol Rules and Regulations

Overview:

The following guidelines and regulations, developed by the Board of Selectmen, are designed to provide Liquor License holders in the Town of Sudbury with a clear understanding of the expectations of the Board of Selectmen as the Local Liquor Licensing Authority.

Licensees are required to adhere to the provisions of these regulations, as well as other Federal, State and local laws and regulations. If the Local Licensing Authority (LLA) or its designated representative determines that there exists satisfactory proof of such a violation(s), the Local Licensing Authority, or its designated representative, may take, after appropriate public meeting or hearing, disciplinary action, which may include oral warning, written warning, suspension of license, modification of license, non-renewal of license and/or revocation, depending upon the seriousness of the offense(s) and the judgment of the Local Licensing Authority.

Any situation not expressly covered by these regulations shall be addressed in accordance with the latest publication, guidelines or advisories of the Alcoholic Beverages Control Commission, as deemed appropriate by the LLA and adjudicated on a case-by-case basis by the Issuing Authority.

All regulatory considerations shall serve as guidelines to the Board of Selectmen in their deliberations regarding liquor license matters in accordance with Chapter 138 of the General Laws of the Commonwealth of Massachusetts and the Regulations of the Town of Sudbury.

The Board of Selectmen, as Local Licensing Authority, reserves the right to follow or deviate from these general guidelines when it judges such action to be in the public interest.

General Considerations:

The Board of Selectmen, also referred to in this document as the Local Licensing Authority (LLA), has designated in matters of administrative filings, paperwork, and correspondence, the Selectmen's office as its representative.

The Board of Selectmen also designates the Sudbury Police Department, Sudbury Fire Department, Sudbury Building Inspector, Sudbury Board of Health, and Town Manager to act as representatives regarding compliance of regulations.

Licensees should note that the LLA has directed that the Sudbury Police Department will, on regular occasion, and no less than once per year, conduct "*compliance checks*" of each establishment to ensure rules and regulations are adhered to. These include postings, licensure, and conduct of a licensee with regard to State and local regulations.

Violations of regulations will be reported to the LLA by the appropriate town bodies and pursued in accordance with these guidelines.

The LLA considers first and foremost the protection of Sudbury residents, and in particular Sudbury youths. Violations which relate directly to over-serving or serving of minors, whether reported through inspection or as a result of a criminal or safety complaint, may be considered with more gravity than those reported as administrative in nature.

Violations:

- A. Upon written notice from the Chief of Police or other source that an infraction has allegedly occurred at a licensed establishment or other matters that the Chief of Police, or designated representatives of the LLA, deems should be brought to the attention of the Board, the Board will consider in open session whether or not a public hearing should be held.
- B. If it is determined that a public hearing will be held by vote of the LLA, the Selectmen's office shall send via certified mail or direct an agent to deliver a written notice to the applicant outlining the proposed hearing date/time. The licensee is obligated to acknowledge the receipt of same and confirm they will appear at the scheduled hearing.
- C. Any hearing will normally occur within the following two (2) scheduled meetings of the Board of Selectmen (LLA) after the vote of the LLA to conduct such hearing, unless the LLA determines there are extenuating circumstances necessitating a deviation from normal protocol.
- D. At the hearing, the LLA will first hear evidence from the Police Chief (or his/her designee) and his/her agents and/or witnesses or from other complaining party, as may be appropriate. Then the licensee and/or the licensee's counsel will have an opportunity to present their response and evidence.

- E. After all testimony has been given, the LLA reserves the right to question all witnesses and parties and, if necessary, take under advisement all facts and vote either to render their decision, or continue the hearing to a subsequent meeting of the LLA.

Disciplinary Remedies/General Approach:

- A. In matter of a first offense, the LLA, or their designee, may issue a verbal warning or letter of reprimand to the owner, licensed manager or managing employee present. If the violation is deemed particularly egregious or a public safety issue, the LLA may consider whether a suspension, revocation or any other action, to include re-training, is warranted at that time, given the nature of the offense.
- B. In matter of a second offense in a period of sixty (60) months, the LLA may consider imposing a suspension of 1 to 3 days, which can be deferred for up to a period of twelve (12) months, provided that during the period of suspension of this penalty, which shall be from the date of said vote until the end of the suspension period, the licensee shall not have engaged in any other conduct prohibited by Chapter 138 or the regulations promulgated herein. In considering the type of violation and the fact this is deemed a second offense, the LLA may consider revocation or any other action, to include re-training, given the nature of the offense.
- C. In matter of a third violation within sixty (60) calendar months, the LLA may consider the issuance of a suspension for a period of 3 to 14 days, the suspension or any part thereof, may be deferred for a period up to twenty-four (24) months, provided that during the period of suspension of this penalty, which shall be from the date of said letter until the end of the suspension period, the licensee shall not have engaged in any other conduct prohibited by Chapter 138 or the regulations promulgated herein. In considering the type of violation and the fact this is deemed a third offense, the LLA may consider revocation or any other action, to include re-training, given the nature of the offense.
- D. Additional violations within the sixty (60) calendar month window will be dealt with in a progressive manner commensurate with the violation.
- E. Any failure to comply with the stipulations contained within the entire policy may be considered a violation by the LLA.
- F. When a violation has been deemed to have occurred, the licensee shall provide a written explanation of how the violation occurred and a detailed plan as to corrective measures.

- G. If an establishment incurs a violation and then remains violation free for a period of 60 months, the next following violation may be considered as a First Offense.

Other Causes for Revocation, Suspension & Modification/Inspections & Investigations:

- A. All licensed premises shall be subject to inspection by the Police Department of the Town of Sudbury and other duly authorized representatives of the LLA.
- B. Failure or refusal of the licensee to furnish or disclose any information required by any provision of the General Laws or by any rule or regulation of the Alcoholic Beverages Control Commission or any rule or regulation of the LLA, may be considered by the LLA a violation of the rules and regulations of the LLA.
- C. Any person who hinders or delays a police officer or other authorized agent of the LLA in the performance of the agent's duties, who refuses to admit or locks out any such agent from any place which such agent is authorized to inspect, or who refuses to give a designated agent such information as may be required for the proper enforcement of the General Laws, Chapter 138, shall be punished by a fine of not less than fifty (\$50) and not more than two hundred dollars (\$200) or by imprisonment for not more than two (2) months or both.
- D. Failure to pay Town real estate and/or personal property taxes or State meals and/or sales taxes may be considered by the LLA to be in violation of the rules and regulations contained hereunder.

Illegal Activity on the Licensed Premises:

- A. Licensees shall make all reasonable and diligent efforts to ensure that illegal activities do not occur at the licenses premises. Such efforts may include, but are not limited to:
- 1) Calling for police and medical assistance as necessary to protect patrons against injury, to evict unruly patrons, to uncover unlawful conduct, or to give medical assistance and providing police with requested information.
 - 2) Frequent monitoring of restrooms and other nonpublic areas of the premises for signs of drug activity or other illegalities.
- B. It is the affirmative responsibility of the Licensee to report any illegalities discovered on the premises.

Renewals & Modifications:

- A. The LLA reserves the right to obtain updated information about a renewal applicant/manager/owner at the time of renewal.
- B. Renewal or modifications of said licenses shall follow the separate fee schedule as established in the Selectmen's Policies and Procedures "Fee Schedule."

Posting & Signs:

- A. Licenses issued by the Board shall be posted in a conspicuous place easily seen by the public where they can be read without difficulty or assistance of employees.
- B. All other licenses, permits and certificates affecting the licensed premises shall be posted conspicuously; provided, however, that no such document shall be posted in such a way as to cover any part of the license issued by the Board.
- C. The posting or presentation of any photographs, signs, posters, drawings or other matter that is of an improper or objectionable nature in the public areas of the licensed premises is prohibited. The material presented must be suitable for view by members of the general public in the same manner as if it were located in other public areas such as public ways, public parks, government offices, or business offices.
- D. Failure to comply with any stipulations outlined in this section of the policy may be considered a violation.

Entertainment at Premises:

- A. No licensee may provide entertainment of any kind unless the licensee holds an entertainment license issued pursuant to the General Laws, Chapter 140, §183A.
- B. No entertainment at the licensed premises may be conducted in a manner such that the noise from the entertainment is creating a nuisance and can be heard beyond the boundaries of the premises.
- C. No dancing by patrons is permitted except upon proper licensing pursuant to General Laws, Chapter 140, §183A, and confined to a particular dance floor area which has been approved by the Local Licensing Authority and which is not inconsistent with the entertainment license requirements.
- D. No licensee may permit any electronic games to be on the premises unless such machines are properly licensed pursuant to General Law, Chapter 140, §177A.

- E. Licensees shall not permit any games to be played at the premises for money, alcoholic beverages, or for any other prize. Games may be played for money at certain fundraising activities which have been approved by the appropriate authority and for which the licensee holds other appropriate licenses.

Hours of Operation:

- A. The licensee and his/her employees may be upon the premises during the time the establishment is closed to the public only for the purpose of cleaning, making emergency repairs, providing security for the premises, or preparing food for the day's/next day's business or for opening/closing the business in an orderly manner.
- B. No alcoholic beverages shall be served except during those hours delineated on the license approved by the LLA, which establishes the outer parameters during which alcoholic beverages may be served.
- C. Not less than fifteen (15) minutes prior to the closing hour of the premises, the licensee or his employees shall advise all patrons of the time remaining to closing.
- D. At a time no later than the time designated as the closing hour on the Liquor License, all glasses, bottles and unconsumed drinks will be surrendered by patrons.
- E. Patrons shall not be allowed on the premises for more than fifteen (15) minutes beyond the closing time.
- F. Licensees shall ensure that their patrons leave the premises in an orderly manner. Licensees who have a clientele that regularly fails to leave the area in a quiet and orderly manner shall hire security personnel to supervise the leave-taking of the patrons at closing time.
- G. No patron shall be allowed to enter the premises during the time the establishment is required to be closed.
- H. The LLA, or its agents, may enter the premises during the hours it is open to the public and at such other times as any persons are upon the premises, for the purpose of inspecting the premises and enforcing these rules and regulations.

Code - Fire/Health/Capacity:

- A. No license shall be issued or shall be considered in good standing unless the licensed premises complies with all statutory requirements, including all applicable

building codes, and fire, health, safety, trash and other government regulations and laws.

- B. All premises covered by the license shall be kept in a clean and sanitary condition.
- C. No outside area shall be used as a gathering place for patrons unless approved by the LLA and the ABCC, if alcohol is consumed.
- D. All public areas in licensed premises shall be lighted in a manner sufficient for the safety of the patrons and in a manner sufficient for the agents of the LLA to make observations at the premises without the need to identify themselves or seek assistance.

Service of Suspension Orders:

- A. When the Local Licensing Authority suspends the license or licenses of any licensee, it shall provide the licensee with an order of suspension for public display that must contain the words, "Closed per order of the Licensing Board for the Town of Sudbury." Such an order shall be publicly displayed by the licensee in the following manner. The order shall be readily seen from the street by being affixed to the door of the entrance to the premises or a window facing the street upon which the door opens.
- B. Depending on the severity of the violation, the LLA may vote to implement the suspension in two ways:
 - 1. The licensee may be allowed to remain open for service of food only and must comply with the other stipulations delineated for suspension of their license.
 - 2. The licensee will be required to close in their entirety, not being allowed to continue with the sale of food and must comply with the other stipulations delineated for suspension of their license.
- C. Suspension orders of the LLA shall remain affixed throughout the entire period of suspension. The removal, covering, defacement, obliteration of the order of suspension, or the failure to maintain the order of suspension in the manner and place required prior to the expiration of the suspension period shall be deemed the act of the licensee and shall be cause for further suspension, modification or revocation of the license.
- D. Suspension periods may not be used as a time to make renovations at the licensed premises unless such renovations have previously been approved by the appropriate governing Board.

- E. No members of the public may be on the premises at any time during suspension periods, with the exception that restaurants may be able to continue to service patrons without serving alcohol with the approval of the Local Licensing Authority.

Other Business Responsibilities:

- A. Licensees shall immediately notify the Local Licensing Authority of any proceedings brought against them (or by them) under the Bankruptcy Act, or of any other proceedings, in court or otherwise, which may affect the status of the license.
- B. The licensee is responsible for ensuring that all employees who work in the public areas of the premises read the Rules and Regulations of the LLA and ABCC, and comply with all rules and laws.
- C. There shall be no alcoholic beverages brought onto or transported from the premises of a licensed establishment except for deliveries for the operation of the business as controlled by the laws, rules and regulations of the Commonwealth of Massachusetts, or regulations of the Town of Sudbury or as allowed for under 204 CMR 2.18 Resealing of Partially Consumed Bottles of Wine.

Employee Training:

- A. Any licensee holding an All Alcoholic, or Beer and Wine License shall participate in a program designed to train employees who engage in either package sales or pouring in methods of observation and detection to avoid selling or serving to intoxicated persons and/or minors. This program will be based on the type of license issued.
- B. Listed below are programs currently available which meet the requirements of this policy:
 - 1) Techniques of Alcohol Management (T.A.M.), sponsored by the Mass. Package Store Association;
 - 2) Training for Intervention Procedures by Servers of Alcohol (TIPS), offered by Health Communications, and Alcohol Intervention Methods (AIM) Campbell/Trent;
 - 3) ServSave – recommended by the National Restaurant Association;
 - 4) Any Insurance Industry approved and qualified program offered by a certified trainer and previously approved by the Board of Selectmen.

- C. All personnel shall be required to participate in a training program based on the type of license issued. Establishments shall comply with this policy by having all of its eligible employees trained and certified.
- D. All establishments must maintain a roster or certificate of trained personnel in an accessible place during operating hours. An updated roster shall be submitted with the annual application for renewal of the license. The roster shall include:
 - 1. Employee name
 - 2. Employee date of birth
 - 3. Employee social security number
 - 4. Type of training (license)
 - 5. Date valid
 - 6. Date of expiration
 - 7. Date of hire

All personnel shall be required to be re-certified once every three (3) years by an approved program, as noted above.

- E. Failure to comply with this policy may result in suspension or revocation of the license. Fines may also be levied against the license holder should any violation of this policy occur.

Food Service:

- A. Coinciding with the service of alcoholic beverages, licensees must serve food. Following the close of the full menu, licensees must provide, at a minimum, five (5) assorted items up until thirty (30) minutes before closing. The proposed assorted items will be submitted to the LLA for approval upon request for the original license or renewal. The LLA will approve said items with the understanding that chips, pretzels, popcorn or similar snacks will not suffice.
- B. Any deviation from the approved limited menu must be submitted to the LLA for approval.

AGENDA REQUEST – Item #9

BOARD OF SELECTMEN

Requestor's Section

Date of request: *October 18, 2013*

Requestor: *Patty Golden*

Action requested: *Approval of minutes*

Financial impact expected: *None*

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

Recommendations/Suggested Motion/Vote:

Vote to approve the regular meeting minutes of October 1, 2013.

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

Selectmen's Office Section

Date of Selectmen's Meeting: *October 22, 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)

IN BOARD OF SUDBURY SELECTMEN
TUESDAY, OCTOBER 1, 2013

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

The statutory requirements as to notice having been complied with, the meeting was convened at 7:33 p.m. in the Lower Town Hall, 322 Concord Road.

Opening Remarks

At 7:33 p.m., Chairman Drobinski opened the meeting. He reminded citizens of Primary Day on October 15, 2013. The deadline to submit absentee ballots is October 11, 2013 at 5:00 p.m. Chairman Drobinski announced the Board will conduct Selectmen Office Hours, with rotating representation, to give citizens an opportunity to discuss issues of concern. The first session will be held October 3, 2013 from 3:00-4:00 p.m. in the Silva Conference Room of the Flynn Building. He also announced the Board is scheduled to meet with the Lincoln Board of Selectmen and the Lincoln-Sudbury Regional District School Committee on October 15, 2013.

Reports from the Town Manager

Town Manager Valente announced the Town is now licensed by the State to provide Advanced Life Support (ALS) services. She stated this has been a long process, and she acknowledged the dedicated work of Fire Chief Bill Miles and Assistant Fire Chief John Whalen. Services will likely be launched by next month. Town Manager Valente emphasized responsiveness for the community will now be at a paramedic and higher level than before. Chairman Drobinski stated the ALS service provides tremendous upgrades to the Town's general public safety and emergency services.

Town Manager commended Park and Recreation Commission Director Nancy McShea on her successful completion of the National Recreational School program. She also announced plans for a ribbon-cutting ceremony for the landfill solar array will be finalized following the completion of work by NStar this week.

Town Manager Valente recognized the fine work done by the Department Heads to provide the information recently distributed in the Town Manager's Newsletter. The Newsletter is available on the Town website, and citizens can sign-up to receive it electronically.

Town Manager Valente stated Finance Director Andrea Terkelsen will address the Board at a future meeting to discuss a request for internal borrowing for the \$627,000 approved for the Police Station study at the 2013 Town Meeting. She noted this practice was utilized in the past to fund the School roof projects.

Town Manager Valente provided a brief update regarding impacts for the Town as a result of the Federal government shut down. She stated most services are not impacted. However, all Federal websites at the Goodnow Library will be inaccessible and national refuge areas will be closed. At this time, the Council on Aging Baypath Elder Services home meal program and veterans' services are expected to continue as usual.

Town Manager Valente stated she and Assistant Town Manager Maryanne Bilodeau attended the International City/County Management Association Meeting in Boston last week, and both found the Meeting very informative.

Reports from the Board of Selectmen

Selectman Simon thanked Town Manager Valente and Town staff for the Town Manager's September Newsletter. He found the Newsletter to be very informative, and he recommended residents access the information. Selectman Simon plans to attend the Massachusetts Municipal Association Conference this coming weekend. He also provided the Board with updates from the committees to which he is the liaison, i.e., the Commission on Disabilities, the Goodnow Library, Park and Recreation Commission, and the Rail Trail Conversion Advisory Committee. He also attended an Energy and Sustainability Committee meeting on September 24, 2013.

Selectman O'Brien attended the recent Sudbury Housing Trust meeting, and anticipated topics for the 2014 Town Meeting were discussed. He also encouraged the public to attend an upcoming fundraiser for the Lt. Scott Milley new memorial park on October 12, 2013. Selectman O'Brien also reported he met with Police Chief Nix to discuss his comments for a draft alcohol regulations policy, which the Board will discuss later tonight.

Selectman Haarde stated the Fairbanks Committee's work is progressing, and the design firm has been selected. The Route 20 Sewer Citizens' Advisory Committee (CAC) met last week and several issues were discussed regarding relevant zoning and the impacts of Chapter 40B developments.

Vice-Chairman Woodard attended a Permanent Building Committee (PBC) on September 23, 2013, which was an initial project meeting with the architect for the new Police Station. The Committee hopes to issue a final report by the end of January 2014. The Fairbank Center project and Town Hall renovation project were also discussed.

Chairman Drobinski stated he and Selectman Simon attended the Town Counsel Review/Search Committee meeting.

Sudbury Cable Access Corporation - Discussion and Annual Performance Evaluation

Present: Sudbury Access Corporation (SAC) President Jeff Winston and Executive Director Lynn Puorro and SAC Board members Nancy Brumbeck, Terry Lockhart and Marty Greenstein

At 7:58 p.m., Chairman Drobinski welcomed Jeff Winston and Lynn Puorro to the meeting to update the community on the activities of the Sudbury Cable Access Corporation (SAC). The Board was previously in receipt of the "Sudbury Access Corporation FY 2013 Financial & Operating Reports dated October 1, 2013," which provides details on notable accomplishments during the past year.

SAC President Jeff Winston introduced fellow SAC Board members Terry Lockhart, Marty Greenstein and Nancy Brumbeck who were also in attendance. He stated he has been involved in the Town's cable programming since 1988. Mr. Winston stated the Town established SAC in 2008 as an independent 501c3 Corporation studio. He stated funding for the Corporation comes from the cable companies and is channeled through the Town, which has a contract with SAC, which is renewed every three years.

Executive Director Lynn Puorro stated SAC made significant upgrades to its website last year, and it now supports live-streaming. She further stated more local programs were produced, and she provided examples of new shows. Ms. Puorro stated SAC has reached out to local business, and it is producing more programs from the Senior Center. She explained SAC reformatted its workshops this year, and it now offers six classes on a rotating basis, which can be signed-up for online.

Mr. Winston also noted SAC made infrastructure improvements to complete the upgrade of the audio system in the Town Hall Meeting Room. He noted programs on the Internet are now available on Video On Demand. Mr. Winston referenced information in the reports which provides statistics for viewership and most watched programs. SAC is pleased to see the community relying more on its services as a resource, and he noted portions of features can be viewed by indexes provided. In addition, Mr. Winston stated programming is occasionally shared with other communities.

Selectman O'Brien suggested the Planning Board and the Permanent Building Committee meetings should possibly be taped. Mr. Winston and Ms. Puorro stated they can accommodate taping for anyone who requests it.

Mr. Winston summarized initiatives for this year, including installing a live link to the football field so graduation and games can be viewed live, developing a more formal internship program and revamping the studios main control board.

Vice-Chairman Woodard asked a few questions for clarification regarding the financial statements, which Mr. Winston provided.

Board members thanked SAC for its work throughout the year and wished them well on future projects.

It was on motion unanimously

VOTED: To accept the "Sudbury Access Corporation FY 2013 Financial & Operating Reports dated October 1, 2013," reviewed tonight.

At 8:23 p.m., Chairman Drobinski concluded the discussion.

Citizen's Comments

At 8:23 p.m., Chairman Drobinski noted no citizen has requested time tonight to comment to the Board.

Liquor Serving Violations – Soul of India - Discussion with Police Department

Present: Sudbury Police Chief Scott Nix and Soul of India Restaurant Co-Owner Dariusz Zywina

At 8:23 p.m., Chairman Drobinski welcomed Police Chief Scott Nix and Soul of India Restaurant co-owner Dariusz Zywina to discuss a liquor-service-to-a-minor-violation which occurred at Soul of India, 103 Boston Post Road, on Friday, September 13, 2013. The Board was previously in receipt of copies of the Police Department Alcohol Violation Report dated September 13, 2013 and related letter from Chief Nix dated September 16, 2013, the Police Department Incident Report dated September 23, 2013, a letter sent September 23, 2013 from the Town Manager, on behalf of the Board, to the violator asking them to attend this Board meeting, and a sample of a similar relevant vote by the Board dated May 10, 2013.

Police Chief Nix stated the Police Department conducted a compliance check on September 13, 2013, and he explained the process. He stated that, unfortunately, two minors were served at Soul of India. He stated restaurant management and the server were immediately apprised of the situation, and they were extremely apologetic. Chief Nix emphasized this is the first offense for this restaurant, and he recommended a written warning be issued and that the Restaurant be required to provide verification that all pertinent employees have completed an approved Alcoholic Beverages Training Program.

Chairman Drobinski stated he senses Mr. Zywina understands the seriousness of the offense, and he hopes he understands why the Board thought it was important to meet face-to-face. He emphasized the Town does not want to see anyone hurt from this type of situation, and thus the Board regards this issue seriously. He further stated Chief Nix and the Police Department also take enforcement of this issue seriously.

Selectman O'Brien summarized the penalties for a potential second offense, including temporary suspension of the alcoholic beverages license, recently imposed by the Board for a second offense. He hopes a second visit by Mr. Zywina with the Board will never occur. He also urged Mr. Zywina to be extra diligent on compliance issues given the Restaurant's proximity to the Wayland/Sudbury line.

Soul of India Restaurant Co-owner Dariusz Zywina stated he and his management take this matter very seriously and had a zero-tolerance policy in place. Thus, Mr. Zywina stated the bartender was fired. He apologized for the offense and said he was personally embarrassed it occurred.

Chief Nix emphasized the Department is not interested in hurting local businesses, but it believes this is an issue which must be seriously addressed and it provides an opportunity for further education. He stated the Police Department wants to work cooperatively with establishments.

Mr. Zywina stated the event was perhaps a blessing because now employees might take the warnings more seriously knowing the consequences.

In response to a question from Selectman Simon, Chief Nix stated the establishment had passed a similar compliance test last February. Selectman Simon stated the Board has a responsibility to Sudbury's citizens to properly address such matters. He emphasized a liquor license is a privilege, and it comes with responsibility. Selectman Simon suggested Mr. Zywina's employees view a tape of tonight's meeting so they will realize how serious this matter is.

Selectman Haarde asked for clarification regarding how the offense occurred and what has been done to ensure it does not happen again. He also asked if all the employees have been TIPS-trained. Mr. Zywina explained the two minors were served without being asked to provide identification. He reiterated the bartender was fired, and he has since had all employees sign a document stating all patrons under the age of 35 are to be asked to provide proof of identification. Mr. Zywina offered the Board the opportunity to see a sample of the document signed by the employees, and he was asked to provide it to Police Chief Nix, which he did. He also stated all employees who serve alcohol have been TIPS-trained.

It was on motion unanimously

VOTED: As the Licensing Authority for the Town of Sudbury, to issue a written warning to Soul of India Restaurant, regarding the appropriate implementation of its All Alcoholic Beverages License, and to require that all currently TIPS-certified relevant restaurant employees provide written evidence of completion of an approved Alcoholic Beverage Training Program.

Police Department - Liquor Serving Rules and Regulations Discussion

Present: Sudbury Police Chief Scott Nix

At 8:40 p.m., Police Chief Nix updated the Board on the revisions he developed for a draft liquor serving rules and regulations policy. The Board was previously in receipt of copies of a letter from Chief Nix dated September 27, 2013 and a draft "Town of Sudbury Office of Selectmen Alcohol Rules and Regulations," the "Town of Danvers, MA Liquor License Guidelines/Regulations" the "Town of Sudbury Board of Selectmen Rules and Regulations For Licenses For The Sale of Alcoholic Beverages To Be Served and Drunk on the

Premises Granted Pursuant to G.L. CH 138, 1 And 12” and the “Town of Sudbury Board of Selectmen Rules and Regulations Training For Dispensers and Sellers of Alcoholic Beverages.”

Police Chief Nix stated he drew material for the draft from the Town’s existing policies and those instituted in Danvers. He asked for the Board’s guidance as to what should be included and/or revised. Chief Nix also plans to distribute a draft, which incorporates input from the Board to licensees for their feedback. Police Chief Nix briefly summarized the contents of the draft, noting sections which have been added and/or expanded. He highlighted the sections regarding hours of operation and food services for further input from the Board to establish consistency for all licensees. Chief Nix emphasized consistent rules and regulations will allow the Police Department to enforce polices more easily. He also recommended that all TIPS training be conducted in person to ensure compliance by the correct personnel.

Selectman Simon asked if the final draft will need to be approved by the Board. Chairman Drobinski stated it would.

Selectman O’Brien stated he previously submitted comments and suggestions for the draft to Chief Nix. Chairman Drobinski suggested, and the Board concurred, that Board members submit their comments to Chief Nix for consideration.

Vice-Chairman Woodard asked that the draft be circulated electronically to the Board to facilitate revisions.

Town Manager Valente noted a revised draft could be reviewed and voted by the Board at its October 22, 2013 meeting to have the final policies available for licensees when licenses are renewed at the end of the year.

Police Department – Future Use of Existing Police Station – Discussion

Present: Sudbury Police Chief Scott Nix

At 9:08 p.m., Police Chief Nix shared with the Board several ideas suggested by Town Department Heads regarding future uses for the existing Police Station on Route 20, including, leasing, additional space for Park and Recreation, a historical museum, additional space for SPS administrative staff, and retaining the property. He stated a use as a Senior Center was suggested, but he does not believe the building layout is conducive to this use.

Selectman O’Brien stated the location could be useful to the owner of Sudbury Crossing as an enhancement to their current property. Chief Nix stated they have reached out to the owner, who has expressed possible interest.

Vice-Chairman Haarde stated the location is best suited as a prime commercial real estate site, but it might also make sense to hold on to the property for a while.

Town Manager Valente shared information from Finance Director Andrea Terkelsen regarding regulations related to the sale of a municipal asset, and she noted a future sale would need to be vetted at a Town Meeting.

Town Manager Valente and Police Chief Nix asked the Board to consider these options and to provide further direction.

At 9:17, p.m., Chairman Drobinski thanked Police Chief Nix for his reports, and he concluded the discussion.

Council on Aging – Candidate Interview

Present: Applicant Patricia Tabloski

At 9:17 p.m., Chairman Drobinski welcomed Patricia Tabloski, 35 Maple Avenue, #301, to the meeting to discuss her interest in serving on the Council on Aging (COA). The Board was previously in receipt of copies of Ms. Tabloski's application for appointment and a letter from Assistant Town Manager Bilodeau dated September 18, 2013 stating she concurs with the COA recommendation to appoint Ms. Tabloski.

Ms. Tabloski stated she has lived in Sudbury for six months, but had lived in Town before for nine years. She has 35 years of experience in gerontology nursing, and she believes her experience can help the COA.

Board members thanked Ms. Tabloski for offering to volunteer her services to the Town, stating her skills will extremely well-suited to the Council.

It was on motion unanimously

VOTED: To appoint Patricia Tabloski, 35 Maple Avenue, #301, for appointment to the Council on Aging for a term ending May 31, 2016, to fill a vacancy on the Council on Aging for a term to expire May 31, 2016.

Minutes

It was on motion unanimously

VOTED: To approve the regular session minutes of September 17, 2013.

Lt. Scott Milley Fundraiser – Request for a One-Day Wine and Malt License

It was on motion unanimously

VOTED: To grant a one-day Wine and Malt License to Robert P. Chandler, 27 Crystal Lake Drive, to accommodate a fundraiser for the Lt. Scott Milley Foundation at the Boy Scout/Nobscot Reservation, 1 Nobscot Road, on Saturday, October 12, 2013, from 12 noon to 5:00 p.m., subject to use of a TIPS-trained bartender and receipt of a Certificate of Liability.

Knights of Columbus – Request for a One-Day Wine and Malt License

It was on motion unanimously

VOTED: To grant a one-day Wine and Malt License to William Kneeland, 43 Pennymeadow Road, to accommodate a Knights of Columbus fundraiser on Saturday, October 5, 2013, from 6:30 p.m. to 10:30 p.m. at St. Anselm Parish Hall, 100 Landham Road, subject to use of a TIPS-trained bartender and receipt of a Certificate of Liability.

Goodnow Library Foundation – Request for a One-Day Wine and Malt License

It was on motion unanimously

VOTED: To grant a one-day Wine and Malt License to David S. Petit, Goodnow Library Foundation, to accommodate a fundraiser, "A Toast to the Goodnow," on Saturday, October 19, 2013, from 6:30 p.m. to 9:30 p.m. at Goodnow Library, 21 Concord Road, subject to use of a TIPS-trained bartender and receipt of a Certificate of Liability.

Boy Scout Troop 60 – Eagle Scouts

It was on motion unanimously

VOTED: To enter into the Town record and congratulate Matthew James D'Isidoro, 4 Buckmaster Drive, and Connor D. Gilroy, 26 Harvard Drive, of Troop 60, who have been recognized at Courts of Honor for having achieved the high honor of Eagle Scout.

The Sudbury Foundation – Gift

It was on motion unanimously

VOTED: To accept a grant from The Sudbury Foundation in the amount of \$13,095 for the Fire Department to purchase a Lucas Chest Compression Machine to enhance the Fire Department's new Advanced Life Support service.

HOPEsudbury – Gift

It was on motion unanimously

VOTED: To accept a gift from HOPEsudbury to the Sudbury Fire Department of 40 pairs of structural firefighting gloves at a cost of \$2,400.

SAI Communications – Gift

It was on motion unanimously

VOTED: To accept a \$2,500 gift from SAI Communications, satisfying condition #8 of the Site Plan approval for the modification of an existing wireless communications tower granted by the Selectmen on June 18, 2013, towards public safety communications in the Town of Sudbury, to be deposited into the Cell Tower Communication-Donation account and expended under the direction of the Town Manager.

Route 20 Sewer Steering Committee – Membership Amendment

Selectman Simon stated he had thought he was the liaison to the Route 20 Sewer Citizens' Advisory Committee. However, he also expressed interest in being a voting member to help satisfy quorum requirements. Selectman Haarde stated this seems reasonable, since both Sewer Committees struggle to meet quorum requirements and because he serves as a member on the Route 20 Sewer Steering Committee.

It was on motion unanimously

VOTED: To amend the Route 20 Sewer Citizens' Advisory Committee membership to include Selectman Len Simon as a full-voting member.

Featherland Park and Davis Field – Award of Contract

It was on motion unanimously

VOTED: To approve award of contract by the Town Manager for engineering and design services to reconfigure Featherland Park and Davis Field to Gale Associates of Weymouth, MA, pursuant to its August 16, 2013 response to Park and Recreation's solicitation.

Town Counsel Review/Town Counsel Search Committee – Appoint Members and Approve Mission Statement

The Board was previously in receipt of copies of a memorandum from Assistant Town Manager Maryanne Bilodeau dated September 27, 2013.

Chairman Drobinski stated the Committee met and appointed Myron Fox as its Chair and Selectman Simon as its Vice-Chair. Town Staff has developed a Request for Proposal (RFP).

Selectman Simon stated the Committee believes it is possible to have a Town Counsel in place by mid-March 2014.

Chairman Drobinski asked if all Board members want to also review the RFP. Town Manager Valente stated that the Board needs to be mindful that additional review will add to the overall project timeline. She also stated the Committee has recommended the Board extends the current Town Counsel term to March 17, 2014.

Selectman O'Brien asked if the Committee deliberated the timing of this process in conjunction with Town Meeting deadlines. He also believes the RFP should be reviewed by the entire Board.

Chairman Drobinski stated Myron Fox, who is also the Town Moderator, believes the timing is not an issue, and whomever is chosen as Town Counsel should be able to appropriately assist with Town Meeting.

The Board requested Town Manager Valente schedules this topic as an agenda item on the October 22, 2013 Meeting, which will allow the Board time to review the RFP.

Strategic Financial Planning Committee for Capital Funding - Approve Mission Statement and Composition

The Board was previously in receipt of copies of a memorandum from Town Manager Valente dated September 26, 2013 and the "Draft Mission Statement and Composition for the Strategic Financial Planning Committee for Capital Funding Town of Sudbury Voted to establish October 1, 2013 by the Sudbury Board of Selectmen."

Town Manager Valente stated several committees indicated they will meet this week to discuss designees, and she reviewed member names already identified.

It was on motion unanimously

VOTED: To approve the Mission Statement and Composition for the Strategic Financial Planning - Capital Funding Committee, and to request it be posted on the Town website, and further to vote specific members at a future Board meeting.

Strategic Financial Planning Committee – Other Post-Employment Benefits – Approve Mission Statement and Composition

The Board was previously in receipt of copies of a memorandum from Town Manager Valente dated September 26, 2013 and the “Draft Mission Statement and Composition for the Strategic Financial Planning Committee for Other Post-Employment Benefits (OPEB) Liabilities Town of Sudbury Voted to establish October 1, 2013 by the Sudbury Board of Selectmen.”

Town Manager Valente stated several committees indicated they will meet this week to discuss designees, and she reviewed member names already identified

It was on motion unanimously

VOTED: To approve the Mission Statement and Composition for the Strategic Financial Planning – OPEB Committee, and to request it be posted on the Town website, and further to vote specific members at a future Board meeting.

Site Plan Modification Decision – Northern Bank and Trust Co. – 430 Boston Post Road

At 9:32 p.m., Chairman Drobinski opened the discussion regarding the application of Northern Bank & Trust Company, applicant, and Colonial Auto of Sudbury, Inc., owner, for Modification to an approved Site Plan and approval of a Public Way Access Permit to construct a new 2,500 sq. ft. retail bank building and associated improvements including stormwater management and wastewater facilities, utility improvements, parking areas, remote drive-through facility, landscaping and lighting on property located at 430 Boston Post Road, zoned Business District, Town Assessor Map K08, Parcel 0077. The Board was previously in receipt of copies of the draft “Site Plan Modification Sudbury Board of Selectmen Northern Bank & Trust Company, 430 Boston Post Road dated October 1, 2013.”

It was on motion unanimously

VOTED: To approve the Site Plan Modification submission of Northern Bank & Trust Company to construct a 2,500 sq. ft. retail bank building on property located at 430 Boston Post Road, Town Assessor’s Map K08, Parcel 0077, zoned Business District.

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

Attest: _____
Maureen G. Valente
Town Manager-Clerk

AGENDA REQUEST – ITEM #10

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *October 17, 2013*

Requestor: *Lotte Diomede, Chair, Commission on Disability*

Action requested: CONSENT CALENDAR

Accept the resignation of Renee Border from the Commission on Disability.

Financial impact expected: *None*

Background information: *N/A*

Recommendations/Suggested Motion/Vote: *Question of accepting the resignation of Renee Border, 75 Witherell Drive, as a member of the Commission on Disability (a Town Manager appointment approved by the Board), as requested in her email of October 7, 2013, and sending a letter of thanks for her service to the community.*

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

Selectmen's Office Section:

Date of Selectmen's Meeting: *October 22, 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)

10/22

Golden, Patricia

From: Bilodeau, Maryanne
Sent: Thursday, October 10, 2013 9:02 AM
To: Valente, Maureen
Cc: Golden, Patricia
Subject: Renee Border resigning from COD

From: Lotte Diomede [mailto:Lotted123@verizon.net]
Sent: Wednesday, October 09, 2013 10:08 PM
To: Bilodeau, Maryanne
Subject: FW: COD

Please note that Renee bordner would like to re-sign from the COD

Thank you

Lotte

From: Renee Border <renee_bordner@yahoo.com>
Reply-To: Renee Border <renee_bordner@yahoo.com>
Date: Monday, October 7, 2013 8:49 PM
To: Lotte Diomede <lotte@smilemass.org>
Cc: Anna Wood <wooda@sudbury.ma.us>
Subject: COD

Dear Commission on Disabilities,
It is with sincere sadness that I am writing to all of you this evening. I feel that I must resign from my volunteer position on the Commission. My work schedule has increased and I cannot commit to the regular meetings.
I have enjoyed my time with all of you. I believe in the mission of the group and efforts put forth by the members. I firmly believe that the members of this Commission will do everything they can to advocate for those persons who have disabilities within our community.
I would love to rejoin the group again in the future when my schedule permits.
Thank you for understanding.
Sincerely,
Renee Bordner

AGENDA REQUEST – Item #11

BOARD OF SELECTMEN

Requestor's Section

Date of request: *October 17, 2013*

Requestor: *Patty Golden*

Action requested: *Vote to approve Selectmen's Draft Meeting Schedule for 2014.*

Financial impact expected: *None*

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

Recommendations/Suggested Motion/Vote:

Vote to approve Selectmen's Draft Meeting Schedule for 2014.

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

Selectmen's Office Section

Date of Selectmen's Meeting: *October 22, 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)

TOWN OF SUDBURY

DRAFT Board of Selectmen Meeting Schedule

Meetings Commence at 7:30 PM at Town Hall, 322 Concord Rd. (see Town website for updates)

2014

Yellow=BOS Mtg
Blue=Holiday/other event

JANUARY						
S	M	T	W	T	F	S
				1	2	3
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

FEBRUARY						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

MARCH						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

Jan. 1 New Year's Day
Jan. 20 MLK Day
Feb. 17 President's Day
Feb. 18-21 School Vacation
March 31 Annual Town Election

APRIL						
S	M	T	W	T	F	S
	1	2	3	4	5	
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

MAY						
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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

JUNE						
S	M	T	W	T	F	S
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8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

April 14 (evening) - 21 Passover
April 18 Good Friday
April 20 Easter
April 21 Patriots' Day
April 22-25 School Vacation
May 5-7 Annual Town Meeting @LSRHS
May 26 Memorial Day

JULY						
S	M	T	W	T	F	S
	1	2	3	4	5	
6	7	8	9	10	11	12
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27	28	29	30	31		

AUGUST						
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23	24	25	26	27	28	29
30	31					

SEPTEMBER						
S	M	T	W	T	F	S
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7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

July 4 Independence Day
Sept. 1 Labor Day
Sept. 16 State Primary
Sept. 24 (evening) - 26 Rosh Hashanah

OCTOBER						
S	M	T	W	T	F	S
		1	2	3	4	
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
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NOVEMBER						
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23	24	25	26	27	28	29
30						

DECEMBER						
S	M	T	W	T	F	S
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7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Oct. 3 (evening) - 4 Yom Kippur
Oct. 13 Columbus Day
Nov. 4 State Election (National)
Nov. 11 Veterans Day
Nov. 27 Thanksgiving Day
Dec. 16 (evening) - 24 Hannukah
Dec. 22-31 School Vacation
Dec. 25 Christmas Day

AGENDA REQUEST - Item #12

BOARD OF SELECTMEN

Requestor's Section

Date of request: *October 27, 2013*

Requestor: *Andrea Terkelsen*

Action requested: CONSENT CALENDAR -- *Vote to approve and sign document for internal borrowing from stabilization fund to start Police Station construction project (ATM 2013, Article #16).*

Financial impact expected: *\$627,000 maximum to be borrowed temporarily from the Stabilization fund, as needed until June 30, 2014.*

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

See attached materials

Recommendations/Suggested Motion/Vote:

Vote to approve and sign document for internal borrowing from stabilization fund to start Police Station construction project (ATM 2013, Article #16) as requested by Andrea Terkelsen, Finance Director.

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

Selectmen's Office Section

Date of Selectmen's Meeting: *October 22, 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)



TOWN OF SUDBURY
Finance Department
278 Old Sudbury Road
Sudbury, Massachusetts 01776
Tel: (978) 639-3376

MEMORANDUM

To: Board of Selectmen
Maureen Valente, Town Manager

CC: Barbara Chisholm, Town Accountant

From: Andrea Terkelsen, Finance Director/ Treasurer-Collector

Date: **October 2, 2013**

Subject: Inter-fund borrowing from Stabilization fund

This is to request authorization and signed approval of the Board of Selectmen for the Treasurer to perform short-term inter-fund borrowing in the amount \$627,000 from Town of Sudbury's General Stabilization fund for the purpose of starting the Police Station Construction project with regards to engineering and design phase only, as approved on May 7, 2013 as ATM 2013 article # 16, in advance of normal borrowing of BAN's (Bond Anticipation Notes). Said funds are to be paid back to General Fund available reserves no later than June 30, 2014, in accordance with MGL Chapter 44 Section 20A and with further instructions and accounting procedures set forth in IGR #92-105.

Once all arrangements have been made for the issuance of project BAN's (most likely during June 2014), the Board of Selectmen will need to take a formal vote on the sale. The vote certificate along with all other documentation requiring your approval and signature will be provided to you at that time. However, no further action is required of the Selectmen regarding the repayment of the above mentioned inter-fund borrowing. The Town Treasurer and Town Accountant will be responsible for the recording of all necessary transactions, repayment processing and filings with the Public Finance Section of the DOR's Division of Local Services.



ADVANCE OF FUNDS IN LIEU OF BORROWING REPORT

City/Town/District of Sudbury

Purpose of Issue Police Station engineering & design

Authorization 5/7/2013 ATM Article # 16; MGL c.44 s.7
(Date and article of town meeting vote and M.G.L. citation)

Grant Number _____
(If applicable)

A. Amount of Loan Authorized		\$
Computation of Limit on <u>Total</u> of Advances:		
B. Unappropriated Free Cash	\$ 2,380,250	
C. Stabilization Fund	\$ 4,062,741	
D. 1% of FY <u>2014</u> Budget	\$ 84,809	
E. Greatest of line B, C or D	\$ 4,062,741	
F. Other Advances Outstanding	\$ -0-	
G. Remaining Limit (line E less line F)		\$ 4,062,741
H. Amount to be Advanced - This Issue <i>(not to exceed line G)</i>		\$ 627,000

Date of Advance 10/22/2013

Treasurer

Approved: _____

Mayor or City Manager
Majority of Selectmen or Commissioners

Please send 1st Copy to: **Accountant or Auditor**
See IGR #92-105 for instructions and accounting procedures

Date of Repayment to General Fund: _____

Accountant/Auditor

Please send 2nd Copy to: **Division of Local Services**
Public Finance Section
PO Box 9569
Boston MA 02114-9569

AGENDA REQUEST - Item #13

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *October 17, 2013*

Requestor: *Esme Green, Goodnow Library Director*

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

CONSENT CALENDAR

Vote the question of accepting, on behalf of the Goodnow Library, a one-time donation of \$10,000, from the Hans and Mavis Lopater Foundation.

Financial impact expected: *N/A*

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

Recommendations/Suggested Motion/Vote: *Vote the question of accepting, on behalf of the Goodnow Library, a one-time donation of \$10,000, from the Hans and Mavis Lopater Foundation to be expended at the rate of \$1,000 per year on books for the library, under the direction of the Goodnow Library Trustees and Director, as requested in a letter dated August 28, 2013 from Barbara Freedman Wand, Trustee of The Hans and Mavis Lopater Foundation.*

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

Selectmen's Office Section:

Date of Selectmen's Meeting: *October 22, 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)

BINGHAM

Barbara Freedman Wand
Direct Phone: (617) 951-8614
Direct Fax: (617) 951-8736
barbara.wand@bingham.com

VIA UPS

August 28, 2013

Esme Green, Director
Goodnow Library
21 Concord Road
Sudbury, MA 01776

Re: The Hans and Mavis Lopater Foundation

Dear Esme:

I am writing to you in my capacity as Trustee of The Hans and Mavis Lopater Foundation (the "Foundation"). This Foundation was established by my clients Hans and Mavis Lopater to receive assets at their deaths. Goodnow Library is named as one of the organizations to receive a one-time distribution in the amount of \$10,000 from the Foundation. The gift is restricted - the funds are to be used solely for the purchase of books, with the annual expenditure for such books not to exceed \$1,000. Enclosed is a check representing this donation.

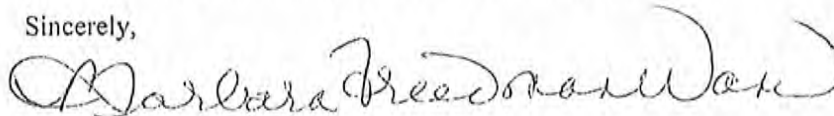
Please acknowledge your receipt of this distribution and your agreement to use the funds only for charitable purposes and as provided above by signing and returning the enclosed copy of this letter in the postage-paid envelope provided.

Please also let me know whether it is your practice to include book plates on books purchased with donated funds, as I think this would be an appropriate way to acknowledge the generosity of the Lopaters. If so, I would like the opportunity to discuss the wording to be included.

I hope that this gift can be used to advance your good work.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Barbara Freedman Wand, Trustee
The Hans and Mavis Lopater Foundation

cc: Laura B. Lerner, Esq.

Enclosures

ACCEPTED
Goodnow Library

By: _____
Title: _____

_____ Date

Beijing
Boston
Frankfurt
Hartford
Hong Kong
Lexington (GSC)
London
Los Angeles
New York
Orange County
San Francisco
Santa Monica
Silicon Valley
Tokyo
Washington

Bingham McCutchen LLP
One Federal Street
Boston, MA 02110-1726

+1.617.951.8000
+1.617.951.8736
bingham.com

A75691405.1

AGENDA REQUEST - Item #14

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *October 7, 2013*

Requestor: *Jody Kablack, Director of Planning & Community Development*

Action requested: CONSENT CALENDAR

Accept a \$2,500 gift from Macot Realty Trust towards the construction of a walkway along Union Avenue, to be expended under the direction of the Director of Public Works.

Financial impact expected: *none*

Background information: *see attached memo from Jody Kablack*

Recommendations/Suggested Motion/Vote: *Accept a \$2,500 gift from Macot Realty Trust, satisfying condition #10 of the site plan approval for Methods Machines, granted by the Board of Selectmen on February 12, 2013, towards the construction of a walkway along Union Avenue, 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:

Board's action taken:

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

Future Agenda date (if applicable):

Distribution:

Town Counsel approval needed?

Yes ()

No (X)



Town of Sudbury

Planning and Community Development Department

Jody A. Kablack, Director

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

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

TO: Maureen Valente, Town Manager
FROM: *JAK* Jody Kablack, Planning Director
RE: Developer Gift, Methods Machines
DATE: October 7, 2013

Attached please find a check in the amount of \$2,500.00 from Macot Realty Trust negotiated by the Selectmen during site plan review of the Methods Machines site. This check is towards the construction of a walkway along Union Avenue, to be expended under the direction of the Director of Public Works, and must be accepted as a gift by the Board of Selectmen and placed into an account for this purpose.

Enclosure

cc: Bill Place, DPW Director
Barbara Chisholm, Town Accountant (original check)

AGENDA REQUEST - Item #15

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *October 7, 2013*

Requestor: *Jody Kablack, Director of Planning & Community Development*

Action requested: CONSENT CALENDAR

Accept a \$4,000 gift from Mahoney Farms LLC, towards the purchase of a police cruiser radio, to be deposited into an account and expended under the direction of the Police Chief.

Financial impact expected: *none*

Background information: *see attached memo from Jody Kablack*

Recommendations/Suggested Motion/Vote: *Accept a \$4,000 gift from Mahoney Farms LLC, satisfying condition #28 of the special permit approval for the Mahoney Farms Senior Residential Community development, granted by the Planning Board of June 22, 2005, towards the purchase of a police cruiser radio, to be deposited into an account and expended under the direction of the Police Chief.*

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

Selectmen's Office Section:

Date of Selectmen's Meeting: *October 22, 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)



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@town.sudbury.ma.us

TO: Maureen Valente, Town Manager
FROM: *JAK* Jody Kablack, Planning Director
RE: Developer Gift, Mahoney Farms
DATE: October 7, 2013

Attached please find a check in the amount of \$4,000.00 from Mahoney Farms, LLC negotiated by the Planning Board during the special permit review of the Mahoney Farms Senior Residential Community development. This check is for the purchase of a police cruiser radio, and must be accepted as a gift by the Board of Selectmen and placed into an account for this purpose, to be expended under the direction of the Police Chief.

Enclosure

cc: Scott Nix, Police Chief
Barbara Chisholm, Town Accountant (original check)

AGENDA REQUEST - Item #16

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *October 2013*

Requestor: *Jody Kablack, Director of Planning & Community Devpt.*

Action requested: CONSENT CALENDAR

Vote to confirm Conservation Commission members as designees to various committees.

Financial impact expected: *None*

Background information:

See attached memos from Jody Kablack and Debbie Dineen

Recommendations/Suggested Motion/Vote:

Vote to confirm Conservation Commission members as designees to the following committees: Beth Armstrong to the Ponds and Waterways Committee for a term expiring 5/31/16; Robert Elkind to the Land Acquisition Review Committee for a term expiring 5/31/14; Thomas Friedlander to the Community Preservation Committee for a term expiring 5/31/16; Greg Topham to the Route 20 Sewer Citizens' Advisory Committee for a term expiring 6/30/14.

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

Selectmen's Office Section:

Date of Selectmen's Meeting: *October 22, 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 ()

Golden, Patricia

From: Kablack, Jody
Sent: Thursday, October 17, 2013 9:38 AM
To: Golden, Patricia
Subject: RE: Conservation Commission Appointments to Committees

Debbie sent a memo with the appointments. You should have it. Dick Bell is off entirely. It is only

Beth Armstrong	Ponds & Waterways Committee
Rob Elkind	Land Acquisition Review Committee
Greg Topham	Rt 20 Sewer Citizen's Advisory Committee
Thomas Friedlander	Community Preservation Committee

Jody Kablack
Director of Planning and Community Development
Town of Sudbury
278 Old Sudbury Road
Sudbury, MA 01776
978-639-3387

From: Golden, Patricia
Sent: Wednesday, October 16, 2013 4:14 PM
To: Kablack, Jody
Cc: Frank, Leila
Subject: FW: Conservation Commission Appointments to Committees

Hi Jody,
Could you please help clarify these designees. We were under the assumption that Richard Bell and Sam Webb were no longer on the Conservation Commission. Is Richard now back on as an Associate? Does the ConComm appoint him in this capacity? If so, what is his term's expiration date?

Even though these are not BOS appointments, we need to make sure the database is accurate

Thank you.

Patty Golden
Senior Admin Asst to the Town Manager
Town of Sudbury
Ph: 978-639-3382
Fax: 978-443-0756
www.sudbury.ma.us

When writing or responding, please be aware the Secretary of State has determined that e-mail is a public record and thus not confidential

From: Valente, Maureen
Sent: Friday, September 27, 2013 11:15 AM

AGENDA REQUEST - Item #17

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *October 2013*

Requestor: *Maureen Valente*

Action requested: CONSENT CALENDAR

Vote to confirm Liam Vesley as the Board of Assessors' liaison to the Town Counsel Search Committee.

Financial impact expected: *None*

Background information:

See attached memo from Board of Assessors

Recommendations/Suggested Motion/Vote:

Vote to confirm Liam Vesley as the Board of Assessors' liaison to the Town Counsel Review Committee for a term ending 5/31/14.

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

Selectmen's Office Section:

Date of Selectmen's Meeting: *October 22, 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 ()

Board of Assessors Minutes
September 17, 2013
8:30 a.m.
Special Meeting

Present: Assessors Joshua Fox and Trevor Haydon, Director of Assessing
Cynthia Gerry

The statutory requirements as to notice having been complied with, the meeting was convened at 8:30 a.m. in the Assessor's Office Flynn Building 278 Old Sudbury Road.

Appointment to Town Counsel Search Committee: Assessor Haydon moved to appoint Liam Vesely as the Assessor liaison to the Town Counsel Search Committee.

It was on motion unanimously:

VOTED: To appoint Liam Vesely as the Assessor liaison to the Town Counsel Search Committee.

That being the only business before the Board the meeting adjourned at 8:40 a.m.



TOWN OF SUDBURY

Office of Selectmen
www.sudbury.ma.us

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

Email: selectmen@sudbury.ma.us

October 18, 2013

TO: Board

FROM: Patty Golden

SUBJECT: Town Counsel Search Committee Membership

John Drobinski, Len Simon
Liam Vesley
Myron Fox
Maryanne Bilodeau
Jim Kelly
Jody Kablack
Scott Nix
Andrea Terkelsen

Board of Selectmen
Board of Assessors
Town Moderator
Assistant Town Manager
Facilities Director
Planning and Community Development Director
Police Chief
Finance Director

AGENDA REQUEST – Item #18

BOARD OF SELECTMEN

Requestor's Section

Date of request: *October 17, 2013*

Requestor: *Maureen Valente*

Action requested: *Discussion on the Town Counsel Search RFP, and question of voting the Search Committee timeline.*

Financial impact expected: *None*

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

Recommendations/Suggested Motion/Vote: *Discussion on the Town Counsel Search RFP, and question of voting the Search Committee timeline.*

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

Selectmen's Office Section

Date of Selectmen's Meeting: *October 22, 2013*

Board's action taken:

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

Distribution:

Town Counsel approval needed?

Yes ()

No (X)

2013 Town Counsel Search Timeline 10-17-13

- √ Develop “draft” Timeline - MB
- √ Decide Who should serve on Town Counsel Search Committee - BOS
 - What departments/committees should be represented? How many members?
 - Are these people interested and available? (See time constraints in Timeline.)
- √ 9/19/13 Committee meets organizes itself (eg. Chair, Vice-Chair, Secretary)
Discuss “Draft” Timeline and “Draft” Desired Expertise/Experience for BOS
- √10/1/13 BOS Meeting
 - Officially appoint Committee members
 - Review/comment/vote on “Draft” Broad Timeline:
 - 1/31/14: Names of Finalists to Selectmen’s Office
 - 3/17/14: Projected Start Date for Town Counsel
 - Give committee direction for Open Meeting Law, etc.
- √10/2/13 Committee develops Advertisement/RFP and finalizes Timeline
- 10/16/13 Committee begins developing Rating Grid for RFP’s and Interview Questions
(Thompson Room)
- 10/22/13 BOS reviews/comments/votes on finalized Timeline and RFP
- 10/28/13 Review comments from BOS on final Timeline and RFP
(Silva Room) Vote to accept edited documents and advertise
Finalize Rating Grid, Interview Questions, discuss Interview process
- 11/04/13 Advertise with due date of 12/02/13 by 3 p.m.
- 12/16/13 Committee reviews Proposals/Applications and chooses which firms/attorneys to interview
(Thompson Room)
- 1/06/14 Committee interviews Applicants
(Silva Room)
- 1/13/14 Committee interviews Applicants
(Silva Room)
- 2/03/14 Committee reviews all references/recommendations; Committee votes for finalists
Snowdate 2/05/14 (Silva Room)
- 2/07/14 List of finalists and Proposals to Selectmen’s Office
- 2/10/14 to 3/04/14 BOS interviews finalists and chooses Town Counsel
- by 3/18/14 Contract negotiated/signed/appointment made
- 7/1/14 Projected start date



TOWN OF SUDBURY, MASSACHUSETTS

REQUEST FOR PROPOSALS FOR TOWN COUNSEL SERVICES

I. Objective

The Town of Sudbury, Massachusetts seeks to appoint a highly qualified attorney or law firm as Town Counsel effective on July 1, 2014. The successful appointee must meet or exceed the qualifications stated herein and, in general, must be readily accessible to authorized public officials, exceptionally experienced in municipal law as further described below, scrupulous in adhering to required standards of professional conduct and ethics, and committed to rendering sound legal advice with suitable objectivity and professional detachment.

II. Background

The Town of Sudbury is located in Metrowest Boston and has a population of approximately 18,000 residents. The town is predominantly residential with some commercial area, primarily along Route 20. The Town approved a FY 14 budget of \$86 million and maintains a AAA Standard and Poor's credit rating.

The Town's general government structure established under the Town's current Charter (July 1, 1996) provides for appointment of a Town Manager by the Board of Selectmen. The Town Manager oversees all Town department functions. The Town has an open Town Meeting. The Town Moderator, Board of Assessors, Park and Recreation Commission, Board of Selectmen, Board of Health and Planning Board, among several other boards, are elected, while there are numerous other appointed boards, including the Zoning Board of Appeals, Conservation Commission, and Permanent Building Committee. The Town's decision-making process is highly collaborative and consensus driven. The Town takes great advantage of, and is fortunate for, the willingness of citizens with advanced knowledge and experience in many professional and technical fields to contribute to the community on volunteer boards, committees and task forces. Applicants are encouraged to learn more about the Town of Sudbury through its municipal website: www.sudbury.ma.us and its FY 14 Budget and Financing Plan at: <http://sudbury.ma.us/departments/finance/news4383/>.

III. Town Counsel Services

The Town seeks counsel experienced in the following matters:

- General Municipal Law, established under Massachusetts General Law and case law;
- Municipal Finance;
- Town bylaws and regulations;
- Open Meeting, public record, executive session, conflicts of interest law;
- Zoning and land use issues;
- Real estate issues: acquisitions, sales, eminent domain, easements, leases, tax takings; licenses; conservation and agricultural restrictions; right-of-first refusal;
- Town Meeting: drafting and review of warrant articles and motions, advice on issues before and at Town Meeting;
- Drafting and monitoring special legislation;
- Public bidding, public construction, and municipal procurement issues including lease-purchasing of equipment and contract approval;
- Affordable Housing; MGL. C. 40B; MGL c. 44, s. 55C (Municipal Housing Trusts)
- Subdivision control law;
- Community Preservation Act;
- Wetlands regulations;
- Environmental issues;
- Elections law and procedures;
- Licensing;
- Representation of the Town in all courts, including appellate level, and administrative agencies and other litigation;
- Appellate Tax Board matters;
- Property and Liability claims against Town;

The Town expects Town Counsel attendance at the following:

- All sessions of Special and Annual Town Meetings (Annual Town Meeting starts at the beginning of May and is held on the first Monday, Tuesday and Wednesday evenings);

- Upon request of the Board of Selectmen (BOS) and/or Town Manager, be present at BOS meetings or other Town agency meetings. BOS meetings are generally held 1st and 3rd Tuesday evenings of the month from September through July; and generally once in August.
- The Selectmen may have special counsel (i.e. labor issues, tax takings, wetland issues, energy supply contracting; solar projects; environment/DEP permitting, etc.) and as such Town Counsel may need to collaborate or consult with Special Counsel.

IV. Minimum Qualifications

A. Bar Admissions

The appointee and all those who serve as back-up to the appointee (see below) must be a member in good standing of the Massachusetts Bar and of the Federal Bar for the District of Massachusetts.

B. Experience

The appointee must represent or have represented as Town Counsel (or functional equivalent) a minimum of one Massachusetts municipality for no less than five years each; or represented other Massachusetts municipalities in specific areas of municipal law; or possess equivalent experience. References for all municipalities currently represented or represented in the past ten years by the appointee must be furnished.

C. Accessibility and Accountability

The appointee must commit to be available for frequent contact either through in person meetings or via telephone or email, responding to all communications from authorized officials either himself/herself or through a qualified back up attorney within 24 hours of the call/email. Our current model for legal services has worked well with Town Counsel being available on-site during certain days/hours and via email/telephone to answer inquiries, including calls at home or on cell phone when necessary. The Town has a preference for the availability of Town Counsel in person in the Sudbury Town offices. The preference would be that the attorney be available in the Flynn Building two days a week for at least three hours each day. The appointee must be accessible to Town staff and Board members. The Town Manager's Office manages requests for Town Counsel legal advice. The appointee must also commit, as a general rule, to responding to requests for written opinions within one week unless the circumstances of the opinion warrant a shorter or longer time frame for a response. The appointee must commit to preparing a brief written summary each month of all open issues at no cost to the Town and to preparing a report for the Town's Annual Report, also at no cost to the Town.

D. Back-up

The appointee must have within his or her firm or through an established relationship at least one other qualified attorney, who is specifically assigned as a back-up for Sudbury, and who is available to render advice and otherwise represent the interests of the Town of Sudbury when the appointee is unavailable. In this context, "qualified attorney" shall mean another lawyer who substantially meets the minimum qualifications set forth herein for the appointee.

E. Billing

The appointee must commit to providing a summary of legal services rendered and invoices for services ordered, rendered and accepted on a monthly basis. Each statement, if based on an hourly rate for services, must disclose, at a minimum, the date of the service, the identity of the lawyer or staff person performing the service, the subject matter reference for the service, a description of the service performed, the time it took to perform that function, and the hourly rate for the individual performing the function. (See Attachment B.) Expense items must also be itemized. Billings may be subject to external review.

F. Insurance Requirements

Evidence of valid minimum insurance coverage must be submitted by the selected firm or individual prior to or upon the execution of the contract, as follow:

Workers' Compensation Insurance as required by law

Insurance Certificates with the Town named as an additional insured for each:

General Liability of at least \$1,000,000 Bodily Injury and Property Damage Liability, Combined Single Limit with a \$3,000,000 Annual Aggregate Limit.

Automobile Liability (applicable for any contractor who has an automobile operating exposure) of at least \$1,000,000 Bodily Injury and Property Damage per accident.

Lawyers Professional Liability of at least \$1,000,000/occurrence, \$3,000,000 aggregate.

The Town reserves the right to modify these insurance requirements.

V. Fees and Expenses

The Town is committed to containing legal costs and wishes to understand the basis on which the responding attorneys propose fees and expenses. Any attorney/law firm wishing to be considered for appointment may submit with its application alternative proposals to the traditional hourly rate arrangement. For example, responding attorneys may propose a fixed retainer for a specified scope of services with an hourly rate for work outside the established scope of services, or a fixed cost for a set number of hours per month.

Towards this end, responding attorneys are encouraged to clearly outline how they might assist the Town in containing legal costs.

Any single expense/disbursement exceeding \$500 requires prior approval from Town Manager.

If a minimum annual contract is proposed, define what would be included in such an arrangement. Responding attorneys should feel free to be creative in this regard so long as the proposal is workable and reasonable.

Whether or not an alternative fee arrangement is proposed by the responding attorney, the attached fees and expenses response sheet must be filled out completely.

The Town seeks pricing structure proposals for 3 years; however, appointment of Town Counsel is made annually by the Board of Selectmen; therefore, although there will be a pricing structure in effect for three years, there's no guarantee of reappointment each year.

VI. Selection

In seeking Town Counsel, the Board of Selectmen of the Town of Sudbury is not bound by M.G.L. c.30B or by any other constraints apart from the sound judgment of the Selectmen. This process is being used to communicate the desired qualifications of Town Counsel and to solicit information in an orderly fashion for rough comparative purposes.

A nine member Search Committee composed of two Selectmen, Town staff and others has been established whose function will be to recommend three finalists for consideration by the Board of Selectmen. Personal interviews will be part of the process for selecting the finalists. The finalists will interview with the Board of Selectmen during an open meeting. Ultimately, the Board of Selectmen will select the candidate deemed to be in the best interests of the Town, in its sole discretion. Consequently, the Board of Selectmen and Town of Sudbury reserve the right to waive any irregularities in the RFP process and to accept or reject any or all proposals. It is anticipated that the selection process will conclude by March 18, 2014. The appointment of Town Counsel is made by the Board of Selectmen for each fiscal year.

Below are the projected dates for this process. The Town reserves the right to modify this schedule as it determines convenient:

Nov. 4, 2013	RFP issued
Dec. 2, 2013	Proposals due by 3:00 pm
Dec. 16, 2013 - Feb. 3, 2014	Search Committee screening/interview process
Feb. 7, 2014 – March 4, 2014	Board of Selectmen interviews finalists/makes decision
July 1, 2014	Effective date of appointment

VII. Application

Qualified attorneys or law firms interested in responding to this RFP should fill out the attached forms completely and attach copies of all documents requested therein. Kindly return the same in a sealed envelope labeled "Town Counsel RFP" to Maryanne Bilodeau, Asst. Town Manager/HR Director and a member of the Search Committee, who also will be available to respond to questions at:

Maryanne Bilodeau
Asst. Town Manager/HR Director
Town of Sudbury
278 Old Sudbury Road
Sudbury, MA 01776
bilodeaum@sudbury.ma.us

Please provide 10 (10) hard copies of the RFP response and all associated documentation on 8 ½ by 11 paper, along with one digital copy in Adobe pdf format at the address above.

All responses to this RFP must be received at the above address no later than 3:00 p.m. on Monday, December 2, 2013.

ATTACHMENT A

**RESPONSE TO REQUEST FOR PROPOSALS FOR
TOWN OF SUDBURY TOWN COUNSEL**

Name:	
BBO#	
Name of Firm:	
Street	
City, State,	
Telephone:	
Fax Number:	
Email:	
Website:	

Please respond to each of the following, using separate pages as necessary:

1. Please identify by name (and BBO #, address and phone number if different than above) the proposed Town Counsel, and, if applicable, lead counsel as well as members of a team, and each proposed back-up counsel.
2. Please attach resumes or *curriculum vitae* for each attorney identified above.
3. Do each of the attorneys identified above meet the minimum bar admission requirements of the RFP? If other than "yes", please explain.
4. With respect to each attorney identified, please list each and every Massachusetts municipality represented by the attorney within the past ten years, the years of such representation, and the name, address and phone number of at least one contact person in each municipality with knowledge of the attorney's representation.
5. Please describe each identified attorney's experience in municipal law.
6. Please describe how you propose to satisfy the Accessibility and Accountability requirements of the RFP.

7. Please describe how you propose to satisfy the attorney back-up requirements of the RFP.
8. If services are to be provided by a team of lawyers, describe how the team approach would work. For example, will specific attorneys be assigned to specific cases or subject matters? Will the specific attorney remain the contact throughout the case or matter?
9. How would you conduct or oversee litigation, including administrative proceedings, in which the Town and its boards are involved in their official capacity, to the extent such legal services are not provided by the Town's insurance carriers or outside counsel?
10. Are you available to review and approve as to form and content all contracts to which the Town is a party?
11. Do you provide regular updates on regulations, legislation and court decisions affecting municipalities and, if so, would this be a separate expense?
12. Do you provide training in legal obligations and compliance for elected, appointed and compensated Town employees on issues such as conflict of interest, ethics, freedom of information, open meeting law and harassment, and, if so, would this be a separate expense?
13. Please describe your suggestions for the transition from current Town Counsel.
14. Please describe any complaints with the Board of Bar Overseers or suits against each identified attorney in the last ten (10) years and how the complaints or suits have been resolved.
15. For each Town you and, if applicable, members of your firm have represented, please list those cases where municipal litigation has been undertaken in the last five (5) years (do not list special ed or appellate tax board cases) and the results of such litigation.

By my signature, I certify that the information contained in this Response to Request for Proposals are complete and accurate, to the best of my knowledge and belief.

Signed: _____

Date: _____

ATTACHMENT B

RESPONSE TO REQUEST FOR PROPOSALS FOR TOWN OF SUDBURY TOWN COUNSEL - FINANCIAL INFORMATION

Fees and Expenses Response Sheet

(To be attached to and made a part of the overall Response to Request for Proposals)

1. Please list the name and hourly rate for proposed Town Counsel and for each attorney intended or likely to serve as back-up.
2. If you propose to bill for services provided by paralegals, clerical staff, or other non-attorney personnel, please list by title and by hourly rate each position for whom you may bill.
3. Please provide a complete listing of all charges for expenses you intend to impose as incurred (i.e., any and all copy charges, telephone charges, fax charges, mileage charges and the like, but excluding any fees for stenographers, court fees, service fees and the like).
4. In what hourly increments do you intend to bill?
5. Do you bill out attorney time out of the office on a portal-to-portal basis or some other basis? Please describe.
6. Please describe any proposed alternative fee arrangement.
7. For each city or town you represent list the legal budget (broken down) the last five years and the actual amount spent that year, with an explanation for any substantial differences.
8. For each city and town, describe cost containment procedures you have implemented to keep the legal budget reasonable and cost effective.

ATTACHMENT C

MUNICIPAL LAW EXPERIENCE CHECKLIST (To be completed for each team member)

Rate your experience within the last five years in the following areas of municipal law using the scale below

1. No experience
2. Limited experience
3. Moderate experience
4. Advanced experience
5. Extensive experience

- _____ General Municipal Law, established under Massachusetts General Law and case law;
- _____ Municipal Finance;
- _____ Town bylaws and regulations;
- _____ Open Meeting, public record, executive session, conflicts of interest law;
- _____ Zoning and land use issues;
- _____ Real estate issues: acquisitions, sales, eminent domain, easements, leases, tax takings; licenses; conservation and agricultural restrictions; right-of-first refusal;
- _____ Town Meeting: drafting and review of warrant articles and motions, advice on issues before and at Town Meeting;
- _____ Drafting and monitoring special legislation;
- _____ Public bidding, public construction, and municipal procurement issues including lease-purchasing of equipment and contract approval;
- _____ Affordable Housing; MGL. C. 40B; MGL c. 44, s. 55C (Municipal Housing Trusts)
- _____ Subdivision control law;
- _____ Community Preservation Act;
- _____ Wetlands regulations;
- _____ Environmental issues;
- _____ Elections law and procedures;
- _____ Licensing;
- _____ Representation of the Town in all courts, including appellate level, and administrative agencies and other litigation;
- _____ Appellate Tax Board matters;
- _____ Property and Liability claims against Town;

ATTACHMENT D

**STATEMENT OF LITIGATION EXPERIENCE
(To be completed for each team member)**

Rate your experience with in the last five years practicing with the following Courts, Boards and Commissions based on the scale listed below.

1. No experience
2. Limited experience
3. Moderate experience
4. Advanced experience
5. Extensive experience

- _____ Trials before State Courts (District, Superior, Land Courts)
- _____ Trials before Federal District Courts
- _____ Appeals before Massachusetts Appeals Court
- _____ Appeals before Massachusetts Supreme Judicial Court
- _____ Administrative Proceedings before Massachusetts Civil Service Commission
- _____ Arbitration Proceedings
- _____ Mediation Proceedings
- _____ Administrative Proceedings before Massachusetts Appellate Tax Board
- _____ Administrative Proceedings before Massachusetts Department of Environmental Protection
- _____ Administrative Proceedings before the ABCC
- _____ Administrative Proceedings before the Housing Appeals Committee
- _____ Administrative Proceedings before Division of Administrative law Appeals

AGENDA REQUEST – Item #19

BOARD OF SELECTMEN

Requestor's Section

Date of request: *October 17, 2013*

Requestor: *Maureen Valente*

Action requested: *Vote to approve membership of the Strategic Financial Planning – Capital Funding Committee.*

Financial impact expected: *None*

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

Recommendations/Suggested Motion/Vote: *Vote to approve membership of the Strategic Financial Planning – Capital Funding Committee.*

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

Selectmen's Office Section

Date of Selectmen's Meeting: *October 22, 2013*

Board's action taken:

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

Distribution:

Town Counsel approval needed?

Yes ()

No (X)



TOWN OF SUDBURY

Office of Selectmen
www.sudbury.ma.us

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

Email: selectmen@sudbury.ma.us

October 18, 2013

TO: Board

FROM: Patty Golden

SUBJECT: Strategic Financial Planning for Capital Funding - Committee Membership

Chuck Woodard, Larry O'Brien
Bob Stein, Andrew Sullivan
Bob Armour
Kevin Matthews
Maureen Valente
Maryanne Bilodeau
Andrea Terkelsen
Glenn Fratto
Mary Will
Jim Kelly

Board of Selectmen
Finance Committee
Sudbury Public School Committee
Lincoln-Sudbury Regional School Committee
Town Manager
Assistant Town Manager
Finance Director
L-S Finance Director
SPS Finance Director
Facilities Director



**Strategic Financial Planning Committee for Capital Funding
Town of Sudbury
Voted to establish October 1, 2013 by the Sudbury Board of Selectmen**

Mission Statement

The Board of Selectmen are creating this committee to generate, evaluate and report on strategies and options, both short and long term, for ensuring adequate funding for the capital needs of the Town, the Sudbury Public Schools and Lincoln-Sudbury Regional High School so as to protect the Town's investment in its capital assets. The capital projects to be considered by this committee have been outlined in the Strategic Financial Planning Report dated April 4, 2013 but they may be added to from time to time by the Board of Selectmen. The committee shall work to create and submit to the Selectmen a report that the Board, Finance Committee, Capital Improvement Advisory Committee and staff can use for scheduling capital projects over the next 15 years.

Membership

Members of *Strategic Financial Planning Committee for Capital Funding* shall be appointed by the Selectmen according to the following list. All appointments shall expire on May 31, 2014, but may be extended by the Board of Selectmen.

- Two members of the Board of Selectmen
- Two members of the Finance Committee
- One member of the Sudbury Public Schools
- One member of the Lincoln-Sudbury Regional School Committee
- Two members of the Capital Improvement Advisory Committee
- Town of Sudbury Town Manager
- Town of Sudbury Assistant Town Manager
- Town of Sudbury Finance Director
- Lincoln-Sudbury Regional High School Director of Finance
- Sudbury Public Schools Director of Finance
- Town/SPS Facilities Director
- One Citizen-at-large with specific expertise that will be useful to the committee

The Committee shall elect a Chair and a Clerk from among its members. The Chair will run meetings, be the designated communications link with the Town Manager or other Town staff, and schedule committee meetings. The Clerk shall insure that full minutes and a list of members in attendance are kept of each meeting and promptly submitted to the Committee for approval, filing with the Town Clerk, and posting to the Town's website.

Staffing Assistance

The appointed staff members of the committee shall be available to assist in carrying out the work of the committee.

Tasks

It is anticipated that the committee will discuss and develop their own work plan to accomplish the mission of the committee. At a minimum, the Board of Selectmen anticipates that the following tasks will be important to this work

1. What have other towns done? What are their policies and guidelines? Are they successful in sticking to them? If so, what is the key to their success?
2. Using the Strategic Financial Planning Report as a starting point, develop a multi-year financing plan for debt issuance and the projects included in Group A: Major Projects/Debt Options.
3. Using the Strategic Financial Planning Report as a starting point, develop a multi-year financing plan for the projects included in Group B: Capital Exclusion options.
4. Using the Strategic Financial Planning Report as a starting point, develop a multi-year financing plan for the projects included in Group C: Rolling Stock.
5. Using the Strategic Financial Planning Report as a starting point, develop a multi-year financing plan for the annual capital budget that is adequate for the costs of items exemplified by Group D: Annual Capital Budget/Within Levy Options.
6. Using the Strategic Financial Planning Report as a starting point, address the other capital issues listed, including replacement of the turf fields, building maintenance costs and other uncertain projects that might require funding in future years.
7. Review the current staff and committee annual process for evaluating Capital Improvement Program projects and develop recommendations for any changes to that process.

Compliance with State and Local Laws and Town Policies

The *Strategic Financial Planning Committee for Capital Funding* is responsible for conducting its activities in a manner which is in compliance with all relevant state and local laws and regulations including but not limited to the Open Meeting Law, Public Records Law, and Conflict of Interest Law, as well as all Town policies which affect committee membership. In particular, all appointments are subject to the following:

The Code of Conduct for Selectmen Appointed Committee. A resident or employee who accepts appointment to a Town committee by the Board of Selectmen agrees that he/she will follow this code of conduct.

The Town's Email Communication for Committee Members Policy. Anyone appointed to serve on a Town committee by the Board of Selectmen agrees that he/she will use email communication in strict compliance with the Town of Sudbury's email policy, and further understands that any use of email communication outside of this policy can be considered grounds for removal from the committee by the Selectmen.

Use of the Town's Web site. The Committee will keep minutes of all meetings and post them on the Town's web site. The committee will post notice of meetings on the Town's website as well as at the Town Clerk's Office.

AGENDA REQUEST – Item #20

BOARD OF SELECTMEN

Requestor's Section

Date of request: *October 17, 2013*

Requestor: *Maureen Valente*

Action requested: *Vote to approve membership of the Strategic Financial Planning – OPEB Committee.*

Financial impact expected: *None*

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

Recommendations/Suggested Motion/Vote: *Vote to approve membership of the Strategic Financial Planning – OPEB Committee.*

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

Selectmen's Office Section

Date of Selectmen's Meeting: *October 22, 2013*

Board's action taken:

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

Distribution:

Town Counsel approval needed?

Yes ()

No (X)



TOWN OF SUDBURY

Office of Selectmen
www.sudbury.ma.us

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

Email: selectmen@sudbury.ma.us

October 18, 2013

TO: Board

FROM: Patty Golden

SUBJECT: Strategic Financial Planning for OPEB - Committee Membership

Chuck Woodard, Larry O'Brien
Bill Kneeland, Mark Minassian
Lucie St. George
Kevin Matthews
Maureen Valente
Maryanne Bilodeau
Andrea Terkelsen
Glenn Fratto
Mary Will

Board of Selectmen
Finance Committee
Sudbury Public School Committee
Lincoln-Sudbury Regional School Committee
Town Manager
Assistant Town Manager
Finance Director
L-S Finance Director
SPS Finance Director



**Strategic Financial Planning Committee for OPEB¹ Liabilities
Town of Sudbury
Voted to establish October 1, 2013 by the Sudbury Board of Selectmen**

Mission Statement

The Board of Selectmen is creating this committee to generate, evaluate and report on strategies and options, both short and long term, for dealing with the unfunded OPEB liabilities facing the Town of Sudbury, including the Sudbury Public Schools and L-S Regional High School.

These liabilities may require separate strategies for Town/Sudbury Public Schools than Lincoln-Sudbury Regional High School, due to the different historic and current benefit packages offered that caused the different levels of liability. In addition to this, the L-S approach will need the involvement of the Town of Lincoln. Nevertheless, overall "big picture" strategies and fundamental philosophies may be applicable to both entities.

Short-term options might include articles for the 2014 Annual Town Meeting; longer term strategies might need to be developed and implemented over the next few years. The Committee will evaluate and make recommendations to the Board for 2014 Annual Town Meeting articles by December 31, 2013 so that the Board has sufficient time to draft articles before the warrant closing deadline.

The committee shall work to create and submit to the Selectmen a report that the Board, Finance Committee, and School Committees can use to make OPEB related decisions over the next 15 years.

Membership

Members of *Strategic Financial Planning Committee for OPEB Liabilities* shall be appointed by the Selectmen according to the following list. All appointments shall expire on May 31, 2014, but may be extended by the Board of Selectmen.

- Two members of the Board of Selectmen
- Two members of the Finance Committee
- One member of the Sudbury Public Schools School Committee
- One member of the Lincoln-Sudbury Regional School Committee
- Town of Sudbury Town Manager
- Town of Sudbury Assistant Town Manager
- Town of Sudbury Finance Director
- Lincoln-Sudbury Regional High School Director of Finance
- Sudbury Public Schools Director of Finance
- One Citizen at large with specific expertise that will be useful to the committee

The Committee shall elect a Chair, Vice-chair and a Clerk from among its members. The Chair will run meetings, be the designated communications link with the Town Manager or other Town staff, and schedule committee meetings. The Clerk shall insure that full minutes and a list of members in attendance are kept of each

¹ OPEB is defined as Other Post-Employment Benefits (i.e., other than pensions, typically retiree health insurance).

meeting and promptly submitted to the Committee for approval, filing with the Town Clerk, and posting to the Town's website.

Staffing Assistance

The appointed staff members of the committee shall be available to assist in carrying out the work of the committee.

Tasks

It is anticipated that the committee will discuss and develop their own work plan to accomplish the mission of the committee. At a minimum, the Board of Selectmen anticipates that the following tasks will be important to this work:

1. What have other towns done? Using the Strategic Financial Planning Report as a starting point, develop a baseline assessment of other triple A-rated² towns, their approaches and the logic they are using for their decisions.
2. What are funding options? Should the Town and L-S be setting aside a minimum amount each year and if so, what should that amount be? Where should these funds come from?
3. How can these liabilities be best managed? What could the Town/SPS and L-S be doing to keep the liability from growing larger? What could they do to reduce the liability?
4. Is doing nothing an option? What are the implications of the do-nothing or "pay as you go" option?

Compliance with State and Local Laws and Town Policies

The *Strategic Financial Planning Committee for OPEB Liabilities* is responsible for conducting its activities in a manner which is in compliance with all relevant state and local laws and regulations including but not limited to the Open Meeting Law, Public Records Law, and Conflict of Interest Law, as well as all Town policies which affect committee membership. In particular, all appointments are subject to the following:

The Code of Conduct for Selectmen Appointed Committee. A resident or employee who accepts appointment to a Town committee by the Board of Selectmen agrees that he/she will follow this code of conduct.

The Town's Email Communication for Committee Members Policy. Anyone appointed to serve on a Town committee appointed by the Board of Selectmen agrees that he/she will use email communication in strict compliance with the Town of Sudbury's email policy, and further understands that any use of email communication outside of this policy can be considered grounds for removal from the committee by the Selectmen.

Use of the Town's Web site. The Committee will keep minutes of all meetings and post them on the Town's web site. The committee will post notice of meetings on the Town's website as well as at the Town Clerk's Office.

² Either AAA credit rating by Standard & Poor's or Aaa credit rating by Moody's

AGENDA REQUEST - Item #21

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *October 7, 2013*

Requestor: *Dept. of Massachusetts Military Order of the Purple Heart*

Action requested:

Vote to sign a proclamation making Sudbury a Purple Heart Town

Financial impact expected: *None*

Background information: *See attachment*

Recommendations/Suggested Motion/Vote: *Vote to sign a proclamation making Sudbury a Purple Heart Town, honoring the service and sacrifice of our nation's men and women in uniform who served to protect the freedoms enjoyed by all Americans, as requested by the Department of Massachusetts Military Order of the Purple Heart.*

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

Selectmen's Office Section:

Date of Selectmen's Meeting: *October 22, 2013*

Board's action taken:

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

Future Agenda date (if applicable):

Distribution:

Town Counsel approval needed?	Yes ()	No (X)
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Golden, Patricia

From: abn187thpf@aol.com
Sent: Monday, October 07, 2013 1:04 PM
To: Board of Selectmen
Subject: Fwd: Department of MA Military Order of the Purple Heart
Attachments: 09-22-2013_04;31;12PM.JPG

Board of Selectmen.

The Department of MA Military Order of the Purple Heart U.S.A. Would like to present to the Town of Sudbury a proposal and opportunity to become a Purple Heart Town. Joining Clinton, Lancaster, Berlin Westboro, Leominster others in the process. Honoring all who made the ultimate sacrifice and shed their blood in all ward from Stow. And honoring August 7th each year as Purple Heart Day.

There is no cost to the town of Sudbury, all that is required is a proclamation be drafted covering the above.(Enclosed a copy of Berlin proclamation maybe used as a guide.) When we receive your proclamation and it is approved, we send it to national and it is placed on it's website,(www.purpleheart.org) and our department website (www.purpleheartmass.org) A certificate of acknowledgement is issued to each city or town who become a purple heart community.

If you have any questions? You can Contact me.

Leo David Agnew Commander
84 Prescott Street
Clinton,MA 01510
508-667-8176
978-733-2499
abn187thpf@aol.com



TOWN OF SUDBURY

Office of Selectmen

www.sudbury.ma.us

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

Email: selectmen@sudbury.ma.us

Proclamation

- WHEREAS: The people of the Town of Sudbury have great admiration and the utmost gratitude for all the men and women who have selflessly served their country and this community in the Armed Forces; and
- WHEREAS: Veterans have paid a high price of freedom by leaving their families and communities and placing themselves in harm's way for the good of all; and
- WHEREAS: Contributions and sacrifices of the men and women from Sudbury who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and
- WHEREAS: Many men and women in uniform have given their lives while serving in the Armed Forces; and
- WHEREAS: Our community has a proud tradition of military service and many of our citizens have earned the Purple Heart Medal as a result of being wounded while engaged in combat with an enemy force, construed as a singularly meritorious act of essential service;
- NOW, THEREFORE, BE IT
- PROCLAIMED: That we, the Sudbury Board of Selectmen, on behalf of the Sudbury community, go on record to hereby proclaim Sudbury, Massachusetts as a Purple Heart Town, honoring the service and sacrifice of our nation's men and women in uniform that were wounded or killed by the enemy while serving to protect the freedoms enjoyed by all Americans.

Signed this twenty-second day of October, two thousand and thirteen.

Board of Selectmen

John C. Drobinski, Chairman

Charles C. Woodard, Vice-Chairman

Lawrence W. O'Brien

Robert C. Haarde

Leonard A. Simon

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Department of Massachusetts
Military Order of the Purple Heart

**Welcome to the Department of Massachusetts
Military Order of the Purple Heart
It's Not Who We Are, It's What We Do**

The objects of the Department are educational, fraternal, historical, and patriotic, perpetuating the principles of liberty and justice which have created the United States of America. These objects may be carried out in various ways, including: by (1) commemorating all national patriotic holidays; (2) maintaining true allegiance to the Government of the United States of America and fidelity to its Constitution and laws; (3) preserving and strengthening comradeship and patriotism amongst its members; (4) assisting, comforting, and aiding all needy and distressed members and their dependents; (5) giving needed hospital and service work through its Veterans Administration certified Service Officers; (6) cooperating with other civic and patriotic organizations having worthy objectives; (7) keeping alive the achievements and memory's of our country's founders; (8) ever cherishing the memory of General George Washington, who founded the Purple Heart, at his headquarters at Newburg-on-the-Hudson, on August 7, 1782; (9) influencing and teaching our citizenry, in a loyal appreciation of the heritage of American citizenship, with its responsibilities and privileges; and (10) preserving and defending the United States of America from all enemies whomsoever.



**We are looking for a few good men and women who would like to join our department.
If you received a Purple Heart you are eligible. If a family member has received a Purple
Heart from any war, you maybe eligible to become an Associate Member.**

Life Membership is only "\$50.00"

AGENDA REQUEST - Item #22

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *October 9, 2013*

Requestor: *Maureen Valente, Town Manager*

Action requested: *Discussion on plans for a State of the Town Forum. Selectman Woodard and Drobinski to report and make recommendations.*

Financial impact expected: **none**

Background information: *see attached*

Recommendations/Suggested Motion/Vote: *Discussion on plans for a State of the Town Forum. Selectman Woodard and Drobinski to report and make recommendations.*

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

Maureen Valente, Town Manager

Selectmen's Office Section:

Date of Selectmen's Meeting: *October 22, 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 ()

Golden, Patricia

From: Valente, Maureen
Sent: Wednesday, October 09, 2013 12:59 PM
To: Golden, Patricia
Cc: Drobinski, John
Subject: FW: Town Forum and monthly meetings

Patty, if John is agreeable, let's put this on the 10/22 agenda as a miscellaneous item. Title is Update on plans for a State of the Town Forum. Selectmen Woodard and Drobinski to report and make recommendations. No vote to be taken, but board members should be asked to give feedback on this proposed format and let the community hear about it, then schedule for a vote on the next Board meeting following the 22nd.

John, OK with this? Want to handle it differently?

Thanks Maureen

From: Chuck Woodard [mailto:woodardcc@gmail.com]
Sent: Wednesday, October 09, 2013 11:44 AM
To: Valente, Maureen
Cc: Drobinski, John
Subject: Town Forum and monthly meetings

Maureen,

John and I had a very productive meeting this morning to discuss the Town Forum. We agreed to recommend the following to the BOS at the next meeting when this can be included on the agenda:

Timing: weekday evening early in January, 2014. The next one could possibly be moved back to October or November.

Moderator: the BOS will sit at a head table and the meeting will be moderated by one of the selectmen. The chair will moderate the first meeting.

Format: We liked the Lincoln format of trying to maximize the amount of time devoted to Q&A, with the pump primed by written material provided to the Town in advance and opening remarks. Regarding the written material, we would opt for a downloadable document available on the Town's home page rather than a mailing to all households.

Topic: This will vary from year to year. We talked about capital planning, OPEB, and 40B but were concerned that these might not be "fully baked" in time to devote an entire meeting to discussing them. Instead we opted for the Selectmen's Goals, probably to be discussed one at a time after a lead off overview by one of the Selectmen assigned to that particular goal.

Participation: the chairs of all town committees and boards together with your senior staff would be invited to attend and be available to answer questions as needed.

Location: Town Hall. If we were so lucky as to have an overflow crowd that would be great publicity for the event which we would probably move to the LS auditorium the following year.

AGENDA REQUEST - Item #23

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *October 9, 2013*

Requestor: *Maureen Valente*

Action requested: *Vote to allow Chairman to vote for 2013 MPO seats open as indicated in ballot received from MAPC dated October 7, 2013.*

Financial impact expected: **none**

Background information: **see attached**

Recommendations/Suggested Motion/Vote: *Vote to allow Chairman to vote for 2013 Metropolitan Planning Organization (MPO) seats open as indicated in ballot received from MAPC dated October 7, 2013.*

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

Selectmen's Office Section:

Date of Selectmen's Meeting: *October 22, 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 ()
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RECEIVED
BOARD OF SELECTMEN
SODDURY, MA



2013 OCT -9 A II: **MBTA Advisory Board**

177 Tremont Street, Boston, MA 02111
Tel: (617) 426-6054 Fax: (617) 451-2054

October 7, 2013

TO: Chief Elected Officials

FR: Paul Regan, Executive Director, MBTA Advisory Board
Marc Draisen, Executive Director, Metropolitan Area Planning Council

RE: Municipal Elections to the Boston Region Metropolitan Planning Organization

We are pleased to forward the 2013 MPO Ballot, the candidates' statements of candidacy, and the election procedures for the elected municipal seats on the Boston Region Metropolitan Planning Organization (MPO).

This year there are two (2) municipal open seats on the MPO. One seat for a municipality from the Inner Core Committee sub-region and one seat for a municipality from the MetroWest Regional Collaborative sub-region.

The Town of Framingham is running unopposed for the MetroWest seat and the City of Somerville is running unopposed for the Inner Core seat.

Key Dates and Locations:

October 29, 2013 Absentee Ballots Due
5:00 PM delivered by mail or in person (No Fax or Email) to:
BOSTON REGION MPO ELECTIONS
Metropolitan Area Planning Council
60 Temple Place, 6th Floor
Boston, MA 02111

October 30, 2013 MPO Municipal Election
At MAPC Fall Council Meeting, 3:00PM
Wednesday, October 30, 2013,
Seaport Hotel at the World Trade Center, Boston.

Voting Rules:

One vote may be cast by each of the Chief Elected Officials of the 101 municipalities in the Boston region, for each open seat (there are 2 open seats). Ballots may be cast by one of the following ways:

1. By the CEO, in-person, on October 30, 2013 at MAPC Fall Council Meeting.
2. By Absentee Ballot, delivered by mail or in-person to MAPC by 5:00 PM the day before the election, October 29, 2013.
3. By a designee, in-person, on October 30, 2013 at MAPC Fall Council Meeting.

Each Chief Elected Official or their designee, regardless of which sub-region they are in, or whether they represent a city or a town, may cast one vote for each of the two open MPO seats (for a total of 2 votes cast).

Appointing Designees:

Designees shall present a signed letter or signed MPO Ballot by the CEO of the municipality they are representing, to MAPC staff prior to the election or by 3:00 PM on the day of the election. Designees may represent only one municipality in the election.

Certification of Results:

The results of the election shall be certified by the Chairman of the MPO by 12 noon on Friday November 1, 2013.

First MPO Meeting:

The Boston Region MPO regularly meets at 10:00 AM on the first and third Thursdays of every month. Candidates that are elected to the MPO are asked to plan to attend their first MPO meeting on November 7, 2013 at 10:00 AM. The meeting is estimated to last two hours but may last longer. It will be held in conference rooms 2 and 3 in the State Transportation Building, 10 Park Plaza, Boston. If you have questions about the meeting, please contact Pam Wolfe, Manager, Certification Activities, 617-973-7141 or pwolfe@ctps.org

We appreciate the interest shown by the candidates in choosing to serve in these seats on the MPO and for your interest in this important matter. We look forward to your participation. Please contact Eric Bourassa at MAPC (617-933-0740) or Paul Regan, Executive Director of the MBTA Advisory Board (617-426-6054), if you have any questions concerning this election.

2013 MPO Absentee Ballot

The MPO Election will be held on Wednesday, October 30, 2013
At MAPC Fall Council Meeting, 3:00 PM
Seaport Hotel at the World Trade Center, Boston.

**Absentee ballots must be delivered by October 29, 2013
via mail or in person (No Fax or Email) by 5 PM to:**
BOSTON REGION MPO ELECTIONS
Metropolitan Area Planning Council
60 Temple Place, 6th Floor
Boston, MA 02111

Each Chief Elected Official, regardless of which sub-region they are in, or whether they represent a city or a town, may cast one vote for each of the two open MPO seats.

Chief Elected Official may:

Vote for only one from the Inner Core Committee

Somerville Joseph A. Curtatone, Mayor

Vote for only one from the MetroWest Regional Collaborative

Framingham Dennis Giombetti, Chair Board of Selectmen

Municipality _____ Chief Elected Official _____
(Signature)

(Print or type name)

Fill this box out only if you (Mayor or Chair Board of Selectman) are appointing someone to vote in your place in person on October 30th.

Designation of alternate (by Mayor or Chair Board of Selectman):

I hereby authorize _____ to cast the ballot for _____
(name) (municipality)

Chief Elected Official (signature)

Date

2013 MPO Statement of Candidacy

(250 Word Limit)

Municipality: FRAMINGHAM

Chief Elected Official: DENNIS CIOMBETTI

(Suggestions include a brief statement of qualifications; comments on the importance of transportation to the region; and expectations for the Boston Metropolitan Planning Organization)

SEE ATTACHED

The Town of Framingham representing the MetroWest region has had a seat on the Boston MPO for many years. Over that time we have demonstrated a dedicated commitment to solving both big and small regional transportation issues and to strike that all important balance of regional equity. The town was very supportive and a leader in the recent effort to expand the membership of the Boston MPO for more regional representation. This expansion has worked out quite well providing more representative input into decisions but without bogging down the process.

We have been a strong advocate for the need for additional transportation funding and the importance of the link between economic development and transportation. With the many years of Framingham membership on the MPO we have acquired a deep knowledge of the transportation issues facing the region and the process by which these issues can be addressed. The Town has been active both at the subcommittee level as member of the UPWP and at the committee level often engaged in the debate.

The Town of Framingham hopes to continue our efforts of spending precious transportation dollars wisely and to the benefit of the entire Boston region.

2013 MPO Statement of Candidacy

(250 Word Limit)

Municipality: City of Somerville

Chief Elected Official: Joseph A. Curtatone

(Suggestions include a brief statement of qualifications; comments on the importance of transportation to the region; and expectations for the Boston Metropolitan Planning Organization)

The Boston Region MPO faces numerous challenges implementing the 21st century transportation system necessary for the region to foster a 21st century economy. MassDOT and the General Court have made significant progress toward closing the transportation funding gap. The programming of these funds balancing between the continuing needs of an aging transportation system and its current resources is now more important than ever. As a member of the MPO, Somerville will strive to balance geographical equity against the myriad needs of the Region's transportation system. We will be tasked with funds programming that both maintains the system in a state of good repair and ideally grows a system that further encourages a shift away from auto dependence, while accounting for climate change and the reality that there will always be more requests than there is funding. Somerville is up to this ever growing challenge.

Somerville has been a member of the MPO since 2007, demonstrating leadership on transportation issues with an eye on what is needed to move our region forward. We will continue to work for all 101 cities and towns of the Boston Region, ensuring that our transportation system continues to address the needs and desires of all who use it and we look forward to continuing this valuable work.

AGENDA REQUEST – Item #24
BOARD OF SELECTMEN

Requestor's Section

Item Name: VHB Contract

Date of request: *October 17, 2013*

Requestor: *Maureen Valente, Town Manager*

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

Give authorization for the Town Manager to sign a contract with Vanasse Hangen Brustlin (VHB) for engineering design services related to the Town Center Intersection Project so that the engineering work can get underway promptly.

Financial impact expected: *\$85,000 to be paid out of capital article approved at 2013 Annual Town Meeting*

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

Attached memo from Jody Kablack

Recommendations/Suggested Motion/Vote:

Vote to authorize the Town Manager to sign a contract with Vanasse Hangen Brustlin (VHB) for engineering design services related to the Town Center Intersection Project.

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

Jody Kablack, Director of Planning and Community Development

Selectmen's Office Section

Date of Selectmen's Meeting: **October 22, 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 (X)

No ()



Town of Sudbury

Planning and Community Development Department

Jody A. Kablack, Director

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

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

TO: Maureen Valente, Town Manager
FROM: *gak* Jody Kablack, Director of Planning and Community Development
RE: Town Center Intersection Project
DATE: October 17, 2013

Bill Place, DPW Director, and I have reached agreement with Vanasse Hangen Brustlin, Inc. (VHB) for a contract for further engineering and design services related to the Town Center Intersection Project. We respectfully request that you sign the contract, upon the authorization of the Board of Selectmen.

Before putting the plans out to bid (originally scheduled for fall 2014), we solicited a peer review of the plans by VHB occasioned by an interim review of the project. Their review led us to re-examine several areas on the original World Tech plans which we believe will require additional engineering at the final plan stage. The plans delivered under this contract will be more detailed, providing the Contractor with substantial detail and specificity during bidding and construction of the intersection, and eliminating costly change orders and delays in the project schedule often found in these large scale projects.

The additional engineering work is a next step in the process, and is necessary for several reasons mostly related to decisions that were made subsequent to the original engineering and design decisions:

1. Several engineering changes are needed on the plan pursuant to the 2013 Annual Town Meeting vote, including the final design of the No Name Road as a 2-way street, curbing changes around the Town Common due to the No Name Road revision, and relocation of the Master Control box for the signals.
2. Final drainage design was not completed under the World Tech contract, nor was permitting the stormwater system part of the original contract. The plans indicated that final design was to be proposed by the Contractor, however that leaves open too many issues, and drainage in the area is somewhat complex. Final plans will be prepared by VHB, and will be ready to permit, bid and construct.
3. The peer review of the plans established some engineering problems with the World Tech plans, including specifications for design under the National Highway System (which includes Route 27); horizontal and vertical survey of the layout which would have an impact on construction; drainage design (addressed above); and traffic design/turning movements which could create a hazardous situation. A memo from VHB dated October 11, 2013 with their findings is attached. These areas will need to be re-engineered.
4. The Town has been very pleased with VHB as our consultant on the Route 20 Corridor Study and the Landham Road Signal project, and with their peer review of the Project. Town staff have confidence that their work will enhance the project and save money.

Our goal is to proceed with the final engineering and permitting this winter and be ready to bid the project in early spring for the spring/summer 2014 construction season.

Attachment



Memorandum

To: William Place
Director of Public Works
275 Old Lancaster Road
Sudbury, MA 01776

Date: October 11, 2013

Project 11004.03
No.:

From: Tracie Lenhardt, PE
Project Manager
Transportation Engineering

Re: Sudbury Historic Town Center
Design Package Peer Review

Erin L Thompson, PE, IMSA III
Senior Project Engineer
Transportation Systems – Traffic Design

Jacob San Antonio, PE
Senior Water Resources Engineer
Land Development

The Town of Sudbury has retained Vanasse Hangen Brustlin, Inc (VHB) to review plans prepared by WorldTech Engineering LLC for the reconstruction of Route 27 (Hudson Road/Old Sudbury Road) at Concord Road, also known as the Historic Town Center prior to the Town requesting bids for construction. To date, VHB has received from the Town the following WorldTech documents:

- Stamped Plans titled "Town Center Roadway Improvements, Sudbury Massachusetts", dated March 29, 2013
- AutoCAD drawings
- Drainage Summary titled "Stormwater Assessment and Supporting Calculations of Sudbury Town Center Discharges and Subcatchment Areas", dated July 15, 2011
- Revised HydroCAD printouts
- Engineers Estimate – Preliminary
- Cost Estimate – Traffic Signal Installation
- Microsoft WORD file for FINAL Bid Document

The Town has also supplied VHB with:

- Scope of Work "Traffic and Safety Improvements, Sudbury Center" between the Town and Traffic Solutions
- 2009 Peak Hour Traffic Volumes
- The "Sudbury Center Improvement Plan, Final Report" prepared by the Cecil Group, dated March 2008

- Special Speed Regulation for Route 27
- Town Center Crash Analysis, 1-1-2005 – 12-31-2007, prepared by Sudbury Police
- 2006 Peak Hour Turning Movement Counts, including pedestrian volumes

Per MassDOT Roadway Inventory Map, Route 27 is classified at a Rural Minor/Urban Principal Arterial. Concord Road south of Route 27 is a Rural Major/Urban Minor Arterial, and a Rural Minor/Urban Collector north of Route 27. The roadways are town-owned within project limits however Route 27 is part of the National Highway System (NHS). Route 27 is 30mph through the project area.

A general summary of the more significant issues/concerns with the design package as it is currently constituted includes the following:

- *As noted, Route 27 is part of the National Highway System (NHS). Given this designation modifications to the roadway will require adherence to certain standards regarding lane and shoulder width. This project can most likely be classified as a "3R" project (resurfacing, restoration, rehabilitation) will affords some flexibility in these standards. However, at a minimum 12' travel lanes with 2' shoulders should be provided. This will require a modification to the current design along Route 27. While this does not represent a significant widening of the roadway as currently designed, it will require a redesign to provide for these cross sectional standards.*
- *Related to the horizontal design - a review of the AutoCAD files indicates that the horizontal layout was completed using a series of short segments. This could present difficulties in laying out the current design during construction. It is recommended that as part of addressing the NHS issue highlighted above that the horizontal design be redone providing longer, smoother tangent sections and radii.*
- *Related to the vertical design – the Town provided the survey and base plan information. However, the interpolation of the surface provided in the current design does not reflect the current roadway surface (i.e., no crown developed). This resulted in an existing surface that was not accurate and a resultant proposed grading design that needs to be readdressed. Further, this issue could result in inaccuracies related to the estimated quantities related roadway items.*
- *Related to the drainage design – A majority of proposed drainage work; as noted on the plans, is to be surveyed, designed, and permitted by the Contractor. The design and permitting of all stormwater features should be completed prior to development of construction level plans. As currently proposed, the stormwater design does not meet the MassDEP stormwater regulations or comply with the Massachusetts Wetland Protection Act regulations.*
- *Related to the traffic design – the current intersection geometrics and signal phasing proposed will result in interlocking left-turn movements occurring simultaneously. The design should be revisited to address this potential safety and operational issue.*

The items above are discussed in more detail below and a more detailed review of the design package resulted in the following additional comments for consideration:

Cover Sheet

- The design designation should be provided. It should also be noted that Hudson Rd/ Old Sudbury Rd is an NHS roadway.
- The references list the 20003 MUTCD. The project should have been designed using the 2009 MUTCD with Massachusetts Amendments since it is the most current version.

Legend

- Note 21 of the General Notes lists the color of the tactile as “brick red”. The special provision for the Item 460.21 (Colored Texturized Decorative Surface) also lists the color as “brick red”. There needs to be a 30% contrast in color between the two.

Typical Sections

- Proposed Full Depth Pavement (3’ wide & less) - The minimum depth of HES should be provided.
- Is there an existing or proposed sidewalk easement along Hudson Rd to build the proposed sidewalk? This should be shown on the typical sections.
- The minimum lane widths on Hudson Rd / Old Sudbury Rd should be 12 feet as this is an NHS roadway.

Details

- Perm trench detail – Pipe should be placed on a stone bedding not on existing sub-grade
- Driveway & WCR Schedule charts should be provided
- It is assumed that a “cut through” type proposed in the island on Old Sudbury Rd between Sta. 19 & Sta. 20. The pedestrian through islands should be detailed to ensure ADA compliance.
- Brick Walk/Driveway Detail – The detail shows a 4” cement concrete base over compacted gravel base but the Pavement Notes on Sheet 4 state an 8” gravel base (no cement concrete). The Pavement Notes and/ or the detail should be revised so that they are in agreement.

Construction Plans

- Minor drafting and linetype corrections should be corrected.
- The meandering sidewalk should not be left to the Contractor interpretation of the plans. The sidewalk should be laid out.
- What is the disposition of the Massachusetts Bay Colony Tercentenary Commission 1630-1930 Historical Marker at southwest corner?

Curb Layout Plan

- Consider proposing all granite curb throughout the project instead of transitioning back and forth between granite curb and edging for ease of installation.

Profile

- See comments regarding Surface and Vertical
- The Special Speed Regulation 241-A lists the speed of Concord Rd within the project limits as 25mph.
- The vertical curves on Concord Rd should be lengthened to meet the minimum curve lengths for the design speed.
- The two sag curves on Concord Rd should be slightly lengthened to meet the minimum K-value for a 25 mph roadway.
- The crest curve for No Name Rd should be lengthened to improve the K-value to meet the minimum for a 25mph roadway.

Curb Tie & Grading

- See comments regarding Surface and Vertical
- See comments regarding Surface and Vertical.
- The proposed curb alignment changes 6 different times in less than 150 feet between Sta. 17+30 to Sta 18+60 Lt. Short segments should be avoided from a design point and a constructability point. The curb alignments should be reviewed and revised.
- The PCs & PTs should have stations and offsets so that the contractor can lay out the proposed curbing.
- The chart indicates that C24- C27 have proposed radii of 1.0 foot which is custom cut. A 2'0 radius (corner stone type A) or other configuration should be considered.
- A-typical curb radii should be avoided such as 1841.39'.

Utility Plan

- Granite curb inlet should be proposed where possible (vertical granite curb)
- All inverts should be reviewed. There is at least one instance where the invert in is lower than the invert out.
- Pipes only have 2.5' of cover or less in a couple of locations. The pipe material should be RCP Class V or Ductile Iron.
- There are proposed catch basins (with 4' sumps) proposed over underground electric lines. Gutter inlets with a corresponding structure with a sump should be considered.
- The overhead wires should be shown on the plans.
- The plans call for the overhead wire to be relocated underground and removal of the utility poles. This is a fairly costly and timely effort. Was shifting the alignment to retain the existing utility poles considered?
- The size of all utilities should be shown on the plans.
- The underground telephone lines should be shown on the plans.

Traffic Signals, Signs and Pavement Markings

- Cover sheet states 2003 MUTCD when then the plans are stamped on 3/25/2013 after the May 2012 MassDOT acceptance of the 2009 MUTCD.
- How is traffic signal equipment to be located? There are no stations/offsets.
- Concord Street southbound and Old Sudbury Road westbound left lane each have only one signal head within the cone of vision. While compliant with the MUTCD, per the Scope of Work the Town wishes to have a minimum of two heads within the cone of vision.
- Intersection geometry was checked using a standard AASHTO template for a WB-50 vehicle. It does not appear a WB-50 can adequately negotiate the southbound right turn from Concord Road to Hudson Road. The right-turn from Hudson Road to Concord Road and the right-turn from Old Sudbury Road to Concord Road appear to be very tight, potentially resulting in the rear-axle of trailers mounting the curb. It not does appear that a WB-50 can adequately negotiate the left-turn from No Name Road without using the entire width of pavement, including shoulders.
- Due to the offset nature of the Concord Road approaches and the presence of median islands on the Route 27 approaches, the turning paths for eastbound and westbound left-turn vehicles overlap for passenger cars and larger vehicles. The path overlap on the proposed geometry is more severe than the path overlap with the existing geometry. Since this is a

safety improvement project, serious consideration should be given to revising the geometry or changing one of the left-turns to a protected-only condition to eliminate the conflict.

- Is the reversal in direction of the driveway to Town Hall necessary?
- The TS posts supporting pedestrian push buttons are not located adjacent to the sidewalk; therefore push buttons are likely outside the required ADA reach requirements.
- There are only two conduit sweeps to the proposed cabinet: one for power and one for signal cable. Has it been verified that the conduit for the signal cable is not over-capacity?
- The plans note an existing underground electric line adjacent to proposed signal conduit and loop detectors. If this is a high voltage line, what measures will be implemented to minimize electrical interference with the vehicle detection?
- Signal heads B and H are the 5-section "dog-house" configuration. When equipped with a backplate, this head is 4' wide. The medians are 7' and 6' wide, respectively. Has any consideration been given to using 4-section bi-modal indications instead to reduce width?
- Mounting signal heads B, G, and L on a single post will be incredibly difficult since Head B is a 5-section dog-house. Consideration should be given to making Head B a vertical configuration.
- The Major Items List accurately has 28 loop detectors but only calls for 4 dual-channel amplifiers. Seven amplifiers are needed.
- The Major Items List for Emergency Vehicle Priority calls for a hardwire connection and a confirmation strobe. Neither is identified on the plans.
- The hours of Flashing Operations are missing from the Sequence and Timing chart.
- Why do detectors 1 & 2 and 7 & 8 not switch to extend the associated through movement after the left-turn movement is terminated?
- Bicycle signage is the old standard. The B-2/B-3 assemblies were replaced with R10-22 in February 2006.
- The disposition of existing signs has not been provided for all signs.
- The plans call to retain the existing Historic Signs at Grinnell Park, yet shows the stone wall being relocated on top of it.
- There appears to be no wayfinding signage as describe in the Scope of Work.
- Arrow/Only pavement marking legends are not spaced per MassDOT standards.
- Gore markings on Old Sudbury Road at approximately STA20 are not identified.
- Where pavement markings are not concentric with the baseline or curblines, stationing/dimensions are needed.
- There is a double double-yellow-center-line and gore markings on Old Sudbury Road in front of the Town Hall driveway. Is it the intent to restrict this driveway to a right-in/right-out configuration?
- There is no radius or other locating features for the DWL to guide left-turning vehicles from Hudson Road to Concord Street
- The Bicycle Loop Detector Detail sheet is outdated. Revisions were issued in February 2006 and in January 2012.
- There are several errors on the Sign Summary.
 - Unit Area for R1-1 and R2-1 are incorrect.
 - Incorrect size for R3-1, R3-2, R4-7, R10-12

Drainage Design

- Drainage reports make no reference to the *MassDEP Stormwater Policy* or how the design meets the stormwater standards. As currently proposed, the stormwater design does not meet the MassDEP stormwater standards.

- Peak rates at several design point locations are predicted to increase over existing conditions. The designer should assess whether these increases impact downstream properties at a minimum or design stormwater features to attenuate flows to equal existing conditions.
- The proposed design does not address groundwater recharge requirements.
- The proposed design does not address water quality requirements.
- An erosion and sediment control plan is not included.
- Long term operation and maintenance plan is not included.
- Several flows shown in the Sudbury Center peak rate discharge table do not match model results.
- Culvert installation along the Penn Central right of way and replacement of the existing culvert under Concord Road do not address the *Massachusetts River and Stream Crossing Standards*.
- The proposed increase of the Concord Road culvert from 18-in to 24-in is predicted to increase peak rates and stages downstream. Impacts downstream from the culvert must be properly evaluated and minimized or eliminated to the extent practicable.
- Significant impacts to wetland and stream resources areas are proposed. Impacts to resource areas for use as stormwater treatment are typically not permissible.
- Calculation of hydrologic parameters included watershed delineations, time of concentration flow lines, and curve number are not provided.
- Wetland and resource areas delineations are not provided.

A review of the electronic AutoCAD files resulted in the following VHB comments:

Surface

- In reviewing the existing surface, there are no centerline elevation shots. This creates a surface that does not actually depict the roadway surface.
- In creating the surface, the use of breaklines was inconsistent. Breaklines will prevent the surface from triangulating from a shot in the roadway with a shot well outside the pavement in a grassed area. Again this does not provide an accurate representation of the surface.

Horizontal

- Hudson Rd/ Old Sudbury Rd (Route 27) is on the National Highway System as such the recommendations outline in the 2011 AASHTO (Green book) should be followed. The proposed lane width should not be less than 12 feet.

Vertical

- The profile and grading were based on the existing roadway surface which is not accurate.

A review of the Items List/ Estimate & Specs resulted in the following VHB comments:

- There are a few items missing from the Items List & Estimate
 - Item 151.01 (Gravel Borrow – Type C)
 - Item 204 (Gutter Inlet)
 - Item 509.1 (Granite Trans curb for wheelchair ramps – curved)
- Tactile warning panel color should be dictated to ensure proper color contrast with the propose “red brick” crosswalks.
- Does the Town want the MassDOT Hook-Lock type cascade frames? The special provision indicates this.

- Item 713.3 (Granite Post Removed and Reset) – It should be noted in the special provision that this is a historical marker and extreme care should be taken during removal, storage and resetting. The special provision discusses setting the post in a cement concrete base “as detailed”. There is no detail provided on the plans or in the special provisions. The special provision may also want to note that the Town should agree to a storage location.
- Is the Town standard Corrugated Plastic pipe?
- There are a few items that a missing special provisions
 - Item 734 (Sign removed and reset) – Consider using an 874 Item number.
 - 734.53 (R1-6 Flexioble Signs Removed and Stacked)
- There are no items for
 - 12” gore markings
 - Sign R&D

AGENDA REQUEST - Item #25

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *October 17, 2013*

Requestor: *Maureen Valente*

Action requested: *Question of scheduling a Board of Selectmen's meeting to finalize FY14 goals.*

Financial impact expected: **none**

Background information: **see attached**

Recommendations/Suggested Motion/Vote: *Question of scheduling a Board of Selectmen's meeting to finalize FY14 goals.*

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

Selectmen's Office Section:

Date of Selectmen's Meeting: *October 22, 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

Townmanager@sudbury.ma.us

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

Maureen G. Valente, Town Manager

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

Date: October 17, 2013
To: Board of Selectmen
From: Maureen G. Valente, Town Manager
Subject: Setting a Date for Next Goal Setting

I have requested that Chairman Drobinski add an agenda item for discussion of setting a date and a time to finish the goal setting process. I believe it is important to finish the process at this time for the following reasons:

1. It guides me and the staff as we develop our capital and operating budgets.
2. It helps me develop agenda items that will keep progress moving forward on the goals you have set.
3. It will allow sufficient time to develop articles for Town Meeting that supports your goals.
4. Based on the recommendations of Chairman Drobinski and Vice-Chairman Woodard, It will set the foundation for your first "State of the Town" annual forum.

Some may think that money is our most scarce resource, but at this time of year I feel it is **time**. I urge you to complete the goal setting for FY14 to best use the time that we have to prepare for the 2014 Annual Town Meeting. On the next page is the only correspondence that I have received for additional goals (my apologies if I have misplaced a communication from any of you, and please re-send the item so I may add it to the list.

Steps to complete for goal setting

As far as I can determine, you have two remaining potential areas that you appear to want to discuss and possibly set a SMART goal for – the Bruce Freeman Rail Trail and affordable housing. Both appear to me to need a fuller discussion than you have had to date on items such as cost, staffing, timing, leadership, role and input from other boards and committees of the Town, and expectations of what outcome is being sought. Without a fuller and informed discussion of these issues, I fear we will be back to the days of setting goals that are unclear or where there is little progress possible because of the lack of clarity for staff or because of competing goals, or because we are biting off more than we can reasonably chew.

Meeting options for completion of goal setting

You had committed to waiting until after you met with the Finance Committee on October 22 to finalize the goal setting. Since you are nearing that date, you should be ready to set the next meeting date on goal setting. Two options I see are:

1. Set another special meeting, perhaps in the morning, allowing for a more in-depth discussion of these items. If you hold this before November 5, you could then vote the complete list of goals on November 5. I suggest that Tuesday, October 29th could be considered for this special meeting of the Board to discuss additional goals.
2. Include as an agenda item at the regularly scheduled Board meeting on November 5

Additional Goals that have been suggested to me are as following:

From Vice-Chairman Woodard

Affordable Housing: Use town owned property to make meaningful progress on the State mandated affordable housing objective. Action item: move forward on the disposition of the Melone property with the objective of having some combination of assisted living rental units, age restricted rental units, and other units designed to maximize the increase in the affordable housing stock while minimizing any increase in the number of school age children.

From Selectman Simon

I think it is time to consider the matter of 'deciding the direction of the rail trail' on the BOS agenda in the near future. **IF** the BOS decides it's preference is for a standard rail trail, i.e., the 'full build' option of the Concept Committee, several steps will need to be taken to carry out such a decision.

Once you finalize your additional goals, we will add to the list you already discussed and ask that you take a vote to formally adopt these goals, which we will then publicize to all other Boards and committees.

AGENDA REQUEST – Item #26
BOARD OF SELECTMEN

Requestor's Section

Item Name: *Question of "bookmarking" a rail trail design article for CPC funding, and any other CPC funded project the Board may plan to submit for CPA funding consideration.*

Date of request: *October 17, 2013*

Requestor: *Maureen Valente, Town Manager*

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

Provide direction to Town Manager on developing CPC project submissions on Rail Trail design and any other potential projects that could be submitted by the Board as the November 1 deadline is quickly approaching

Financial impact expected: *This will depend on the project*

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

Attached memo from Town Manager Maureen Valente

Recommendations/Suggested Motion/Vote:

Ask the Town Manager to develop draft project submissions if so requested by the Board of Selectmen by the project due date for Rail Trail design and any other CPC funding projects under consideration by the Selectmen

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

Town Manager Maureen Valente

Selectmen's Office Section

Date of Selectmen's Meeting: *October 22, 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 (X)	No ()
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Town of Sudbury

Town Manager's Office

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

Maureen G. Valente, Town Manager

Townmanager@town.sudbury.ma.us

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

Date: October 18, 2013
To: Board of Selectmen
From: Maureen G. Valente, Town Manager
Subject: Recreation Field Projects

I am writing to request the Board provide direction to me regarding your intention to submit any projects for CPC consideration, as well as consideration by the Capital Improvement Advisory Committee. The CPC deadline for project submission is November 1.

I am aware that Selectmen Simon will be asking the Board to formally make a decision regarding the preferred design option for the Bruce Freeman Rail Trail, and then if the Board does make this decision, follow up with a request for CPC funding to begin design work on the Rail Trail. I want to make sure that if the Board approves these actions, that we don't miss the deadline for CPC funding.

I am not aware of any other project related to the goals you have previously discussed that may require CPC funding. You have not discussed what specific steps you envision for purchase of the CSX line, but we know that DOR has opined it is not appropriate to use CPA funds for rail banked property. There is a Recreation project that might have CPC funding requested (development of Davis Field) but Recreation would be the entity to request those funds, not the Board of Selectmen.

The Board will need to consider if it wants to exercise its option to purchase the property at 233 Concord Road and if so, may want me to request CPC funds for that project by the November 1 deadline.

AGENDA REQUEST – Item #27
BOARD OF SELECTMEN

Requestor's Section

Item Name: *Scheduling a joint meeting with the Recreation Commission and the Conservation Commission*

Date of request: *October 17, 2013*

Requestor: *Maureen Valente, Town Manager*

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

Give authorization for the Town Manager to schedule a meeting with the Park and Recreation Commission and the Conservation Commission to discuss use of General Purpose Municipal land as mitigation for work in wetland areas related to Recreation Projects

Financial impact expected: *None with the proposed "land swap" of using general purpose land for conservation purposes, but the later Recreation Projects will need funding to create the fields.*

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

Attached memo from Town Manager Maureen Valente

Recommendations/Suggested Motion/Vote:

Ask the Town Manager to arrange the proposed joint meeting, and to provide additional information as may be requested by the Board of Selectmen.

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

Town Manager Maureen Valente

Selectmen's Office Section

Date of Selectmen's Meeting: *October 22, 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 (X)	No ()
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Town of Sudbury

Town Manager's Office

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

Maureen G. Valente, Town Manager

Townmanager@town.sudbury.ma.us

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

Date: October 18, 2013
To: Board of Selectmen
From: Maureen G. Valente, Town Manager
Subject: Recreation Field Projects

I am writing to request the Board approve my scheduling a joint meeting for the Board of Selectmen, the Park and Recreation Commission and the Conservation Commission to discuss a project that is under development which will need the approval of the Board of Selectmen to allow the project to move forward. Below is information about a project that Town staff and the Park and Recreation Commission have been working on for some time, and is now becoming "ripe" for consideration by you. If you approve this proposal, it will need to be confirmed by Town Meeting and will need an Appropriation from Town Meeting for funding. This was one item on your

Draft Vote of Board of Selectmen if you agree with our proposals

Question of approving the deeding up to 24 acres of Town owned property located behind Ti-Sales, known as the Parkinson land, to become conservation land under the direction of the Town's Conservation Commission, as mitigation for two Recreation Field projects: expansion of David Field on North Road, and development of the front section of Parkinson land currently used for Recreation purposes, including constructing a field and an adequate driveway into the site. The Davis Field is currently deeded as Recreation Land, and the Parkinson land (all sections) is currently deeded as General Purpose municipal land.

Background for the Davis Field Project

- a. Town Staff and the Park and Recreation Commission have long wanted to expand Davis Field to accommodate more uses, including two rectangular fields and one baseball diamond. This would allow for removing baseball from Haskell Field so that Haskell area can go back to being dedicated to rectangular field use, and add two more fields to the overall inventory of fields that can be scheduled for use by the Recreation Department. Bill Place estimates it would cost \$1.5 million dollars to do this expansion of the David Field, mostly for the fill that would be needed. Currently, the Town is not allowed to make this expansion due to wetland restrictions. The area of expansion is in a resource area under the jurisdiction of the Conservation Commission. The Park and Recreation Commission received CPA funds this past year to have a consultant design the best field use for this Recreation site and that information should be available in November, so we do not have it as yet.
- b. As mitigation for allowing this use of the resource area, Debbie Dineen feels the Commission would accept an area on the back portion of the Parkinson land where

there is a vernal pool and Natural Heritage Program mapped rare and endangered species habitat. There is some room for discussion of how much of the 24 area parcel in discussion would be needed for mitigation, but that is for a later discussion if you are interested in this project.

Background for the Parkinson /Ti-Sales Area Project

- a. Currently this land is used for a recreation purpose, even though it is not owned by the Recreation Commission. I authorized the department to use it for some limited purposes including Ultimate Frisbee. Staff has determined that with adding some fill along the narrow access driveway, the driveway could be constructed wide enough for two directions of traffic to reach the parking area and the playing area, and create a safer egress onto Hudson Road. But this would require limited filling in of wetlands area, which would require replication of the wetlands in another location in order to be permitted by the ConCom.
- b. We have discussed with Debbie and she has had preliminary discussions with the Commission that the proposed mitigation for the Davis Field described earlier (deeding Parkinson land) could also suffice as mitigation for this project as well.
- c. If the driveway/access issues are resolved for the front Parkinson Land, then it could be more actively used for recreation purposes, including possibly development of softball field. However, the final use of the field area does not need to be determined now and can be dealt with sometime in the future.

It's a "package deal"

Putting these two projects together for permitting decisions by the Conservation Commission at this time allows maximum return on the mitigation land in question and allows staff and the Park and Recreation Commission to get the development potential of these two sites resolved. And now with the question of potential rail trail parking at the Davis parking lot, it allows the Board to have final use questions regarding the Davis Field area addressed simultaneously with expansion plans for the recreational area. Further having these two items resolved will answer many questions about what fields the Town will have to schedule and maintain, and will likely meet Recreation field needs for the near future. Lastly, as the Town may be considering the question of incurring \$1 million or more for one recreational amenity (the rail trail) it allows for consideration of the costs of another major recreational amenity (Davis Field and potentially Parkinson Field area as well).

More Information

I know you need more information to consider this question of deeding the back Parkinson Land to Conservation purposes. I have attached a map to show the Parkinson land in question but the sketches to show possible field layout and parking at Davis won't be available until November when the consultants finish their work.

After your discussion of this as far as scheduling a meeting, I would also plan to schedule a site plan on the Davis parcel so you have a better idea of the area. Please let me know if there is other information you need.

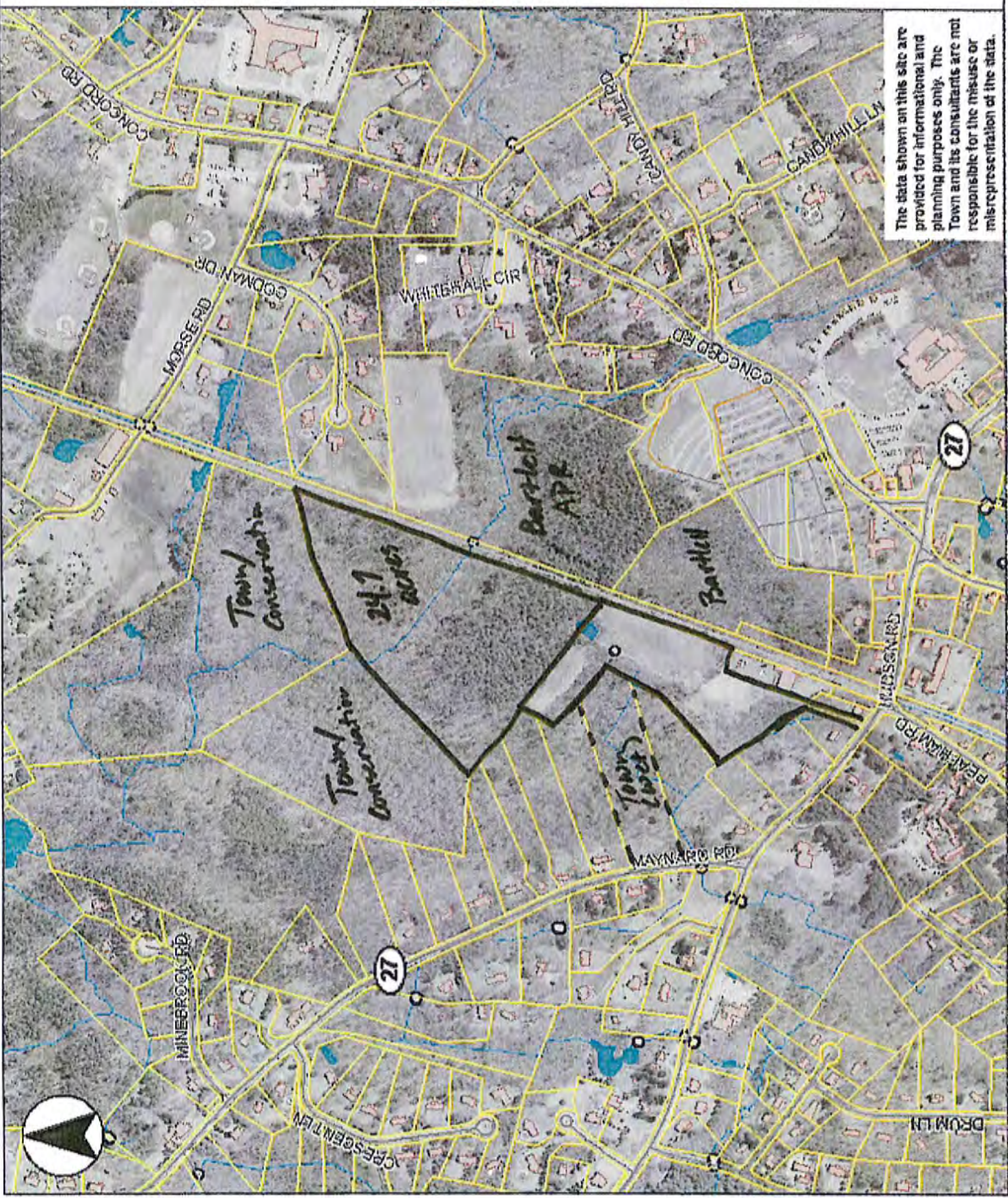
Next steps

With the agreement of the Board of Selectmen, I would like to schedule the site walk and a special joint meeting of the Selectmen, the Park and Recreation Commission and the Conservation Commission to discuss this question. You might want a meeting to discuss it first amongst yourselves at the regular Board meeting.

The staff and I look forward to hearing from you on your interest in having discussions on this matter.



- Town Boundary
- Parcels
- Parcels with Orthos
- Parcels with Orthos
- Parcels
- Abandoned Railroad
- Street Centerlines
- Paired Road
- Unpaired Road
- Drainage
- Culverts
- Dams
- Drainage Ditches
- Headwalls
- Buildings
- Streams
- Open Water
- Shooting Towers



The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.

Parkinson Land

AGENDA REQUEST - Item #28

BOARD OF SELECTMEN

Requestor's Section:

Date of request: *October 16, 2013*

Requestor: *Sheila M. Cusolito, Executive Director, Sudbury Housing Authority*

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

Question of the Board of Selectmen writing a letter of support, at the request of the Sudbury Housing Authority, for the position taken by the SHA in opposition to the proposed housing authority reform legislation.

Financial impact expected: *none*

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

Attached memo from Sudbury Housing Authority

Recommendations/Suggested Motion/Vote:

Question of the Board of Selectmen writing a letter of support, at the request of the Sudbury Housing Authority, for the position taken by the SHA in opposition to the proposed housing authority reform legislation.

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

Selectmen's Office Section:

Date of Selectmen's Meeting: *October 22, 2013*

Board's action taken:

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

Future Agenda date (if applicable):

Town Counsel approval needed?

Yes ()

No (X)

Sudbury Housing Authority
55 Hudson Road
Sudbury, MA 01776
sudburyhousing@verizon.net

Executive Director
Sheila M. Cusolito

Phone: 978-443-5112
Fax: 978-443-5113

October 16, 2013

To: Board of Selectman
Town of Sudbury
278 Old Sudbury Road
Sudbury, MA 01776

Sudbury Housing Trust
278 Old Sudbury Road
Sudbury, MA 01776

We are writing on behalf of the Sudbury Housing Authority to inform you of the Board of Commissioners' position on pending legislation regarding housing authorities. Last January, Governor Patrick proposed sweeping changes to MGL 121B that would consolidate the Commonwealth's 242 local housing authorities into six regional authorities. The regional housing authorities would be led by one regional executive director and a regional board, whose nine members would be appointed entirely by the governor. In addition to assuming responsibility for the fiscal and operational management of all public housing in the Commonwealth, each municipality will be required to transfer ownership of all local assets, including land, buildings, and equipment, to the regional housing authority. Although the proposal provides for the option of a five-member local housing commission, the commission's influence would be limited to advising on land use, 'significant' redevelopment decisions, and capital and operating expenditures, in contrast to its current executive, fiduciary, and management roles. The SHA Board of Commissioners opposes the governor's proposal, most especially for the loss of local control afforded by its local Board, four of whom are elected by the residents of Sudbury and one of whom is a resident of Sudbury appointed by the governor, as well as the loss of local possession of all of our assets.

Various counter-proposals have been generated in the House and Senate. Although these proposals retain local control, they dictate that a minimum of 50 housing authorities with fewer than 100 units will be required to enter into a 'collaborative management and service agency' agreement with a larger housing authority. At 91 units, the SHA is at risk of being relegated to a 'client housing authority' by the collective effect of these bills.

The Sudbury Housing Authority has grown since its inception in 1971 to its current portfolio of 91 units of elderly/handicapped and family housing, operating in the recent nearly twenty years without requiring a state subsidy and nearly quadrupling our family housing during that time. The SHA has never had an audit finding and has been praised on many occasions by the Department of Housing and Community Development and others in the affordable housing field for its well run and well maintained program. At

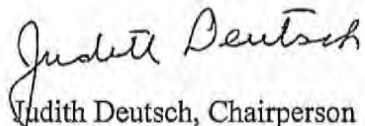
present, the SHA houses 147 residents, who benefit from the investment of time, effort, and commitment afforded by a local board that appoints its own executive director.

The Sudbury Housing Authority agrees that some improvements to the current system are in order; however, the SHA believes that such improvements do not need to be legislated. The SHA already enjoys collaborative arrangements with surrounding housing authorities and looks forward to creating additional partnerships at the discretion of its local Board. The SHA provided testimony on its position, enclosed here, at the October 1, 2013 legislative hearing on public housing governance reform.

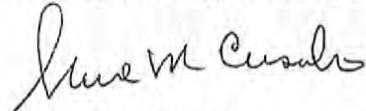
The support of the Town of Sudbury—in particular, the Board of Selectmen, the Sudbury Housing Trust, the Community Preservation Committee, and the community at large—has been integral to the success of the SHA. We would appreciate the extension of that support to the SHA Board of Commissioners' desire to retain all local control and autonomy of SHA operational and fiscal management, as well as of its real property holdings.

We respectfully ask the Board of Selectmen and the Sudbury Housing Trust to write a letter in support of our position in opposition to the proposed housing authority reforms, in particular, the loss of local control. Senator James Eldridge and Representative Kevin Honan are the co-chairs who oversaw the recent hearings of the Joint Committee on Housing. It would be most helpful if these letters are received soon at the addresses below, as the public hearings on the bills have just finished.

Sincerely,



Judith Deutsch, Chairperson
Sudbury Housing Authority Board of Commissioners



Sheila M. Cusolito
Executive Director

The Honorable James B. Eldridge
Senate Chairman
Joint Committee on Housing
State House Room 413A
Boston, MA 02133

The Honorable Kevin G. Honan
House Chairman
Joint Committee on Housing
State House, Room 38
Boston, MA 02133

Other interested parties:

The Honorable Thomas P. Conroy
State House Room 39
Boston, MA 02133

The Honorable Michael J. Barrett
State House Room 313A
Boston, MA 02133

SUDBURY HOUSING AUTHORITY

55 HUDSON ROAD
SUDBURY, MASSACHUSETTS 01776

SHEILA M. CUSOLITO
Executive Director

PHONE: (978) 443-5112
FAX: (978) 443-5113

October 1, 2013

Members of the Joint Committee on Housing:

I'm Judy Deutsch, chair of the Sudbury Housing Authority Board of Commissioners and I thank you for giving us this time to present our views.

Our Authority has 91 units. We are opposed to any forced regionalization of Housing Authorities although we think it would be helpful to all Housing Authorities and prospective tenants if an updated statewide waiting list of people seeking entrance into Housing Authority residences were available. And we think it would be very helpful if DHCD took a more active role in monitoring troubled Housing Authorities.

We also favor voluntary collaboration of Housing Authorities in areas they deem helpful. These areas might include purchase of supplies and lists of repair people, as well as the statewide list I have just mentioned. Voluntary collaboration is already taking place in the areas of legal services and health insurance.

We have existed for 42 years and have developed 91 new affordable housing units, 10 of which were completed last Winter. We are very solvent. Our rents pay our operating expenses and we are also able to put enough aside for emergencies and to give us a reserve for the purchase of future housing units.

The on-site (and in the neighborhood) availability of our Director greatly enhances the experience of our tenants. She is there to respond personally to their every request, and to help them when an emergency arises — even after hours.

Earlier this year our former Director, who just retired after 30 years of superb service, cited two such experiences. She said, "Recently our maintenance man was out sick...and I was available to plunge and snake two toilets — one on a Saturday night at 9:00 P.M., the other at 10: P.M. on a week night." She commented further that almost any small Housing Authority Director would have similar stories to tell, and doubted that a site manager hired from Boston or Worcester would consider that to be part of the job.

Our present Director was hired for those same qualities of being able to meet tenants' needs, as well as her abilities to run a financially solvent housing authority and retain community support.

And probably most importantly, our Directors have been hired by the Board of Commissioners. Four out of five of those Commissioners were elected by the Town's people, which includes the residents of our housing. If all the Sudbury Housing Authority Commissioners are appointed, it will deprive our tenants of their right to vote for the people they want to have serve them.

It's no secret that there is a great deal of resistance to the development of affordable housing in neighborhoods and towns across the Commonwealth. Overcoming that resistance is largely a matter of establishing credibility, and credibility is built over time through a record of accountability. There is an inherent level of accountability in a system in which this rather controversial local resource is developed and managed by a local Board comprised of local residents who will see their neighbors in the supermarket, at church, on the street and at PTO meetings.

When management of affordable housing comes from afar, that inherent level of accountability is lost, and with it the trusting relationships that are needed for the development of additional affordable housing — relationships and ensuing resources as varied as the endorsement of the local Rotary Club, the award of Community Preservation Funding, the cooperation of municipal departments, and financial support from the local community foundation. The list goes on and on.

It seems to us that the Governor's proposal was made in response to the malfeasance in Chelsea, and that the subsequent proposals have been made in response to the Governor's.

Instead, we support retaining independent Housing Authorities with the understanding that those that are not being run efficiently will be helped by other Authorities, and that DHCD will arrange for that.

We implore you not to gut a system that works well in a way that spoils the good apples because of a few rotten ones.

Reverend Judy Deutsch, Chair, Sudbury Housing Authority

TO SUMMARIZE

We oppose:

- Regionalization of the MA Housing Authorities.

We favor:

- Updated statewide lists of people waiting for Housing Authority units;
- Voluntary collaboration by Housing Authorities in areas they deem helpful;
- Local Housing Authority Directors being appointed by the Local Housing Authorities the Directors serve;
- DHCD taking a more active role in monitoring troubled Housing Authorities.
- At least 4 of the members of each Housing Authority should be elected by the people of the town it is in.