

**SUDBURY BOARD OF SELECTMEN - AGENDA**  
**TUESDAY, APRIL 8, 2014**  
**7:30 PM, Lower 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. 7:45 Citizen's comments on items not on the agenda
5. 7:50 Meet with CliftonLarsonAllen. LLP to discuss FY13 audited financial statements
6. 8:20 **POSTPONED TO 4/29:** Discussion with proponent of Town Meeting Petition Article #43 - Sale of Land Under C61A (*petitioner Susan Doherty unable to attend*)
7. 8:30 **Vote** Meet with Friends of the Bruce Freeman Rail Trail, and vote to accept a gift of \$58,700 (*Tom Michelman, president of the Friends of the Bruce Freeman Rail Trail, will attend*)
8. 8:45 Discussion with Park & Recreation Commission on future development of Featherland recreation area.
9. 9:00 Discussion regarding Minuteman Article #27 on proposed regional agreement changes (*Dan Matthews, chairman of Needham Board of Selectmen, and member of the Task Force which developed the new Regional Agreement, will attend.*)

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**Consent Calendar:**

10. **Vote** Vote to approve the March 25, 2014 regular session meeting minutes.
11. **Vote/Sign** Vote to acknowledge that the month of May is Military Appreciation Month in Sudbury and to sign a proclamation acknowledging this event, which document will be recorded in the military album on display at Goodnow Public Library.
12. **Vote/Sign** Vote to sign a proclamation for U.S. Army SPC Timothy Bradford Hall, acknowledging his safe return home after spending nine months in Afghanistan, and proclaiming Friday, April 11, 2014 as Timothy Hall Day in Sudbury.
13. **Vote/Sign** Vote to accept the resignation of Judith Gross, 9 Blandford Drive, from the Sudbury Celebrates 375/Sudbury Day Committee as noted in an email dated April 25, 2013, and to send a letter of thanks for her service to the Town.
14. **Vote/Sign** Vote to approve and sign the Annual Town Meeting warrant as presented to be posted at Town Hall and delivered to all residents no later than April 28, 2014.

*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 State 9-1-1 Training and EMD/Regulatory Compliance grant in the amount of \$12,914.66 to the Sudbury Police Department, said funds to be used at the discretion of the Police Chief.
  
16. ***Vote***           Vote to dissolve the Town Counsel Search Committee, established September 3, 2013 by the Sudbury Board of Selectmen, at the request of committee chair Myron Fox.

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

# AGENDA REQUEST - Item #5

## BOARD OF SELECTMEN

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

**Date of request:** 1/14/14

**Requestor:** Andrea Terkelsen

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

Meet with CliftonLarsenAllen, LLP concerning the FY13 audited financial statements

**Financial impact expected:** N/A

**Background information (if applicable, please attach if necessary):** CAFR financial statement, management letter, and SPS grants financial report will be provided prior to the meeting

**TO BOARD: Please bring your hard copy CAFR financial statements to the meeting. They were distributed last month.**

**Recommendations/Suggested Motion/Vote:** Vote to accept the FY13 audited financial statements as presented by the audit firm of CliftonLarsenAllen, LLP.

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

Andrea Terkelsen, Finance Director; Barbara Chisholm, Town Accountant; Matt Hunt, managing partner of the firm

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

**Date of Selectmen's Meeting:** 4/8/14

**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 ( )**

**TOWN OF SUDBURY, MASSACHUSETTS**

**MANAGEMENT LETTER**

**JUNE 30, 2013**





*Certified Public Accountants*

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To the Honorable Board of Selectmen  
Town of Sudbury, Massachusetts

In planning and performing our audit of the financial statements of the Town of Sudbury, Massachusetts (Town) as of and for the year ended June 30, 2013, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, we considered the Town's internal control over financial reporting (internal control) as a basis for designing our auditing procedures for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Town's internal control. Accordingly, we do not express an opinion on the effectiveness of the Town's internal control.

However, during our audit we became aware of a matter that is an opportunity for strengthening internal controls and operating efficiency. We also want to make you aware of a recently issued accounting standard that will significantly impact your financial statements in future years. The memorandum that accompanies this letter summarizes our comments and recommendations regarding those matters. This letter does not affect our report dated December 6, 2013, on the financial statements of the Town.

The Town's written responses to the matters identified in our audit have not been subjected to the audit procedures applied in the audit of the financial statements and, accordingly, we express no opinion on them.

This communication is intended solely for the information and use of management, the Board of Selectmen and others within the organization and should not be used by anyone other than these specified parties.

*Sullivan, Rogers & Company, LLC*

December 6, 2013

**TOWN OF SUDBURY, MASSACHUSETTS**

**MANAGEMENT LETTER**

**JUNE 30, 2013**

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**TABLE OF CONTENTS**

	Page
Comments and Recommendations .....	1
Risk Assessment and Monitoring .....	1
Pension Accounting and Financial Reporting .....	3

## Comments and Recommendations

### Risk Assessment and Monitoring

#### Comment

As identified in prior years' Management Letters, when internal controls are *initially* implemented, they are usually designed to adequately safeguard assets. However, over time, these controls can become ineffective due to changes in technology, operations, etc. In addition, changes in personnel and structure, as well as the addition of new programs and services, can add risks that previously did not exist. As a result, all municipalities must periodically perform a risk assessment to anticipate, identify, analyze and manage the risk of asset misappropriation. Risk assessment (including fraud risk assessment), is one element of internal control.

The risk assessment should be performed by management-level employees who have extensive knowledge of the Town's operations. Ordinarily, the management-level employees would conduct interviews or lead group discussions with personnel who have knowledge of the Town's operations, its environment, and its processes. The risk assessment process should consider the Town's vulnerability to misappropriation of assets. It should also address operations that involve heightened levels of risk. When conducting the assessment, the following questions should be considered:

- What assets are susceptible to misappropriation?
- What departments receive cash receipts?
- What departments have movable inventory?
- What operations are the most complex?
- How could assets be stolen?
- Are there any known internal control weaknesses that would allow misappropriation of assets to occur and remain undetected?
- How could potential misappropriation of assets be concealed?
- What prior internal control issues could still continue to be problematic?

Once the areas vulnerable to risks have been identified, a review of the Town's systems, procedures, and existing controls related to these areas should be conducted. The Town should consider what additional controls (if any) need to be implemented to reduce risk.

After risk has been assessed, periodic monitoring of the identified risk areas must be performed in order to evaluate the controls that have been implemented to mitigate the risks. Since control-related policies and procedures tend to deteriorate over time, the monitoring process ensures that controls are fully operational and effective.

During fiscal year 2012, the Town finalized an "Anti-Fraud Policies and Procedures" manual. In addition, the Town developed "Internal Controls Questionnaire" forms that were distributed to various departments during fiscal year 2013. While these measures represent elements of risk assessment and monitoring, additional steps must be taken in order to fully establish a comprehensive risk assessment and monitoring program.

### Recommendation

We recommend management develop and implement a risk assessment program to periodically anticipate, identify, analyze, and manage the risk of asset misappropriation. The completed "Internal Controls Questionnaire" forms referred to previously should be used to assist in identifying potential risks. The risk assessment program should be formally documented and become part of the Town's financial policies and procedures manual.

We recommend management develop and implement a monitoring program to periodically evaluate the operational effectiveness of internal controls. The completed "Internal Controls Questionnaire" forms referred to previously should be used to assist in identifying controls to be evaluated. The monitoring process should be documented in order to facilitate the evaluation of controls and to identify improvements that need to be made.

### Management's Response

Management is working towards completing Internal Control Questionnaire forms for all Town departments in fiscal year 2014. The results of this process will be used to develop a formal Risk Assessment program for all areas directly under the control of the Town Manager and Board of Selectmen.

## **Pension Accounting and Financial Reporting**

### Comment

In June of 2012, the Governmental Accounting Standards Board (GASB) issued Statement No. 68, *Financial Reporting for Pension Plans – an Amendment of GASB Statement No. 25*, which revises and establishes new financial reporting requirements for governments that provide pension benefits to its employees and retirees.

The implementation of this Statement will represent a significant change in the accounting and reporting of pension expense and the related liability. For the first time, the Town will be required to recognize its long-term obligation for pension benefits as a liability in its government-wide financial statements. The implementation of this Statement will also:

- More comprehensively measure the annual costs of pension benefits
- Place conditions on the use of the discount rate used to measure the projected benefit payments to their actuarial present value
- Require the use of the “entry age” actuarial cost allocation method, with each period’s service cost determined by a level percentage of pay (referred to as attribution method)
- Expand pension related note disclosures
- Expand pension related required supplementary information disclosures

The requirements of this Statement will improve the decision-usefulness of pension information in governmental financial statements and will enhance the comparability of pension information between governmental entities.

Given the significance of the pension fund liability, the financial reporting impact under the new standard will significantly affect the Town’s financial statements.

It should be noted that the implementation of GASB Statement No. 68 is strictly a financial reporting standard and does not constitute a state or federal mandate regarding the funding of the net pension obligation.

The Town’s required implementation date of GASB Statement No. 68 is fiscal year 2015.

### Recommendation

We recommend management continue to familiarize itself with GASB Statement No. 68 to prepare for its implementation.

### Management’s Response

Management will work with the auditors to prepare for the implementation scheduled for fiscal year 2015.

**TOWN OF SUDBURY, MASSACHUSETTS**  
**GAO AND OMB A-133 REPORTS**  
**FOR THE FISCAL YEAR ENDED JUNE 30, 2013**

**TOWN OF SUDBURY, MASSACHUSETTS**  
**GAO AND OMB A-133 REPORTS**  
**FOR THE FISCAL YEAR ENDED JUNE 30, 2013**

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**TABLE OF CONTENTS**

	<b>Page</b>
Independent Auditors' Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards	1
Independent Auditors' Report on Compliance for Each Major Program and on Internal Control Over Compliance Required by OMB Circular A-133	3
Schedule of Expenditures of Federal Awards	7
Notes to Schedule of Expenditures of Federal Awards	9
Schedule of Findings and Questioned Costs	10



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**Independent Auditors' Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards**

To the Honorable Board of Selectmen  
Town of Sudbury, Massachusetts

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town of Sudbury, Massachusetts, as of and for the fiscal year ended June 30, 2013, and the related notes to the financial statements, which collectively comprise the Town of Sudbury, Massachusetts' basic financial statements, and have issued our report thereon dated December 6, 2013.

**Internal Control Over Financial Reporting**

In planning and performing our audit of the financial statements, we considered the Town of Sudbury, Massachusetts' internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Town of Sudbury, Massachusetts' internal control. Accordingly, we do not express an opinion on the effectiveness of the Town of Sudbury, Massachusetts' internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or, significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

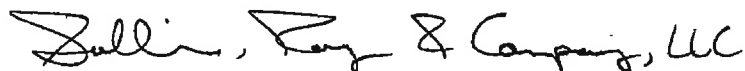


## Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Town of Sudbury, Massachusetts' financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

## Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.



December 6, 2013



*Certified Public Accountants*

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**Independent Auditors' Report on Compliance for Each Major Program and on  
Internal Control Over Compliance Required by OMB Circular A-133**

To the Honorable Board of Selectmen  
Town of Sudbury, Massachusetts

**Report on Compliance for Each Major Federal Program**

We have audited the Town of Sudbury, Massachusetts' compliance with the types of compliance requirements described in the *OMB Circular A-133 Compliance Supplement* that could have a direct and material effect on each of the Town of Sudbury, Massachusetts' major federal programs for the fiscal year ended June 30, 2013. The Town of Sudbury, Massachusetts' major federal programs are identified in the summary of auditors' results section of the accompanying schedule of findings and questioned costs

***Management's Responsibility***

Management is responsible for compliance with the requirements of laws, regulations, contracts, and grants applicable to its federal programs.

***Auditor's Responsibility***

Our responsibility is to express an opinion on compliance for each of the Town of Sudbury, Massachusetts' major federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*. Those standards and OMB Circular A-133 require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the Town of Sudbury, Massachusetts' compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program. However, our audit does not provide a legal determination of the Town of Sudbury, Massachusetts' compliance.

***Opinion on Each Major Federal Program***

In our opinion, the Town of Sudbury, Massachusetts complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the fiscal year ended June 30, 2013.

## *Other Matters*

The results of our auditing procedures disclosed one instance of noncompliance, which is required to be reported in accordance with OMB Circular A-133 and which is described in the accompanying schedule of findings and questioned costs as item 2013-001. Our opinion on the major federal program is not modified with respect to this matter.

The Town of Sudbury, Massachusetts' response to the noncompliance finding identified in our audit is described in the accompanying schedule of findings and questioned costs. The Town of Sudbury, Massachusetts' response was not subjected to the auditing procedures applied in the audit of compliance and, accordingly, we express no opinion on the response.

## **Report on Internal Control over Compliance**

Management of the Town of Sudbury, Massachusetts is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to previously. In planning and performing our audit of compliance, we considered the Town of Sudbury, Massachusetts' internal control over compliance with the types of requirements that could have a direct and material effect on each major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major federal program and to test and report on internal control over compliance in accordance with OMB Circular A-133, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the Town of Sudbury, Massachusetts' internal control over compliance.

*A deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. *A material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. *A significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, we identified a certain deficiency in internal control over compliance, as described in the accompanying schedule of findings and questioned costs as item 2013-001, that we consider to be a significant deficiency.

The Town of Sudbury, Massachusetts' response to the internal control over compliance finding identified in our audit is described in the accompanying schedule of findings and questioned costs. The Town of Sudbury, Massachusetts' response was not subjected to the auditing procedures applied in the audit of compliance and, accordingly, we express no opinion on the response.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of OMB Circular A-133. Accordingly, this report is not suitable for any other purpose.

## Report on Schedule of Expenditures of Federal Awards Required by OMB Circular A-133

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town of Sudbury, Massachusetts, as of and for the fiscal year ended June 30, 2013, and the related notes to the financial statements, which collectively comprise the Town of Sudbury, Massachusetts' basic financial statements. We issued our report thereon dated December 6, 2013, which contained unmodified opinions on those financial statements. Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the basic financial statements. The accompanying schedule of expenditures of federal awards is presented for purposes of additional analysis as required by OMB Circular A-133 and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of federal awards is fairly stated in all material respects in relation to the basic financial statements as a whole.



December 6, 2013

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**SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS**

FOR THE FISCAL YEAR ENDED JUNE 30, 2013

<u>Federal Grantor/ Pass-Through Grantor/ Program</u>	<u>Federal CFDA Number</u>	<u>Pass-through Identifying Number</u>	<u>Federal Expenditures</u>
<b>U.S. Department of Agriculture</b>			
<u>Passed through the State Department of Elementary &amp; Secondary Education:</u>			
<i>Child Nutrition Cluster</i>			
School Breakfast Program - Cash Assistance	10.553	09-288	\$ 11,490
National School Lunch Program - Cash Assistance	10.555	09-288	74,022
National School Lunch Program - Non-Cash Assistance (Commodities)	10.555	09-288	<u>26,994</u>
Total U.S. Department of Agriculture			<u>112,506</u>
<b>U.S. Department of Energy</b>			
<u>Passed through State Department of Energy Resources:</u>			
ARRA - Energy Efficiency and Conservation Block Grant	81.128	ENE 2010ENEP01SUDB0698 03	<u>9,491</u>
<b>U.S. Department of Education</b>			
<u>Passed through the State Department of Elementary &amp; Secondary Education:</u>			
<i>Title I, Part A Cluster</i>			
Title I Distribution (fiscal year 2012)	84.010	305-049-2-0288-M	188
Title I Distribution (fiscal year 2013)	84.010	0305-000498-2013-0288	60,821
<i>Special Education Cluster</i>			
SPED 94-142 Allocation (fiscal year 2011)	84.027	240-243-1-0288-L	5,979
SPED 94-142 Allocation (fiscal year 2012)	84.027	240-321-2-0288-M	109,255
SPED 94-142 Allocation (fiscal year 2013)	84.027	240-154-3-0288-N	480,841
SPED Program Improvement (fiscal year 2012)	84.027	274-202-2-0288-M	8,505
SPED Program Improvement (fiscal year 2013)	84.027	274-288-3-0288-N	10,832
<u>Passed through the State Department of Early Education and Care:</u>			
<i>Special Education Cluster (continued)</i>			
SPED Early Childhood Allocation (fiscal year 2012)	84.173	26212 SudburyPublicSC	2,191
SPED Early Childhood Allocation (fiscal year 2013)	84.173	26213 SudburyPublicSC	15,441
<u>Passed through the State Department of Elementary &amp; Secondary Education:</u>			
Title IIA - Improving Teacher Quality (fiscal year 2012)	84.367	140-064-2-0288-M	5,105
Title IIA - Improving Teacher Quality (fiscal year 2013)	84.367	0140-000578-2013-0288	30,875
<i>State Fiscal Stabilization Fund Cluster - Race to the Top Incentive Grants</i>			
ARRA - Race to the Top	84.395	201-000380-2013-0288	10,098
ARRA - Education Jobs Grant (fiscal year 2012)	84.410	206-205-2-0288-M	15,131
<u>Passed through the City of Newton, Massachusetts:</u>			
Teaching American History Grant	84.215X	Not Available	<u>5,200</u>
Total U.S. Department of Education			<u>760,462</u>
<b>U.S. Department of Health and Human Services</b>			
<u>Passed through the State Department of Health and Human Services:</u>			
School-Based Medicaid Reimbursement Program	93.778	1952927	<u>11,936</u>

SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS

FOR THE FISCAL YEAR ENDED JUNE 30, 2013

Federal Grantor/ Pass-Through Grantor/ Program	Federal CFDA Number	Pass-through Identifying Number	Federal Expenditures
<b>U.S. Department of Homeland Security</b>			
<u>Passed through the State Office of Emergency Management:</u>			
Public Assistance Grants	97.036	CDA CTFEMA4051SUDBU00376	4,844
Emergency Management Performance Grants	97.042	FY13EMPG11000SUDBURY	8,983
Citizen Corps Program	97.067	FFY132010CCPSUDBURY	<u>4,147</u>
Total U.S. Department of Homeland Security			<u>17,974</u>
 Total			 <u>\$ 912,369</u>

See notes to schedule of expenditures of federal awards.

**Note 1 – Basis of Presentation**

The accompanying schedule of expenditures of federal awards includes the federal grant activity of the Town of Sudbury, Massachusetts and is presented on the modified accrual basis of accounting. The information included in the schedule is presented in accordance with the requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations. Therefore, some amounts presented in this schedule may differ from amounts presented in, or used in the preparation of, the financial statements.

**Note 2 – U.S. Department of Agriculture Programs**

The amount reported for the National School Lunch Program – Non-Cash Assistance (Commodities) represents non-monetary assistance and is reported in the schedule at the fair market value of the commodities received. The amounts reported for the School Breakfast Program and National School Lunch Program – Cash Assistance represent cash receipts from federal reimbursements.

**Note 3 – U.S. Department of Health and Human Services Programs**

The amount reported for the School-Based Medicaid Reimbursement Program represents federal cash receipts related to Administrative Activity Claims.

**Note 4 – U.S. Department of Homeland Security**

The amounts reported for the Public Assistance Grants, Emergency Management Performance Grants, and Citizen Corps Program represent federal cash receipts.



**A. Summary of Auditors' Results**

*Financial Statements*

Type of auditors' report issued: Unmodified

Internal Control over Financial Reporting:

- Material weakness(es) identified? \_\_\_\_\_ Yes       X       No
- Significant deficiency(ies) identified? \_\_\_\_\_ Yes       X       No

Noncompliance material to the financial statements noted? \_\_\_\_\_ Yes       X       No

*Federal Awards*

Internal control over major programs:

- Material weakness(es) identified? \_\_\_\_\_ Yes       X       No
- Significant deficiency(ies) identified that are not considered to be material weaknesses?       X       Yes \_\_\_\_\_ No

Type of auditors' report on compliance for major programs: Unmodified

Were any findings disclosed that are required to be reported in accordance with Section 510(a) of OMB Circular A-133?       X       Yes \_\_\_\_\_ No

*Identification of Major Programs:*

Name of federal program or cluster	CFDA Number
<i>Special Education Cluster</i>	
SPED 94-142 Allocation	84.027
SPED Program Improvement	84.027
SPED Early Childhood Allocation	84.173

Dollar threshold used to distinguish between Type A and Type B programs: \$ 300,000

Auditee qualified as a low-risk auditee? \_\_\_\_\_ Yes       X       No

**B. Findings - Financial Statement Audit**

None

**C. Findings and Questioned Costs - Major Federal Award Programs Audit****DEPARTMENT OF EDUCATION***Noncompliance and Significant Deficiency in Internal Control Over Major Programs*

2013-001      Special Education Cluster - CFDA No.'s 84.027 and 84.173; Fiscal year ended June 30, 2013

Compliance Requirement: Reporting

*Criteria:* The Town is required to submit Final Financial Reports (FR-1) to the pass-through entity, Massachusetts Department of Elementary and Secondary Education (DESE), by October 31<sup>st</sup> each year to close out the Special Education Grants. Only actual expenses paid may be reported on the FR-1's, and encumbrances should be considered unobligated funds that need to be returned to the DESE and re-applied for in the subsequent grant period.

*Condition:* The "Funds Expended" amounts reported on the FR-1's submitted to the DESE included open encumbrances.

*Context:* The amount of open encumbrances reported on the FR-1's totaled approximately \$1,329.

*Effect:* There was noncompliance with, and a significant deficiency in internal control over, the federal award program's reporting requirements.

*Cause:* Policies and procedures were not in place to report "Funds Expended" on the FR-1's in accordance with DESE requirements.

*Questioned Costs:* None

*Auditors' Recommendation:* Policies and procedures must be implemented to ensure that only actual expenses paid with grant funds are reported on FR-1's. Encumbrances must be reported as unobligated funds and re-applied for in the subsequent grant year.

*Views of Responsible Officials and Corrective Action:* As of October 31, 2013, the school district was in possession of invoices for all open encumbrances (a total of \$1,329.33). Due to problems with obtaining appropriate documentation (i.e., W-9s, etc.), the invoices had yet to be paid. The open encumbrances represented true obligations to the grant. In the future, all encumbrances will be closed out by October 31. Funds for any outstanding invoices will be re-applied for in the subsequent grant period.

**D. Summary of Prior Audit Findings****MAJOR FEDERAL AWARD PROGRAMS AUDIT****Department of Education***Material Weakness in the Internal Control over Major Programs*

2012-001      Special Education Cluster - CFDA No.'s 84.027, 84.173, 84.391, 84.392; Fiscal year ended June 30, 2012

Compliance Requirements: Activities Allowed/Unallowed and Allowable Costs/Cost Principles

*Condition:* Seven of the twelve federal grant invoices tested did not contain any evidence of the Grant Administrator's (or other supervisory personnel) review and approval prior to payment.

*Current Status:* This finding has been resolved.

# AGENDA REQUEST – Item #6

## BOARD OF SELECTMEN

### Requestor's Section

**Date of request:** *March 27, 2014*

**Requestor:** *Board of Selectmen at prior meeting*

**Action requested:** *Discussion of Town Meeting petition article #43 – Sale of Land Under C61A*

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

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

**Recommendations/Suggested Motion/Vote:** *NONE*

**Person(s) expected to represent Requestor at Selectmen's Meeting:**  
**NONE – THIS HAS BEEN POSTPONED TO 4/29. PETITIONER UNABLE TO ATTEND 4/8 DUE TO PERSONAL CIRCUMSTANCES.**

### Selectmen's Office Section

**Date of Selectmen's Meeting:** *April 8, 2014*

**Board's action taken:**

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

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

**Distribution:**

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

# AGENDA REQUEST - Item #7

## BOARD OF SELECTMEN

### Requestor's Section:

**Date of request:** *April 2, 2014*

**Requestor:** *Tom Michelman, President of the Friends of the Bruce Freeman Rail Trail*

**Action requested:**

*Meet with Friends of the Bruce Freeman Rail Trail, and vote to accept \$58,700 gift*

**Financial impact expected:** *funds toward this project*

**Background information:** *see attached*

**Recommendations/Suggested Motion/Vote:** *Vote to accept a gift of \$58,700 from the Friends of the Bruce Freeman Rail Trail for the purpose of funding 100% of cost of a 25% design study in the Right of Way (ROW) and according to Mass DOT guidelines for the extension of the Bruce Freeman Rail Trail for the approximately ½ mile segment of the Bruce Freeman Rail Trail from the Concord/Sudbury town line to the south side of Route 117 in Sudbury, plus a parking count for the Davis Field Recreation Field parking area.*

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

### Selectmen's Office Section:

**Date of Selectmen's Meeting:** *April 8, 2014*

**Board's action taken:**

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

**Distribution:**

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

**MOTION:** To accept a gift of \$58,700 from the Friends of the Bruce Freeman Rail Trail

Move to accept a gift of \$58,700 from the Friends of the Bruce Freeman Rail Trail for the purpose of funding 100% of cost of a 25% design study in the Right of Way (ROW) and according to MassDOT guidelines for the extension of the Bruce Freeman Rail Trail for the approximately 1/2 mile segment of the Bruce Freeman Rail Trail from the Concord/Sudbury town line to the south side of Route 117 in Sudbury, plus a parking count for the Davis Field Recreation Field parking area.

April 2, 2014



In response to a question from Selectman O'Brien, Chief Nix explained how the use of a taser could be directed and he explained the different cartridges. He also noted several other communities using ECWs and tasers.

Chairman Drobinski noted the Chief does not require the Board's approval for implementing ECWs, and he is only providing an informational update of the Department's decision.

In response to a question from Selectman Simon, Chief Nix explained the different modes available and that the device cannot be set to a safety position.

At 9:56 p.m., Chairman Drobinski thanked the Departments for their updates tonight and their work throughout the year.

Town Manager Valente stated a lot has been accomplished in the past year. She noted Sudbury runs a "lean" operation, but she is proud of everything the Department leaders and their staffs have been able to accomplish.

#### **Friends of the Bruce Freeman Rail Trail – Donation Proposal**

At 9:56 p.m., Chairman Drobinski opened the discussion regarding a proposal presented to the Board of Selectmen from the Friends of the Bruce Freeman Rail Trail to raise funds for construction of a portion of a rail trail in Sudbury. The Board was previously in receipt of copies of a memorandum from Town Manager Valente dated September 9, 2013. In addition, copies of a draft motion prepared by Selectman Simon, an email from Council on Aging Chairman Jack Ryan dated August 16, 2013 and an email from President of the Friends of the Bruce Freeman Rail Trail Tom Michelman dated September 17, 2013 were distributed.

Town Manager Valente summarized her memo, stating she worked with Town Counsel to provide the Board with a draft vote for consideration. She stated an alternative motion has also been suggested by Selectman Simon and a revised version has been circulated tonight.

Selectman Simon stated the Friends initially made its offer in June 2011 and revised its offer in August 2013. He summarized the intentions of the offer to raise \$58,700 to pay for the 25% design adhering to State Department of Transportation (DOT) guidelines for a half-mile stretch of the rail trail on Route 117. Selectman Simon stated he has prepared a revised motion which he believes more simply allows the Board to accept the offer, which does not include more conditions and does not obligate the Town to future actions beyond its purpose. He emphasized that, although it is preferable to abide by local bylaws, he does not believe it should be a requirement of a rail trail proposal, if it presents an obstacle to the trail coming to fruition.

Chairman Drobinski referenced the motion drafted by Town staff, noting it sends a positive message of accepting the offer. He emphasized it is important for the Town to also include protections for itself.

Selectman Haarde stated he prefers the motion prepared by Town staff because he believes it is important for the Town to comply with its own bylaws. He also stated it is important to ensure Sudbury does not yield any of its rail trail control to neighboring towns and that the ramifications for parking at Davis Field are better understood.

Selectman Simon stated his proposed motion does not yield any control to any other party. He emphasized the Town is not at the stage of entering into a full contract for anything at this time.

Selectman O'Brien stated he prefers the specificity of the motion drafted by Town staff. He believes it is important for the Town to maintain flexibility for when the Request for Proposal (RFP) process would begin so as not to coincide with other priorities.

Selectman Simon referenced his draft motion, stating he has attempted to eliminate any references of potential friction, including language regarding the initial \$5,000 gift proposed.

Vice-Chairman Woodard noted there is nothing in Selectman Simon's revised motion regarding timing for the RFP process. He also stated Mr. Michelman and the Friends have been well advised of the future process and timing. Vice-Chairman Woodard recommended, and the Board concurred, that Selectman Simon's motion be amended to add the words "100% of the cost of" after the word "funding" in the third sentence.

Selectman O'Brien suggested a straw poll be taken. Selectman Simon supported his own motion, Selectman O'Brien stated he prefers the specificity of the Town staff motion. Selectman Haarde stated he prefers the Town staff motion, and he views it as a win-win for all. Vice-Chairman Woodard stated he prefers the simplicity of Selectman Simon's motion and Chairman Drobinski concurred with Vice-Chairman Woodard.

It was on motion

VOTED: To advise the Friends of the Bruce Freeman Rail Trail that the Board of Selectmen are receptive to and will vote to accept a gift of \$58,700 from the Friends of the Bruce Freeman Rail Trail (FBFRT) for the purpose of funding 100% of the cost of a 25% design study in the Right of Way (ROW) and according to MassDOT guidelines for the extension of the Bruce Freeman Rail Trail for the approximately ½ mile segment of the BFRT from the Concord/Sudbury town line to the south side of Route 117 in Sudbury, plus a parking count for the Davis Field Recreation Field parking area.

Selectmen O'Brien and Haarde voted in opposition to this motion. However, both emphasized they support the rail trail and they have voted tonight only in opposition to the language presented in the motion.

#### **Board of Selectmen – Goal Setting Update and Next Steps**

Present: Sudbury resident Bryan Semple

At 10:29 p.m., Chairman Drobinski opened a discussion regarding the Board's goals for FY14. The Board was previously in receipt of copies of a memorandum from Town Manager Valente dated September 12, 2013, an email from Sudbury resident Bryan Semple and attached comments dated September 12, 2013. In addition, copies of an email from Vice-Chairman Woodard to Mr. Semple dated September 16, 2013 was distributed tonight.

Town Manager Valente summarized her memo. She noted Director of Planning and Community Development Jody Kablack suggested the Board reviews the Town's Housing Production Plan for applicable information regarding housing goals.

Sudbury resident Bryan Semple, 15 Revere Road, requested this time for his Citizen's Comments. Mr. Semple addressed the Board referencing notes which he stated were revised from previous copies given to the Board. He stated he believes it is critical for the Town to establish a Chapter 40B strategy. Mr. Semple does not believe the Town can achieve its affordable housing quota through home-ownership units, and he believes a plan focused on rental properties must be developed.





# DRAFT

Town of Sudbury

Park and Recreation Commission  
Meeting Minutes  
March 10, 2014

Present: Commissioners- Paul Griffin, Jim Marotta, Todj Gozdeck, Bobby Beagan  
Guests: Mike Ensley and another representative from Little League

Meeting started at 6:30pm.

Minutes from February 10th were approved with corrections 3-0 (B.Beagan did not vote)

**Gale Contract** – Commissioners discussed the Gale contract and the status of Davis field. Paul stated he would like the entire field brought up to grade and would like to see it with mixed use. He did not think there was a need to specify how the field would be laid out at this time. He stated he felt the field would have to be raised 4-6 feet and that parking would be the most challenging at Davis. He felt the Rail Trail development could also add to the parking issues.

Jim Marotta asked if the Gale plan included the potential need for the Rail Trail parking.

Todj Gozdeck stated he felt all 3 Gale plans included parking. It was stated that Gale should be contacted to see if in fact their plans include parking for Rail Trail use.

Todj questioned whether the Commission wanted to make a decision on one of the Gale plans for Davis. Paul reiterated he would like to wait and see the field brought up to grade before designing the field layout. Todj stated he didn't think any of the 3 Gale plans included raising the level of the field. He thought the plans were presented as already graded.

The next steps were identified as getting in touch with Gale regarding the parking and asking if the Rail Trail was taken into consideration. The Commissioners also wanted to see if the Gale plans include the bringing the field up to grade.

It was stated that Gale should be invited to the next meeting to discuss costs, design and to get a final plan for Davis.

Jim stated he is interested in getting a timeline for Davis and the plans to see what will be required in the development.

**Featherland Field** - An email from Nancy McShea was discussed regarding the potential of leasing use and maintenance of Featherland field to Little League. There was a possibility that the idea would be on the BOS agenda March 11th, but it was removed and would not be discussed.

The potential lease idea needs to be discussed first at the BOS level.

Todj Gozdeck asked Mike Ensley if baseball was interested in this plan. Mr. Ensley stated that he thought Little League voted in favor of the idea. This idea would need to be discussed with the Board of Selectmen and Town Counsel and approved at Town Meeting. Todj stated he spoke with the several Selectmen regarding the idea. Little League would not own the field, but would lease it from the town and be responsible for the maintenance.

The Commission discussed what that would actually mean; who would provide all necessary maintenance, would Little League still pay a permit fee, would others who used the field pay Little League or Park and Recreation the permit fee. It was felt that many areas would have to be worked out if this idea moved forward.

Jim Marotta asked what the reason was for suggesting Little League lease the field. Little League would be doing the work renovating the field and would like to get it ready the 50/70 ft. diamond renovated and to play in spring of 2015.

**Capital Plan** - He would like to review it again and move some items around but suggested waiting until Nancy returned from medical leave.

**Old Items**- Nothing new on the Memorandum of Understanding with LSRHS or the Cutting Field sign, although Paul said there was a change in personnel and he is still working on it.

The meeting was adjourned at 7:45pm.

Next meeting is scheduled for April 15, 2014 at 6:30pm.

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Dan Matthews, Needham Selectman  
Re: Minuteman Revised Agreement – Withdrawal Process Recommendation  
Date: March 31, 2014

In working on ratification of the proposed revised Minuteman Regional School District Agreement, it has become apparent that some towns considering *approving the new agreement* in order to be able to *withdraw from the district* are concerned that once the agreement is approved, other towns may object to their withdrawal.

Under the new agreement, blocking a withdrawal would require an affirmative “no” vote by each of eight town meetings (half of the district members). Although boards of selectmen cannot bind their town meetings, the board as warrant committee could decline to put such an article in the warrant unless required by law, as in a citizens petition, and could commit to oppose a blocking vote in any case.

As background, in drafting the new agreement, the municipal representatives on the Agreement Study recommended that towns have a *unilateral* right to withdraw from the district (subject to reasonable notice and payment of outstanding capital shares). Waiving exercise of the blocking provisions in this instance would allay community concerns in the ratification process.

In that context, this is to recommend that the boards of selectmen of each of the member towns, including those considering withdrawing from the district, consider voting a resolution in substantially the following form:

*Resolved: That in the event of ratification of the revised the Minuteman Regional Vocational School District as approved by the Regional School Committee on March 11, 2014, in the event of notice of desire to withdraw by one or more members of the District given within one year of the effective date of the revised Agreement, the Board of Selectmen will not place a warrant article disapproving such withdrawal in a Town Meeting warrant, unless required by law, and will oppose such a disapproval article or motion in any event.*

## Information Regarding Proposed Amendment of the Minuteman School Regional Agreement

Dan Matthews, Needham Selectman  
781-444-1067  
mattlaw@comcast.net  
March 26, 2014

Ratification of the new Minuteman District agreement is important because it will help move the Minuteman MSBA Capital Project forward and allow towns that want out to leave before a decision has to be made on bonding, which will require approval of all member town meetings or a district-wide referendum.

The current facility, built in the early 1970's, is structurally sound, but has serious building systems and capital maintenance issues, does not meet current code and architectural standards, and cannot optimally support Minuteman's vocational education program. Feasibility studies for a renovation or new facility Capital Project are now in progress in coordination with the Massachusetts School Building Authority (MSBA).

If the new agreement fails, it will likely take the project with it and lock the members into operating a challenged facility with its existing problems getting worse and no MSBA participation. Resolving that downward spiral would probably take years down the road.

The new agreement *would* require low enrollment towns to make a choice about staying in at higher cost or leaving and tuitioning individual students. Above ten students per-pupil costs come down quite a bit, although the town's total cost is more. Below five students, the per-pupil cost is very high. All the town gets get by staying in is an admissions preference, and if you're only sending a few kids, there will almost certainly be room for them, both at at Minuteman and elsewhere.

Towns that want to leave should vote to ratify the new agreement, because it has a much more workable process for dissenting communities to withdraw from the district.

- The revised agreement would allow a town to withdraw from the District by town meeting vote on reasonable notice, subject to an obligation to pay its share of outstanding capital, and with approval from the State Education Commissioner, unless at least half (8) of the other members' legislative bodies vote to disapprove.

- The current agreement requires a "yes" vote by *every* district member town meeting to allow a community to withdraw, i.e., one town's "no" vote blocks withdrawal.

## **Needham 2014 Annual Town Meeting**

### **Article 30: Amend District Agreement – Minuteman Regional Vocational School District**

*Article Information: This article would approve revision of the Minuteman Regional Vocational School District Agreement. The proposed amendments would implement a number of changes intended to help the agreement work better for the district and its member communities.*

*Revision of the agreement is one element of an effort to encourage support for a major renovation or replacement project for the school. The current facility, built in the early 1970's, is structurally sound, but has serious building systems and capital maintenance issues, does not meet current code and architectural standards, and cannot optimally support Minuteman's vocational education program. Feasibility studies for the Capital Project are now in progress in coordination with the Massachusetts School Building Authority (MSBA).*

*Ratification of the revised Agreement requires Town Meeting approval in all sixteen member communities.*

*The recommended changes to the District Agreement have been requested by the Minuteman School Committee based on the work of a study committee with representation from district towns. Principal features include:*

- 1. A revised formula for sharing capital costs among member communities. The new formula includes factors for each community's enrollment at Minuteman, relative community ability to pay, and a minimum share for each community. The current formula is entirely based on enrollment.*
- 2. Reducing volatility in assessments by using a four year rolling average for enrollment based charges, which are currently based on the most recent year only.*
- 3. Partially weighted voting on the Minuteman School Committee based on each community's enrollment at Minuteman. The present agreement provides for one vote per town, even though some towns have much larger numbers of students at Minuteman and, even under the new agreement, will continue to carry a much higher percentage of the costs.*
- 4. Appointment of Minuteman School Committee members by the boards of selectmen of the sending communities (or the mayor, in the case of a city), unless the town provides otherwise by bylaw or charter. It is hoped that moving to executive branch appointments, instead of moderators' appointments, will improve accountability of the District to the member communities.*
- 5. A more workable process for dissenting communities to withdraw from the district. The revised agreement would allow a town to withdraw from the District by town meeting vote on reasonable notice, subject to an obligation to pay its share of outstanding capital, and with approval from the State Education Commissioner, unless at least half of the other members' legislative bodies vote to disapprove. The current agreement requires an affirmative vote by every member town to allow a community to withdraw.*

*These changes are intended to improve governance and cost sharing and facilitate realignment of the district before a decision has to be made on bonding the Capital Project, which will require approval of all member town meetings or a district-wide referendum.*

*Needham's number of students at Minuteman is in the median range among member communities. The new agreement will have relatively minimal near term impact for Needham in terms of operating assessments or district participation. But going forward revision to the Regional Agreement is seen as critical to the Capital Project effort.*

*If the Capital Project is not approved, the District will face difficult challenges operating and maintaining its existing facility at a higher cost and without MSBA assistance. All district communities will share those costs.*

*Additional information, including copies of the current agreement, proposed agreement, and text and summaries of the changes, will be posted with the article information on the town website, [www.needhamma.gov](http://www.needhamma.gov).*



**REGIONAL AGREEMENT**

~~Voted on June 8, 1970~~ **Minuteman Tech**

~~Revised on 11/20/73~~ ~~2/20/79~~ ~~10/7/80~~  
**Amendment #1** **Amendment #2** **Amendment #3**  
~~Modifying Budget Year~~ ~~Admission of New Towns~~ ~~Term of Office of~~  
~~Committee Members~~

~~POLICY:~~ **CATEGORY: SCHOOL COMMITTEE FILE NUMBER: 2.10**  
~~TOPICS~~ **DISTRICT AGREEMENT**

**~~AGREEMENT WITH RESPECT TO THE ESTABLISHMENT OF A TECHNICAL AND VOCATIONAL REGIONAL SCHOOL DISTRICT~~**

This Agreement is entered into pursuant to Chapter 71 of the General Laws of Massachusetts, as amended, among the towns of Acton, Arlington, Belmont, Boxborough, Carlisle, Concord, Lexington, Lincoln, Stow, Sudbury, Wayland, and Weston, and, in accordance with the provisions of Section VIII, such of the Towns of Bolton, Dover, Lancaster, and Needham as shall accept its provisions, hereinafter sometimes referred to as member towns. (Amendment #2 2/20/79). In consideration of the mutual promises herein contained, it is hereby agreed as follows:

**SECTION I: THE REGIONAL DISTRICT SCHOOL COMMITTEE**

**(A) Composition**

~~The Regional School Committee, hereinafter sometimes referred to as "the Committee," shall consist of one member from each member city or town (the term "city" and the term "town" will hereinafter be referred to jointly as "community"). The members of the Committee shall be appointed as hereinafter provided. All members will serve until their respective successors are appointed and qualified.~~

**(B) Staggering of Terms**

~~The terms of office shall begin on July 1 and shall be for three years. In order to have approximately one third of the terms of office expire at the end of each year, the initial term of office of a Committee member representing a newly admitted community may be for shorter than three years, said determination to be made by vote of the Committee (or by lot, if there is more than one community being newly admitted at the same time).~~

**(B) Initial Committee**

~~The existing Committee will continue to function as such until July 1, \_\_\_\_\_. At any time following the approval of this Revised Agreement by the member communities and by the Commissioner of Education, the Moderator (or Mayor) of each member community shall appoint an individual to serve as a member of the Regional School Committee. These "Initial Committee" appointees will take office on July 1, \_\_\_\_\_, and the length of their initial terms shall be as follows:~~

- ~~1. Initial three year term: Arlington, Acton, Wayland, Bolton, and Stow.~~

2. ~~Initial two year term: Lexington, Weston, Dover, Carlisle, and Concord.~~

3. ~~Initial one year term: Needham, Belmont, Sudbury, Lancaster, Lincoln, and Boxborough.~~

**(C) Appointing Authority**

Members who have been appointed to the School Committee by their respective Town Moderators prior to the July 1 date on which this amended language becomes effective shall serve out the remaining one, two or three years of their term. Beginning on the July 1 when this amended language becomes effective, each member shall thereafter be appointed by vote of the Board of Selectmen of that town (or by the Mayor in the case of a city), except that in the case of a town, the town may by bylaw or charter provide for appointment of that community's member by the Moderator. The language of the preceding sentence will also apply to any community newly admitted to the District whose membership in the District commences on or after the July 1 effective date of this amended language.

**(D) Subsequent Terms of Office**

Just prior to the conclusion of the initial terms spoken of in the subsection (B) above, the Appointing Authority of the member community will appoint a member of the Regional School Committee to serve a three year term beginning on July 1.

**(E) Vacancies**

Should a vacancy occur on the Regional School Committee for any reason, the unexpired term will be filled within sixty (60) days by the Appointing Authority of the community having the vacancy.

**(F) Organization**

At the first meeting of the Regional School Committee held after July 1, the Committee shall organize and choose a Chairman and a Vice-Chairman from among its membership and will choose a Secretary, who may or may not be from among its membership.

**(G) Power and Duties**

The Committee shall have all the powers and duties conferred and imposed upon school committees by law and conferred and imposed upon it by this Agreement, and such other additional powers and duties as are specified in Section 16 to 16I, inclusive, of Chapter 71 of the General Laws and any amendments or additions thereto now or hereafter enacted, or as may be specified in any other applicable general or special law.

**(H) Weighted Voting**

Each member of the Regional School Committee will exercise a weighted vote, rounded to the nearest hundredth of a percent, which will be calculated and established as of July 1 of each year as follows. The first half of the weighted vote for all of the member communities will be the same. (For example, if hypothetically there were 16 member communities, then the first half of each member's weighted vote will be 1/16 of 50%, which would be 3.125%. The second half of each member community's weighted vote will be computed as follows. Based on the official October 1 student enrollment figures as determined by the Department of Elementary and Secondary Education ("DESE"), or its successor agency, a four year "rolling average" of the school's enrollment from member communities, using the most recent year's October 1 enrollment figures and those from the three preceding years, will be established. Using the same methodology, each member community's average percentage of student enrollment from all of the member communities for

that period, rounded to the nearest hundredth of a percent, will be established and will be used as the second half of that member community's weighted vote to become effective on the following July 1. (For example, if over the four year period a member community supplied an average of 8.67% of the school's enrollment from all of the member communities, then, beginning on the following July 1 and extending for the next year, the second half of that member community's weighted vote would be 8.67% of 50%, which would be 4.335%). The two halves will then be added together, and rounded to the nearest hundredth of a percent, to establish that community's total weighted vote. (For example, using the hypotheticals expressed above in this paragraph, the hypothetical community's total weighted vote as of the July 1 in question would be 3.125% plus 4.335%, which would add to 7.46%. Assuming that a quorum as defined in subsection (I) below is present, and except for a vote to approve the annual budget, to incur debt, or to approve an amendment to this Agreement, a combined total of weighted votes amounting to over 50% of the weighted votes present shall constitute majority approval.

In order to approve the District's annual budget, a combined total of weighted votes equal to or exceeding 66.67% of the weighted vote of the entire Committee (i.e., not merely two thirds of the weighted vote of those present) shall be required.

In order to incur debt, a two-thirds (2/3) vote of all of the members of the Regional School Committee, without regard for the weight of the vote, shall be required. In order to approve an amendment to this Agreement, a three-fourths (3/4) vote of all of the members of the Regional School Committee, without regard for the weight of the vote, shall be required.

### **(I) Quorum**

A majority of the total number of members of the Regional School Committee (regardless of the weighted votes) shall constitute a quorum. A quorum is necessary for the transaction of business, but an assemblage less than a quorum may adjourn a meeting.

#### **(A) Composition**

~~The regional district school Committee, hereinafter sometimes referred to as the Committee, shall consist of one member from each member town. The members of the Committee shall be appointed as hereinafter provided. All members shall serve until their respective successors are appointed and qualified.~~

#### **(B) Initial Committee**

~~Within ten days after the establishment of the regional school district, the moderator of each member town shall appoint one member to serve on the Committee, each of whom shall have been a member of the regional school district planning board which submitted this agreement if such person is available and willing to serve. The twelve members so appointed shall serve on the Committee until their respective successors are appointed and qualified as provided in subsection 1 (C).~~

#### **(C) Appointed Members**

~~On or before April 1, 1972, the moderators of such of the towns of Acton, Arlington, Boxborough and Carlisle as shall become members of the District pursuant to Section XII shall each appoint one member to serve on the committee for a term of one year; the moderators of such of the towns of Belmont, Concord, Lincoln, and Sudbury as shall become members of the District pursuant to Section XII shall each appoint one member to serve on the Committee for a term of two years; and the moderators of such of the towns of Lexington, Stow, Wayland, and Weston as shall become members of the District pursuant to Section XII shall each appoint one member to serve on the Committee for a term of three years.~~

The moderator of each town that shall be admitted to the District pursuant to Section VIII of this Agreement shall, prior to the date on which admission takes effect, appoint one member to serve on the Committee beginning on such date for a term of three years, or for such shorter term, as may be necessary to retain symmetry of terms on the Committee as a whole. Prior to the date on which the admission of one or more new member towns is to become effective, the Committee shall determine (by lot, if there is more than one such town) the initial term of the member appointed by the moderator of each such town, unless such initial term is specified in this Agreement. In every year in which the term of office of a member expires, the moderators of the respective member towns shall each appoint one member to serve for a term of three years. The term of each member of the Committee shall commence on July 1 of the year in which he or she is appointed.

~~Amendment #2 2/20/79 — Amendment #3 10/7/80~~

~~(D) — Vacancies~~

~~If a vacancy occurs among the members appointed by the moderator under subsection 1(B), the moderator of the town involved shall within thirty days after such vacancy occurs appoint a member to serve until his successor is appointed and qualified as provided in subsection 1(C). If a vacancy occurs among the members appointed under subsection 1(C), the moderator of the member town involved shall appoint a member to serve for the balance of the unexpired term, if any.~~

~~(E) — Organization~~

~~Annually, on a date specified in the by-laws of the District, the Committee shall organize and choose by ballot a chairman and a vice chairman from among its own membership.~~

~~(F) — Power and Duties~~

~~The Committee shall have all the powers and duties conferred and imposed upon school committees by law and conferred and imposed upon it by this agreement, and such other additional powers and duties as are specified in Section 16 to 16-1, inclusive, of Chapter 71 of the General Laws and any amendments thereof or additions thereto now or hereafter enacted, or as may be specified in any other applicable general or special law.~~

~~(G) — Quorum~~

~~The quorum for the transaction of business shall be a majority of the Committee, but a number less than the majority may adjourn.~~

## **SECTION II TYPE OF REGIONAL SCHOOL DISTRICT**

The regional district school shall be a technical and vocational high school consisting of grades nine through twelve, inclusive. The Committee is also hereby authorized to establish and maintain such kinds of education, acting as trustees therefore, as may be provided by communities towns under the provisions of Chapter 74 of the General Laws and acts amendatory thereof, in addition thereto or dependent thereon, including courses beyond the secondary school level in accordance with the provisions of Section 37A of said Chapter 74.

## **SECTION III LOCATION OF THE REGIONAL DISTRICT SCHOOL**

The regional district school shall be located within the geographical limits of the District, and within a radius of 5 miles from the intersection of Route 2 and Bedford Road which intersection is in the town of Lincoln.

## **SECTION IV APPORTIONMENT AND PAYMENT OF COSTS**

### **(A) Classification of Costs**

For the purpose of apportioning assessments levied by the District against the member ~~communitiestowns~~, costs shall be divided into two categories: capital costs and operating costs.

### **(B) Capital Costs**

Capital costs shall include all expenses in the nature of capital outlay such as the cost of acquiring land, the cost of constructing, reconstructing, or adding to a school building or buildings, the cost of remodeling or making extraordinary repairs to a school building or buildings, the cost of constructing sewerage systems and sewerage treatment and disposal facilities or the cost of the purchase or use of such systems with a municipality, and any other item of capital outlay for which a regional school district may be authorized to borrow, or which could be categorized as a capital expense in conformance with applicable law and regulation, including without limitation ~~of~~ the cost of original equipment and furnishings for such school buildings or additions, plans, architects' and consultants' fees, grading and other costs incidental to placing school buildings and additions, sewerage systems and sewerage treatment and disposal facilities, and any premises related to the foregoing in operating condition. Capital costs shall also include payment of principal of and interest on bonds, notes and other obligations issued by the District to finance capital costs.

### **(C) Operating Costs**

Operating costs shall include all costs not included in capital costs as defined in subsection IV (B), but including interest on temporary notes issued by the District in anticipation of revenue.

### **(D) Apportionment of Capital Costs**

1. The following method will be used for apportioning capital costs incurred prior to July 1, 2014:

After first deducting any other sources of revenue that are appropriately applied against capital costs, capital costs shall be annually apportioned to the member towns which were members of the District as of June 30, 2014 annually for the ensuing fiscal year in the following manner. Each member town's share of capital costs for each fiscal year shall be determined by computing the ratio which the town's pupil enrollment in the regional district school on October 1 of the fiscal year next preceding the fiscal year for which the apportionment is determined bears to the total pupil enrollment from all the member towns on the said date, except that if there is an enrollment of fewer ~~less~~ than five pupils from any member town in the regional district school on said date, such member town shall be deemed to have an enrollment of five pupils in the regional district school. For the purpose of this subsection, in computing this apportionment the persons enrolled in courses or programs "persons" referred to in subsection IV (F) shall not be included. ~~Notwithstanding the foregoing, in the event that there is no enrollment in the regional district school from all the member towns on October 1 of any such year, capital costs shall be apportioned on the basis of enrollment in grades nine through twelve of pupils residing in each member town and receiving education at such town's expense on October 1 of such year. Capital costs represented by debt service shall be apportioned as a capital cost of the fiscal year in which the debt service falls due.~~



2. The following method will be used for apportioning capital costs incurred on or after July 1 2014:

After first deducting any other sources of revenue that are appropriately applied against capital costs, capital costs which are incurred on or after July 1, 2014 shall be apportioned to the member communities annually for the ensuing fiscal year in the following manner (for illustration purposes only, examples of these calculations appear in Appendix A.)

- a. Fifty percent (50%) of the capital costs will be apportioned to each of the member communities by computing the ratio which that community's pupil enrollment in the regional district school, using a rolling average based on the four (4) most recent annual October 1 enrollment figures, bears to total pupil enrollment in the regional district school from member communities, using a rolling average based on the four (4) most recent annual October 1 enrollment figures, except that if there were an enrollment of fewer than five (5) pupils from any member community in the regional district school on any of the four (4) most recent October 1 dates, such member community will be deemed to have had an enrollment of five (5) pupils in the regional district school on said date.
- b. An additional one percent (1%) of these costs will be apportioned to each of the member communities regardless of student enrollment.
- c. The balance of these costs will be apportioned by applying DESE's combined effort yield (a measure of a community's ability to pay for education using property values and household incomes) to the percentage of each community's students (as defined by foundation enrollment) that are enrolled at Minuteman. The specific calculation is as follows:
  - Each member community's pupil enrollment in the regional district school, using a rolling average based on the four (4) most recent annual October 1 enrollment figures, including the five (5) pupil minimum spoken of in 2,a above, will be identified.
  - This average regional enrollment figure for each member community will be compared to that community's most recent October 1 "foundation enrollment" figure (determined by DESE), and the percentage of that community's most recent foundation enrollment figure which is comprised of that town's average regional enrollment figure will be computed.
  - This percentage amount will be multiplied by the lesser of the "combined effort yield" or 100% of the "foundation budget" (using the most recent "final" numbers determined by DESE) for that community, resulting in a number to be called "combined effort yield at Minuteman".
  - The numbers representing each community's "combined effort yield at Minuteman" will be totaled, and each community's percentage of that total (this percentage to be called "combined effort capital assessment share") will be computed.
  - Each community's "combined effort capital assessment share" will be used to calculate the apportionment of the capital costs under this paragraph. (An

example of the calculations described in this paragraph is found in the chart headed "Calculation Factor – Ch. 70 Combined Effort Capital Allocation" appearing on page 2 of Appendix A.)

In the event that changes occur at the state level in either the terminology or the calculation formulas that lie behind the terms used in this paragraph, the Committee will use a calculation approach which replicates the apportionment outcomes that would result from this paragraph if the terms of this paragraph were applied as of the effective date of this Regional Agreement.

### **(E) Apportionment of Operating Costs**

The District will utilize the statutory method in the apportionment of operating costs. Pursuant to this method, the District will deduct from operating costs the total of any revenue from Chapter 70 state aid, Chapter 71 Regional Transportation Reimbursement, and any other revenue as determined by the Regional School Committee. The balance of all operating costs, except those described in subsection IV,F below, shall be apportioned to each member community as follows. Each member community's share of operating costs will be the sum of the following: (a) the member's required local contribution to the District as determined by the Commissioner of Elementary and Secondary Education (hereinafter "the Commissioner"); (b) the member's share of that portion of the District's net school spending, as defined by G.L. chapter 70, section 2, that exceeds the total of the required local contributions for all of the members; and (c) the member's share of costs for transportation and all other expenditures (exclusive of capital costs as defined in subsection IV,(B) above) that are not included in the District's net school spending. A member's share of (b) and (c) above will be calculated by computing the ratio which that member's pupil enrollment in the regional district school, using a rolling average based on the four (4) most recent annual October 1 enrollment figures, bears to the total pupil enrollment in the regional district school from member communities, using a rolling average based on the four (4) most recent annual October 1 enrollment figures.

~~All operating costs, except those described in subsection IV(F), for the first fiscal year next following the establishment of the regional school district, and for every fiscal year thereafter, shall be apportioned to the member towns on the basis of each town's respective pupil enrollment in the regional district school. Each member town's share for each fiscal year shall be determined by computing the ratio which that member town's pupil enrollment in the regional district school on October 1 of the fiscal year next preceding the fiscal year for which the apportionment is determined bears to the total pupil enrollment in the regional school from all the member towns on the same date. In computing this apportionment the pupil hours referred to in subsection IV(F) shall be excluded. In the event that enrollment of pupils in the regional district school has not been accomplished by October 1 of any year, operating costs shall be apportioned on the basis of enrollment in grades nine through twelve of pupils residing in each member town and receiving education at such town's expense on October 1 of such year.~~

### **(F) Special Operating Costs**

The Committee shall determine the operating costs for each fiscal year for any courses or programs which are offered by the District to persons other than secondary students attending the regular day regional vocational school. Each member's community's share of such special operating costs shall be apportioned by identifying each member's community's enrollment

and/or participation rate in said courses or programs as compared to the overall enrollment and/or participation rate in said courses or programs. Normally said share shall be paid by the members as a special assessment in the fiscal year following the year of the course or program offering, although exceptions may be made whereby the payment will be made during the fiscal year of the course or program offering.

~~The Committee shall determine the operating costs for each fiscal year of any evening trade extension courses or any other types of courses which are offered by the District to persons other than the pupils attending the regular day regional vocational school. Each member town's share of such operating costs shall be determined by computing the ratio which that town's enrollment of pupil hours in such courses on November 1 of the fiscal year next preceding the fiscal year for which the apportionment is determined bears to the total enrollment of pupil hours in such courses from all the member towns on the same date. In the event that enrollment of pupil hours in such courses on November 1 of the fiscal year next preceding the fiscal year for which the apportionment is determined bears to the total enrollment of pupil hours in such courses from all the member towns on the same date. In the event that enrollment of pupil hours in such courses has not been accomplished by November 1 of any year, such operating costs shall be apportioned on the basis of enrollment in grades nine through twelve of pupils residing in each member town and receiving education at such towns expense on October 1 of such year.~~

**(G) Times of Payment of Apportioned Costs**

Each member town shall pay to the District in each fiscal year its proportionate share, certified as provided in subsection ~~V(B)V(C)~~, of the capital and operating costs. ~~Except as otherwise provided in subsection V(A) or in Section XI, t~~The annual share of each member town community shall be paid in such amounts and at such times that at least the following percentages of such annual share shall be paid on or before the dates indicated, respectively:

September 1	25%
December 1	60%
March 1	75%
May 1	100%

**(H) Apportionment of Costs to New Members Towns**

1. The share of operating costs which will be paid by a new member community will be determined consistent with subsection IV(E) except that, for purposes of calculating that community's four (4) year rolling average of pupil enrollment, the number of "out of district" students from that community which were enrolled in the regional district school during each of the applicable four (4) years will be regarded as that community's "pupil enrollment" during those years for purposes of this calculation.
2. The Regional School Committee, prior to the admittance of a new member community, will have the option of negotiating a phase in of the amount of capital costs which will be assessed to that new member community during the first three years of membership in the District. Beginning no later than the fourth year of membership and thereafter, however, the new member community will be assessed



the full capital cost apportionment that will result from an application of subsection IV(D).

~~Except as otherwise provided in this subsection, capital costs and operating costs shall be apportioned in accordance with subsections IV(D), (E), and (F) to towns admitted to the District pursuant to the provisions of section VIII. In the first fiscal year in which the admission of a new member town is effective, the town shall pay as its share of the capital costs and operating costs for such fiscal year, an amount equal to what the town would pay if the pupils from the town enrolled in the regional district school were tuition pupils. After the first fiscal year in which the admission of a new member town is effective, the town's share of capital costs and operating costs shall be determined in accordance with section IV of this Agreement except that such share shall not include any capital costs on account of the bonds issued by the district dated March 1, 1973 and March 1, 1974. However, commencing in the second fiscal year in which such town is a member and continuing through the eleventh such fiscal year, in lieu of such capital costs and as partial reimbursement to the other member towns for their payment of capital costs on account of the original regional district school building, such town shall pay as part of its share of capital costs an annual surcharge of \$400 per pupil enrolled from such town in the regional district school on October 1 of the next preceding fiscal year. If on such October 1, there is an enrollment of less than five pupils from such town in the regional district school, such member town shall be deemed to have an enrollment of five pupils in the regional district school. The Committee shall determine the amount necessary to meet the annual operating and maintenance budget and shall allocate such amount among the member towns without taking such surcharge into account. After making such allocation, the Committee shall apply the amount of such surcharge to reduce the shares of capital and operating costs of the member towns which are not then required to pay such surcharge, in the same proportion as capital costs are allocable among such towns pursuant to Section IV of this Agreement. For the purposes of Section IX of this Agreement, if a new member town shall withdraw from the District prior to the twelfth year of its membership, such surcharge shall be deemed to be part of the town's share of the indebtedness of the District outstanding at the time of its withdrawal. (Amendment #2-2/20/79)~~

### **(I) Incurring of Debt**

Other than short-term borrowing for cash-flow purposes, the incurring of debt for purposes expressed in G.L. cChapter 71, section 16(d), will require at least a two-thirds (2/3) vote of all of the members of the Regional School Committee without regard for the weight of the votes. If such a margin exists, the Committee must seek authorization for incurring debt by following the approach set out in G.L. chapter 71, section 16, subsection (d). If one or more member communities vote disapproval of the debt, the Committee, by a majority of the weighted vote, may then seek authorization for the debt via Chapter 71, section 16, subsection (n). If and when subsection (n) it is utilized, and if the incurring of debt is approved via subsection (n), the following option will be open to a member community if a majority of the residents registered voters voting on the question from that community voted to disapprove the incurring of debt in the subsection (n) election. Said community may seek to withdraw from the District consistent with the procedure in Section IX, and, if the notice of withdrawal is sent consistent with Section IX within sixty (60) days of the subsection (n) election, that community will not be responsible for a share of the debt service attributable to this new debt even if that community's withdrawal from the District is not approved by a majority of the member communities as required by Section IX, or even if the withdrawal of said community is disapproved by the Commissioner. Communities whose resident voters disapprove the incurring of the debt in the subsection (n) election but which do not give a notice of withdrawal consistent with Section IX will remain members of the District and will share in the debt service for the new debt consistent with the apportionment process in this Section IV.

## SECTION V BUDGET

### ~~(A)~~ Initial Budget

~~Within sixty days after the initial regional district school Committee is organized, it shall prepare a reasonably detailed operating and maintenance budget covering expenses, if any, for the balance of the then fiscal year. Copies of such proposed budget shall be submitted to the chairman of the finance or advisory committee in a member town, to the chairman of the board of selectmen, for its consideration. A budget shall be adopted not earlier than fourteen days but within twenty-one days after the proposed budget has been so submitted. The amount of the said budget shall be apportioned among the member towns according to the provisions of Section IV herein. The regional district treasurer shall certify to the treasurer of each member town its respective shares of said budget. The sums thus certified shall be payable by each member town to the regional district school committee but only from funds which may be or may have been appropriated by each member town for such purpose.~~

### ~~(B)~~(A) Tentative Operating and Maintenance Budget

~~Thereafter, t~~The Committee shall annually prepare a tentative operating and maintenance budget for the ensuing fiscal year, attaching thereto provision for any installment of principal or interest to become due in such fiscal year on any bonds or other evidence of indebtedness of the District and any other capital costs to be apportioned to the member towns communities. The said Committee shall mail a copy to the chairman of the Board of Selectmen and the Finance or Advisory Committee, if any, of each member town at least fifteen days prior to the date on which the final operating and maintenance budget is adopted by the Committee, said copy to be itemized in a fashion consistent with DESE's chart of accounts, as follows or in such further detail as the Committee may deem advisable:

- ~~1. Administration~~
- ~~2. Instruction~~
- ~~3. Other school services~~
- ~~4. Operating and maintenance of plant~~
- ~~5. Fixed charges~~
- ~~6. Acquisition of fixed assets~~
- ~~7. Community service~~
- ~~8. Debt retirement and debt service~~
- ~~9. Programs with other districts and private schools~~

~~(Amendment #1 — 11/20/73)~~

### ~~(C)~~(B) Final Operating and Maintenance Budget

~~After conducting a public hearing consistent with G.L. cChapter 71, section 38M, f~~the Committee shall adopt an annual operating and maintenance budget for the ensuing fiscal year not later than forty-five days prior to the earliest date on which the business session of the annual town meeting of any member town is to be held, but in no event later than March 31, provided that said budget need not be adopted earlier than February 1. Said adoption of the budget will require a combined total of weighted votes equal to or exceeding 66.7% of the weighted vote of the entire Regional School Committee (i.e., not merely two-thirds of the weighted vote of those present at the meeting). Said

annual operating and maintenance budget shall include debt and interest charges and any other current capital costs as separate items, and the said Committee shall apportion the amounts necessary to be raised in order to meet the said budget in accordance with the provisions of Section IV. The amounts so apportioned to each member ~~communitytown~~ shall be certified by the district treasurer to the treasurer of such member ~~communitytown~~ within thirty days from the dates on which the annual operating and maintenance budget is adopted by the Committee, and each such ~~communitytown~~ shall, at the next annual town meeting or meeting of the city council, appropriate the amounts so certified. The annual Regional School District budget shall require approval by the local appropriating authorities of at least two-thirds (2/3) of the member communities consistent with G.L. cChapter 71, section 16B. (Amendment #1— 11/20/73)

~~If the amount necessary to meet the annual operating and maintenance budget for a fiscal year in which the admission of one or more new member towns becomes or is to become effective, shall have been determined and apportioned without regard to the payments to be received from any such member town as its share of the capital and operating costs of the District, the Committee may reopen the budget, may re-determine the amounts necessary to meet the budget taking account of such payments, and may reapportion such amounts among the other member towns in accordance with the provisions of Section IV; provided, however, that the shares of such amounts reapportioned to the member towns (other than such new member towns) shall be less than the amounts previously apportioned to such towns. (Amendment #2— 2/20/79)~~

## **SECTION VI TRANSPORTATION**

School transportation shall be provided by the regional school district and the cost thereof shall be apportioned to the member ~~communitiestowns~~ as an operating cost.

~~During the first fiscal year in which the admission pursuant to Section VIII of a new member town is effective, such town shall be responsible for providing school transportation for pupils from the town enrolled in the regional district school and for paying the costs of such transportation. (Amendment #2— 2/20/79)~~

## **SECTION VII AMENDMENTS**

### **(A) Limitation**

This Agreement may be amended from time to time in the manner hereinafter provided, but no such amendment shall be made which shall substantially impair the, rights of the holders of any bonds or notes or other evidences of indebtedness of the District then outstanding, or the right of the District to procure the means for payment thereof, provided that nothing in the section shall prevent the admission of new communities~~a new town or towns~~ to the District and the reapportionment accordingly of capital costs of the District represented by bonds or notes of the District then outstanding and of interest thereon.

### **(B) Procedure**

Any proposal for amendment, except a proposal for amendment providing for the withdrawal of a member ~~communitytown~~ (which shall be acted upon as provided in Section ~~DCIX~~), may be initiated by a vote of at least three-fourths (3/4) of all of the members of the Regional School

Committee, without regard for the weight of the votes, majority of all members of the Committee so long as the proposed amendment was discussed as an agenda item at no less than one prior Committee meeting. Alternatively, a proposal for amendment may be initiated or by a petition signed by at least 10 per cent of the registered voters of any one of the member communities towns. In the latter case, said petition shall contain at the end thereof a certification by the Municipal Town Clerk of such member community town as to the number of registered voters in said community town according to the most recent voting list and the number of signatures on the petition which appear to be the names of registered voters of said community town and said petition shall be presented to the secretary of the Committee. In either case, the sSecretary of the Committee shall mail or deliver a notice in writing to the Board of Selectmen, or City Council, of each of the member communities towns that a proposal to amend this Agreement has been made and shall enclose a copy of such proposal (without the signatures in the case of a proposal by petition). The sSelectmen of each member town shall include in the warrant for the next annual or a special town meeting called for the purpose an article stating the proposal or the substance thereof, and the City Council in each member city shall vote on said proposed amendment within two months of its submittal by the Committee. Such amendment shall take effect upon its acceptance by allthree fourths (3/4) of the member communities towns, acceptance by each community town to be by a majority vote at a town meeting in the case of a town, or by majority vote of the City Council in the case of a city as aforesaid, and after approval by the Commissioner.

### **(C) Approval by Commissioner**

All amendments to this Agreement are subject to the approval of the Commissioner. of Elementary and Secondary Education (hereinafter, the "Commissioner").

## **SECTION VIII ADMISSION OF NEW COMMUNITIESTOWNS**

By an amendment of this Agreement adopted under and in accordance with Section VII above, any other community or communities town or towns may be admitted to the regional school district. The effective date for the admission of each such new member town shall be the July 1 following the adoption by the District of such an amendment, and the acceptance by all of the existing members, and the approval by the Commissioner town of this Agreement as so amended. All of the above approvals must be completed by December 31 for the new member to be admitted on the following July 1. Such admission also shall be subject to compliance with such provisions of law as may be applicable and such terms as may be set forth in such amendment.  
**{Amendment #2 2/20/79}**

## **SECTION IX WITHDRAWAL**

### **(A) Procedure**

Consistent with 603 CMR 41.03(2) the withdrawal of a member community can occur only as of July 1 of a given fiscal year. A notice of desire to withdraw must be initiated by a two-thirds (2/3) vote of the legislative body of the member community, which must occur no less than three (3) years prior to the desired July 1 withdrawal date. The Municipal Clerk of the community seeking to withdraw must notify the Regional School Committee in writing within seven (7) days of the vote of the legislative body that the 2/3 two-thirds (2/3) vote has occurred, and the receipt of the notice of



withdrawal will be acknowledged in the minutes at a Regional School Committee meeting. Within seven (7) days of its receipt, the District's Clerk will notify in writing the Municipal Clerks of all of the member communities that a notice of withdrawal has been received. Once this notice of withdrawal is given, it may not be rescinded without the unanimous consent of the members of the Regional School Committee. The withdrawal of a community will be allowed only if it is approved by a majority of the other member communities. A failure of the legislative body of a member community to vote disapproval of a requested withdrawal within sixty (60) days of the notice of withdrawal being submitted to the Regional School Committee will constitute approval. During this three (3) year notice period, the departing member will continue to be responsible for the following:

1. Payment of its share of operating costs apportioned by way of subsection IV(E).
2. Payment of its share of capital costs apportioned by way of subsection IV(D), except that no apportionment for a withdrawing member will be made for a share of debt that was disapproved by the voters of said withdrawing member in a G.L. Chapter 71, subsection 16(n) election and after said disapproval a notice of withdrawal was sent by said member consistent with the terms of subsection IV(I). Similarly, no apportionment for a withdrawing member will be made for a share of any debt incurred after the member has given a notice of withdrawal.
3. The withdrawing community shall continue to have a right to appoint and be represented by its member on the School Committee with full voting authority until the date of final withdrawal, on which date the withdrawing community member's term shall end.

#### **(B) Continuing Obligations After Withdrawal**

A departing member shall have no right or claim to the assets of the District, and a departing member shall continue to be responsible, after withdrawal, for the following:

1. Payment of its share of capital costs incurred prior to withdrawal apportioned by way of subsection IV(D), provided that for purposes of this apportionment the withdrawn community's enrollment shall be deemed to be its enrollment determined pursuant to subsection IV(D) immediately prior to the date of its notice of intent to withdraw, except that:
  - a. no apportionment for a withdrawing member will be made for a share of debt that was disapproved by the voters of said withdrawing member in a G.L. Chapter 71, subsection 16(n) election and after which disapproval a notice of withdrawal was sent by said member consistent with the terms of subsection IV(I); and,
  - b. no apportionment for a withdrawing member will be made for a share of debt that was incurred by the District following receipt of the withdrawing member's notice of intent to withdraw, such notice having not been rescinded.

#### **(C) Commissioner's Approval**

Consistent with 603 CMR 41.03(2) the withdrawal of any member requires the approval of the Commissioner of Education, and all requisite approvals must be obtained no later than the December 31 preceding the July 1 effective date of withdrawal.

#### **(D) Amendment to Agreement**

The withdrawal of a member which occurs consistent with the above will, upon its completion,

constitute an amendment to the Regional Agreement, regardless of the fact that said amendment was not processed via the procedure contained in Article VII.

**~~(A) Limitations~~**

~~The withdrawal of a member town from the District may be effected by an amendment to this agreement in the manner hereinafter provided by this section. Any member town seeking to withdraw shall by vote at an annual or special town meeting, request the committee to draw up an amendment to this agreement setting forth the terms by which such town may withdraw from the District, provided that the said town shall remain liable to the District for its share of the indebtedness of the District outstanding at the time of such withdrawal, and for interest thereon, to the same extent and in the same manner as though the town had not withdrawn from the District.~~

**~~(B) Procedure~~**

~~The clerk of the town seeking to withdraw shall notify the Committee in writing that such town has voted to request the Committee to draw up an amendment to the agreement (enclosing a certified copy of such amendment). The selectmen of each member town shall include in the warrant for the next annual or a special town meeting called for the purpose an article stating the amendment or the substance thereof. Such amendment shall take effect upon its acceptance by all of the member towns acceptance by each town to be by a majority vote at a town meeting as aforesaid.~~

**~~(C) Cessation of Terms of Office of Withdrawing Town's Members~~**

~~Upon the effective date of withdrawal the terms of office of the member serving on the regional district school committee from the withdrawing town shall terminate and the total membership of the Committee shall be decreased accordingly.~~

**~~(D) Apportionment of Capital Costs after Withdrawal~~**

~~The withdrawing town's annual share of any future installment of principal and interest on obligations outstanding on the effective date of its withdrawal shall be not less than the average of such town's annual capital cost apportionment percentages for the three years next preceding the year in which its withdrawal becomes effective, or, in case such withdrawal becomes effective, the withdrawing town's annual share of such future installments of principal and interest shall be not less than the average of such town's annual capital cost apportionment percentage for such of the year or years preceding the year in which its withdrawal becomes effective for which an apportionment of capital costs shall have been made. The remainder of any such installment after subtracting the share of any town or towns which have withdrawn shall be apportioned to the remaining member town or towns in the manner provided in sub-section IV(D) or as may be otherwise provided in the amendment providing for such withdrawal.~~

**SECTION X TUITION STUDENTS**

The Committee may accept for enrollment in the regional district school pupils from c o m m u n i t i e s towns other than member c o m m u n i t i e s towns on a tuition basis. Income

received by the District from tuition pupils and not previously deducted from operating costs shall be deducted from the total operating costs in the next annual budget to be prepared after the receipt thereof, prior to apportionment under Section IV subsection FV(E) to the member communities towns, provided that income identified as a contribution to capital costs shall be applied to the capital budget.

## **SECTION XI FISCAL YEAR**

The fiscal year for the district shall run from July 1 to June 30.

~~Except as may otherwise be provided by law, the fiscal year of the district shall be the same as the fiscal period of the member towns and the work year or fiscal year as it relates in this agreement to a fiscal or budget period shall mean the fiscal year of the District.~~

~~If the fiscal year of the District shall be other than the calendar year, the dates on or before which the respective percentages of the annual share of each member town shall be paid as provided in subsection IV (G) shall be adjusted so that not less than 25% thereof shall be paid not later than the first day of the third month of such fiscal year, 60% shall be paid not later than the first day of the sixth month of such fiscal year, 75% shall be paid not later than the first day of the ninth month of such fiscal year and 100% shall be paid not later than the first day of the eleventh month of such fiscal year.~~

## **SECTION XII SUBMISSION FOR APPROVAL**

~~This Agreement shall be submitted for approval pursuant to the applicable provisions of Section 15 of Chapter 71 of the General Laws, to the towns of Acton, Arlington, Belmont, Boxborough, Carlisle, Concord, Lexington, Lincoln, Sudbury, Stow, Wayland and Weston. In the event that at least the towns of Arlington, Belmont, Concord and Lexington vote in the affirmative as provided in said Section 15 to establish a regional technical and vocational school district, composed of the towns of Arlington, Belmont, Concord, Lexington and such additional towns, if any, as so vote, shall be deemed to be established; otherwise this agreement shall be void and of no effect.~~

### **NOTE ON EFFECTIVE DATE OF AMENDMENT NO. 2**

~~Amendment No. 2 to the Agreement, proposed by vote of the Committee adopted on February 20, 1979, shall take effect upon its acceptance by the member towns and upon the acceptance of the Agreement, as heretofore amended and as further amended by this Amendment No. 2, on or before June 30, 1981 by any one or more of the Towns of Bolton, Dover, Lancaster and Needham; provided, however, that the admission of any such town shall not be effective prior to July 1, 1980.~~

# ~~MINUTEMAN REGIONAL VOCATIONAL TECHNICAL SCHOOL DISTRICT~~

## ~~Amendment No.1 to Minuteman Regional Vocational Technical School District Agreement~~

### ~~Certificate of the Secretary~~

~~I, the undersigned, hereby certify that I am the duly elected, qualified and acting Secretary of the Minuteman Regional Vocational Technical School District, Massachusetts, and that, as such, I keep and have custody of the records of the meetings of the Minuteman Regional Vocational Technical School District Committee. I further certify that, at a regular meeting of the said Committee duly called and held on Tuesday, November 20, 1973, attended by 9 of the twelve (12) members of said Committee, constituting a quorum, the following vote was adopted pursuant to Chapter 1025 of the Acts of 1973 by the vote of 9 (nine) members voting in the affirmative and 0 (zero) members voting in the negative.~~

~~WHEREAS, the towns of Acton, Arlington, Belmont, Boxborough, Carlisle, Concord, Lexington, Lincoln, Stow, Sudbury, Wayland and Weston established a regional school district under the provisions of Chapter 71 of the General Laws of Massachusetts, as amended, known as Minuteman Regional Vocational Technical School District, and for that purpose entered into an agreement entitled "Agreement With Respect to the Establishment of a Technical and Vocational Regional School District" (hereinafter called the "Agreement"):~~ \_\_\_\_\_ ~~and~~

~~WHEREAS, Chapter 1025 of the Acts of 1973 of The Commonwealth of Massachusetts authorizes any regional district school committee without regard to the amendment procedure in its regional school district agreement to amend such agreement for the purpose of changing the various dates set forth therein for the adoption of an annual budget, including a tentative annual budget, and for certification by the regional school district treasurer to the treasurer of each member town of the amounts of such budget apportioned to that town and making technical changes to carry out the provisions of clause (m) of section 16 and section 16B of Chapter 71 of the General Laws as amended by sections 1 and 2 of said Chapter 1025;~~

~~NOW THEREFORE, pursuant to said Chapter 1025, to amend the Agreement as follows, viz.:~~

~~Amend Section subsection (B) entitled Tentative Operating and Maintenance Budget and subsection (C) entitled Final Operating and Maintenance Budget, by deleting said two subsections in their entirety and substituting therefor the following new subsections (B) and (C):~~

#### ~~(B) Tentative Operating and Maintenance Budget~~

~~Thereafter, the Committee shall annually prepare a tentative operating and maintenance budget for the ensuing fiscal year, attaching thereto provision for any installment of principal or interest to become due in such fiscal year.~~



~~on any bonds or other evidence of indebtedness of the District and any other capital costs to be apportioned to the member towns. The said Committee shall mail a copy to the chairman of the board of selectmen and the finance or advisory committee, if any, of each member town at least fifteen days prior to the date on which the final operating and maintenance budget is adopted, itemized as follows or in such further detail as the Committee may deem advisable:~~

- ~~1. Administration~~
- ~~2. Instruction~~
- ~~3. Other school services~~
- ~~4. Operating and maintenance of plant~~
- ~~5. Fixed charges~~
- ~~6. Acquisition of fixed assets~~
- ~~7. Community services~~
- ~~8. Debt retirement and debt service~~
- ~~9. Programs with other districts and private schools~~

~~(C) Final Operating and Maintenance Budget~~

~~The Committee shall adopt an annual operating and maintenance budget for the ensuing fiscal year not later than forty five days prior to the earliest date on which the business session of the annual town meeting of any member town is to be held, but in no event later than March 31, provided that said budget need not be adopted earlier than February 1. Said annual operating and maintenance budget shall include debt and interest charges and any other current capital costs as separate items, and the said Committee shall apportion the amounts necessary to be raised in order to meet the said budget in accordance with the provisions of Section IV. The amounts so apportioned to each member town shall be certified by the district treasurer to the treasurer of such member town within thirty days from the date on which the annual operating and maintenance budget is adopted by the Committee, and each such town shall, at the next annual town meeting, appropriate the amounts so certified.~~

~~FURTHER VOTED: This amendment shall take effect immediately.~~

~~I further certify that the foregoing vote has not been amended or rescinded and remains in full force and effect.~~

~~WITNESS my hand and the seal of said district this 20th day of November, 1973.~~

  
Secretary

(DISTRICT SEAL)



OFFICE OF THE TOWN CLERK  
TOWN OF ARLINGTON  
MASSACHUSETTS

TOWN HALL  
OFFICE HOURS  
9 AM TO 5 PM

TELEPHONE  
781-643-6700

CHRISTINE M. GALLAHAN, CMG  
TOWN CLERK

**AMENDMENT #2**

**ARTICLE 70. — ADMISSION OF NEW MEMBERS TO THE MINUTEMAN REGIONAL VOCATIONAL TECHNICAL SCHOOL DISTRICT**

~~VOTED: (Unanimously) That the Town does hereby accept an amendment to the agreement establishing the Minuteman Regional Vocational Technical School District ("Minuteman") as proposed by vote of the Minuteman School Committee adopted on February 20, 1979; said amendment providing for the admission of new member towns generally, and the towns of Bolton, Dover, Lancaster, and Needham specifically; said amendment further specifying (a) that any new member town will have one member of the School Committee appointed by the Moderator of the town for a three year term, or for a shorter initial term in order to retain the symmetry of terms on the Minuteman School Committee as a whole; (b) that for the first year of its membership a new town will contribute as its entire share of the operating costs and capital costs of Minuteman for such year an amount equal to what it would pay if the students from the new town were tuition students, and the new member town will also be responsible for all the transportation costs of those students. After first year of membership a new town will pay its share of operating costs and capital costs apportioned in accordance with Section IV of the agreement, except that such new member town shall not pay any capital costs in accordance with Section IV on account of debt service on Minuteman's bonds dated March 1, 1973, and March 1, 1974, but in lieu thereof and as partial reimbursement to the members of Minuteman for their payments of capital costs on Minuteman's original school building, each new member town will pay to Minuteman for a period of ten years, commencing with the second year of the new town's membership and ending on the eleventh year of such membership, an annual surcharge of \$400 per pupil enrolled on October 1st of the prior year; and (c) that the effective date for the admission of a new member town will be July 1st following its acceptance of the amended Minuteman agreement and the acceptance by each of the existing member towns of the amendment admitting the new town; said amendment further providing for the admission of such of the Towns of Bolton, Dover, Lancaster, and Needham as accept and for their admission not earlier than July 1, 1980, in accordance with the Minuteman agreement amended as described above.~~

A true copy of the vote under Article 70 of the Warrant for the Annual Town Meeting of the Town of Arlington at the adjourned session held May 28, 1980.

ATTEST: *Christine M. Callahan*



CHRISTINE M. CALLAHAN, CMC

OFFICE OF THE TOWN CLERK  
TOWN OF ARLINGTON  
MASSACHUSETTS

TOWN HALL  
OFFICE HOURS  
9 AM TO 5 PM  
—  
TELEPHONE  
781-643-6700

TOWN CLERK

~~769533v1747745v1~~ARTICLE 72. ~~AMENDMENT NO. 3 TO THE AGREEMENT ESTABLISHING THE MINUTEMAN REGIONAL VOCATIONAL TECHNICAL SCHOOL DISTRICT~~

~~VOTED: (Unanimously) Amendment No. 3 to the agreement establishing the Minuteman Regional Vocational Technical School District~~

~~The agreement among the towns of Acton, Arlington, Belmont, Bolton, Boxborough, Carlisle, Concord, Lancaster, Lexington, Lincoln, Needham, Stow, Sudbury, Wayland and Weston entitled "Agreement with Respect to the Establishment of a Technical and Vocational Regional School District" as heretofore a ended (the "Agreement") is hereby further amended as follows:~~

~~A. Subsection I (C) of the Agreement is amended by deleting the second sentence thereof, as inserted by Amendment No. 2, and substituting in its place the following sentence:~~

~~The moderator of each town that shall be admitted to the District pursuant to Section VIII of this Agreement shall, prior to the date on which such admission takes effect, appoint one member to serve on the Committee beginning on such date for a term of three years, or for such shorter term as may be necessary to retain symmetry of terms on the Committee as a whole.~~

~~B. Subsection I (C) of the Agreement is further amended by deleting the last sentence thereof and substituting in its place the following sentence:~~

~~The term of each member of the Committee shall commence on July 1 of the year in which he or she is appointed.~~

~~C. Subsection I (E) of the Agreement is amended by deleting said subsection and substituting in its place the following subsection:~~

~~E. Annually, on a date specified in the by laws of the District, the Committee shall organize and choose by ballot a chairman and a vice chairman from among its own membership.~~

~~D. Transition and Effective Date of Amendment No. 3. Amendment No. 3 to the Agreement, proposed by vote of the Committee adopted on October 7, 1980, shall take full effect on January 1 of the year following the year in which it has been accepted by all the member towns and the terms of all the members of the Committee in office on such January 1 shall be extended to expire at the commencement of the term of their successors in the year in which their terms would otherwise expire pursuant to the Agreement as amended by Amendment No. 3,~~

~~A true copy of the vote under Article 72 of the Warrant for the Annual Town Meeting of the Town of Arlington at the adjourned session held March 21, 1981. ATTEST:~~

*Christine M Callahan*

**~~AMENDMENT NO. 3 TO THE AGREEMENT ESTABLISHING THE MINUTEMAN REGIONAL VOCATIONAL TECHNICAL SCHOOL DISTRICT~~**

~~The agreement among the towns of Acton, Arlington, Belmont, Bolton, Boxborough, Carlisle, Concord, Lancaster, Lexington, Lincoln, Needham, Stow, Sudbury, Wayland and Weston entitled "Agreement with Respect to the Establishment of a Technical and Vocational Regional School District", as heretofore amended (the "Agreement") is hereby further amended as follows:~~

~~A. Subsection I (C) of the Agreement is amended by deleting the second sentence thereof, as inserted by Amendment No. 2, and substituting in its place the following sentence:~~

~~The moderator of each town that shall be admitted to the District pursuant to Section VIII of this Agreement shall, prior to the date on which such admission takes effect, appoint one member to serve on the Committee beginning on such date for a term of three years, measured from July 1 next preceding such date, or for such shorter term, measured from such July 1, as may be necessary to retain symmetry of terms on the Committee as a whole.~~

~~B. Subsection I (C) of the Agreement is further amended by deleting the last sentence thereof and substituting in its place the following sentence:~~

~~The term of each member of the Committee shall commence on July 1 of the year in which he or she is appointed.~~

~~C. Subsection I (E) of the Agreement is amended by deleting said subsection and substituting in its place the following subsection:~~

~~(E) Annually, on a date specified in the by laws of the District, the Committee shall organize and choose by ballot a chairman and a vice chairman from among its own membership.~~

~~D. Transition and Effective Date of Amendment No. 3. Amendment No. 3 to the Agreement, proposed by vote of the Committee adopted on October 7, 1980, shall take full effect on January 1 of the year following the year in which it has been accepted by all members towns and the terms of all the members of the Committee in office on such January 1 shall be extended to expire at the commencement of the term of their successors in the year in which their terms would otherwise expire pursuant to the Agreement as amended by Amendment No. 3.~~



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- › Board Meeting Schedule
- › Board in Brief
- › Meeting Minutes
- › BESE Members
- › Board Documents
- › BESE Advisory Councils
- › Chairman's Statements

## The Massachusetts Board of Elementary and Secondary Education

### Career and Vocational-Technical Education: Review of Policies Relating to Program Approval and Enrollment

To: Members of the Board of Elementary and Secondary Education

From: Mitchell D. Chester, Ed.D., Commissioner

Date: March 14, 2014

Career and vocational-technical education programs at the high school level are provided in a variety of settings in Massachusetts: in regional and municipal vocational high schools; in comprehensive high schools; and in partnerships with educational collaboratives, post-secondary institutions, and other organizations. Many of these programs are designated by the Department as "Chapter 74 approved" vocational programs, indicating that they meet the high standards outlined in Chapter 74 of the General Laws and in the Board's regulations on vocational-technical education (603 CMR 4.00). Chapter 74 approval entitles districts to higher funding levels under the Chapter 70 state aid formula. Comprehensive high schools can also offer career education courses without seeking Chapter 74 approval; these courses allow students to learn about career opportunities without the need to enroll in a full-time vocational program.

There is broad agreement that career and vocational-technical education is an important part of our K-12 educational system. The growing popularity of our vocational schools demonstrates that parents and students share in this belief. At the same time, the fiscal pressures of recent years require us to be prudent in our investments. Vocational classes in general, and Chapter 74 programs in particular, tend to be considerably more expensive than academic classes. It is important that our policies strike an appropriate balance between providing students with access to educational opportunities and ensuring that all of our schools have a fair share of fiscal resources.

In response to issues and concerns raised by superintendents and others, I convened an informal working group of school district and municipal officials and Department staff last year to review our policies relating to Chapter 74 program approval and enrollment. Based on these and other discussions, I am proposing a number of policy changes, described below, to address many of these concerns. I recognize that these proposed policies will have an impact on vocational schools, sending districts, and students. Accordingly, I am proposing to implement these changes through amendments to the Board's regulations. The regulatory process will provide full opportunity for all interested parties to comment on these proposals prior to final action by the Board in the fall of 2014.

#### Chapter 74 program approvals

Vocational programs that meet the statutory requirements of M.G.L. c.74 and the Department's regulations and guidance are designated by the Department as approved Chapter 74 programs.

- I propose establishing a formal two-stage process for Chapter 74 program approval. The first stage will focus on establishing the need for a proposed program, and will require the submission of clear evidence of both student demand and labor market demand. In assessing need, the Department may also take into account available capacity in other nearby programs. The first stage approval will serve as support for the district's school building assistance application to the Massachusetts School Building Authority.
- Under state law, a town that belongs to a regional vocational district may not offer a Chapter 74 program in its municipal high school if that program is offered in the regional district, unless the Commissioner approves an exception. Requests for exceptions will need to undergo the same determination of need described above. As part of its review, the Department will solicit comments on the application from the regional vocational district's school committee.
- The second stage of the approval process will focus on compliance with all program requirements, many of which cannot be judged until the program is in operation. In the initial year of a program's operation, if the Department is unable to complete its review prior to October 1, it will provide provisional approval for purposes of the student data submission.
- All Chapter 74 approvals will be reviewed and signed by the Commissioner.

#### Chapter 74 program admissions

Many of our regional vocational schools do not have sufficient space to accommodate all of the students interested in attending. It has been suggested by some that vocational schools should be required to admit students based on a lottery, as is required for Commonwealth charter schools. Although I am not seeking such a change at this time, I am proposing several other changes related to admissions.

- Vocational schools are currently permitted to establish minimum admissions requirements.<sup>4</sup>In the case of students who are deemed ineligible for admission because they do not meet the minimum requirements, I propose to require each school to maintain documentation as to the specific requirements that were not met, and to provide such documentation to the Department or to the student's parent/guardian upon request.
- I propose requiring vocational schools to admit all qualified resident students before admitting non-resident students. Schools would be prohibited from skipping over a resident student who meets the minimum requirements in order to admit a non-resident student or an out-of-state student who is deemed more qualified.
- I propose to clarify and improve the use of recommendations from students' current guidance counselors in the admissions process, in an effort to better serve those students who could benefit from vocational education but who might not score as high on other criteria.
- I propose to require all districts to provide directory information (e.g., student names, mailing addresses, and email addresses) for 8th grade students to a public vocational school upon the school's request, so that students can be fully informed of their options for high school.

#### **Non-resident tuition rates**

The Chapter 74 non-resident program allows students to attend a vocational school outside of their home district if they are enrolling in a Chapter 74 program that is not offered in their home district. Tuition is paid by the student's home town. The tuition rate is calculated by the Department based on the vocational school's per pupil spending.

- In FY05, the Department established a cap on the non-resident tuition rates equal to 150% of the foundation budget rate for vocational students, and announced plans to reduce the cap over time to 125% of foundation. For FY14, the cap was reduced to 142% of foundation. I propose to maintain the 142% cap for FY15, and then reduce it to 134% in FY16 and 125% in FY17 and subsequent years. (It should be noted that under current statutes, county agricultural schools are not subject to this tuition process and would not be subject to the proposed cap.)
- I will be proposing some adjustments to the calculation of the per pupil spending amounts used in setting the tuition rates. These adjustments would eliminate the use of current year budgeted amounts for certain spending categories, recognizing that budgeted amounts do not always reflect actual spending. We will also clarify the accounting for extraordinary special education costs.
- In general, the Chapter 74 non-resident tuition rates do not reflect the capital costs of constructing school buildings, because in most instances these students occupy seats originally planned for resident students. In rare instances, the Massachusetts School Building Authority, in consultation with the Department, may determine that it is in the public interest to design and construct a vocational school to accommodate a significant number of non-resident students. In these instances, I am proposing to allow an additional increment to the tuition rate to reflect the local share of the debt service attributable to the extra space required.
- I propose to clarify that the Chapter 74 non-resident tuition rates do not apply to tuition agreements entered into by two school committees under the authority of M.G.L. c.76, s.12. When school committees voluntarily enter into a tuition agreement for students in one district to attend school in another district, the tuition rates are negotiated between the two school committees.

#### **Exploratory programs**

Vocational high schools with five or more approved Chapter 74 programs are required to offer a half-year or full-year exploratory program for incoming ninth graders. In an exploratory program, students rotate through the different occupational programs offered at the school to learn about the programs and help them decide which program they want to enroll in. Currently, these exploratory programs are open to non-resident students under the Chapter 74 non-resident program described above. Under the proposed regulatory changes, students would no longer be permitted to enroll in an out of district exploratory program if their home district, or the regional vocational district to which their home town belongs, offers an approved Chapter 74 exploratory program. The Chapter 74 non-resident program is intended for students who have already decided on a particular vocational program. Students will continue to have the opportunity to apply for an out of district placement for a particular full time program area when it is not offered in the student's home district(s).

#### **Transportation limits for non-resident students**

For students attending a vocational school under the Chapter 74 non-resident program, the student's home town must also pay the full cost of transporting the student to and from the school. Although there is a state program to reimburse cities and towns for this transportation cost, it has not been fully funded in recent years. As a result, there have been some instances where the financial burden on a student's home town has been unreasonable. To address this problem, I am considering a proposal to establish a mileage limit for this transportation requirement. Under this proposal, students living beyond the mileage limit could still apply for admission under the Chapter 74 non-resident program, but if admitted they would either provide their own transportation or have it provided on a voluntary basis by the vocational school or their home community. Students admitted to a vocational school before this change in policy takes effect would continue to be entitled to transportation without mileage limits.

#### **Expanded opportunities for career education**

There is a growing recognition that we need to offer more career education to all our students, not just those enrolled in full-time vocational programs. We are seeing strong student performance at many of our vocational schools, but getting local approvals and financing for expansion is a difficult process at best. I want to encourage districts to seek out and experiment with other models for delivering career and vocational education, including expanded offerings in our academic and comprehensive high schools, programs sponsored through our educational collaboratives, and partnerships among academic high schools, vocational high schools, and community colleges.

To encourage these alternative delivery models, I am planning to propose an amendment to the Board's school finance regulations (603 CMR 10.00). This amendment would permit a district to report a student as a vocational student for purposes of the Chapter 70 foundation budget calculation if the student attends an approved part-time vocational program in another district, or in another non-traditional setting, pursuant to a tuition agreement. I invite districts to suggest other ways in which we can encourage the adoption of new models of career education.

I am planning to bring these proposed amendments to our regulations to the Board for initial review in May. If the Board concurs, we will solicit public comment on the proposed amendments. I will then bring back recommendations for final approval in October 2014. Given this timetable, the proposed changes relating to non-resident students (tuition rates, transportation limits, and eligibility for ninth grade exploratory programs) would take effect during the admissions cycle for the 2015-16 school year.

Deputy Commissioner Jeff Wulfson and Associate Commissioner Pati Gregson will be available at the March 25 Board meeting to answer any questions you may have.

---

<sup>1</sup> Under the Board's regulations, 603 CMR 4.03(6)(a)(1), "Each selective vocational technical secondary school in Massachusetts shall use a combination of selection criteria to determine which applicants have an ability to benefit, and therefore be admitted to the school unless the school opts to use first come-first served or a lottery for admissions. The criteria used shall include academic grades, attendance record, discipline/conduct record, recommendations from sending-school personnel and may include student interview, provided however, that no one criterion exceeds 50% of the total. Schools shall condition admission on a student having been promoted to the grade that they have been admitted to enter. Schools may condition admission on a student having passed courses in English Language Arts or its equivalent and mathematics for the school year immediately preceding their enrollment in a selective vocational technical school or program." <http://www.doe.mass.edu/lawsregs/603cmr4.html?section=03>.

last updated: March 18, 2014

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Minuteman Regional Vocational Technical School  
 Comparison of Current Capital Assessment Method and Under Proposed Revised Agreement: Distribution of \$1m Annual Capital Cost  
 :Current Agreement: Distributed based on enrollment, 5 student attributed minimum.  
 :Proposed Revised Agreement: Distribution Factors: 50% enrollment, 34% Foundation/Combined Effort, 1% (x16 communities) base; 5 student attributed minimum enrollment  
 :For purposes of comparison, presumes 4-yr rolling enrollments will be the same as current enrollments - If a community's enrollment increases as share of enrollment, total community cost will be more and per pupil cost less; if the community's enrollment decreases, total community cost will be less and per pupil costs will be more.

Current Method				PROPOSED: 50% ENROLLMENT - 34% CHAPTER 70 FOUNDATION/COMBINED EFFORT - 1% EACH MEMBER CAPITAL BASE CONTRIBUTION																	
				Enrollment Basis						Chapter 70 - Foundation/ Combined Effort Basis			Capital Base Contribution Basis			TOTAL					
	TOTAL - FY14 Enrollment for Current Method Debt/Capital Assessment	FY14 Current Method Debt/Capital Assessment Share	Current Method			TOTAL - FY14 Enrollment Debt/Capital Assessment	FY14 Debt/Capital Assessment Share	**Enrollment - 4 year rolling Average [level for illustration]	Per Pupil Cost	Combined Effort Capital Assessment Share	Chapter 70 - Combined Effort	Per Pupil Cost	Capital Base Contribution	Per Pupil Cost	New Capital Assessment	Difference (New Method - Current Method)	Per Pupil Capital Cost EXISTING	Per Pupil Capital Cost NEW	Pct Share/\$1m NEW	Community	
Acton	20	5.38%	\$53,836			20	5.38%	\$26,918	\$1,346	3.98%	\$13,532	\$677	\$10,000	\$500	\$50,450	(\$3,386)	\$2,691.79	\$2,522.49	5.0%	Acton	
Arlington	125	33.65%	\$336,474			125	33.65%	\$168,237	\$1,346	32.35%	\$109,978	\$880	\$10,000	\$80	\$288,214	(\$48,259)	\$2,691.79	\$2,305.72	28.8%	Arlington	
Belmont	31	8.34%	\$83,445			31	8.34%	\$41,723	\$1,346	9.02%	\$30,663	\$989	\$10,000	\$323	\$82,385	(\$1,060)	\$2,691.79	\$2,657.59	8.2%	Belmont	
Bolton	9	2.42%	\$24,226			9	2.42%	\$12,113	\$1,346	1.82%	\$6,183	\$687	\$10,000	\$1,111	\$28,296	\$4,070	\$2,691.79	\$3,143.97	2.8%	Bolton	
Boxborough	5	1.35%	\$13,459			5	1.35%	\$6,729	\$1,346	1.63%	\$5,533	\$1,107	\$10,000	\$2,000	\$22,262	\$8,803	\$2,691.79	\$4,452.44	2.2%	Boxborough	
Carlisle	9	2.42%	\$24,226			9	2.42%	\$12,113	\$1,346	2.22%	\$7,556	\$840	\$10,000	\$1,111	\$29,669	\$5,443	\$2,691.79	\$3,296.54	3.0%	Carlisle	
Concord	7	1.88%	\$18,843			7	1.88%	\$9,421	\$1,346	4.82%	\$16,377	\$2,340	\$10,000	\$1,429	\$35,798	\$16,956	\$2,691.79	\$5,114.04	3.6%	Concord	
Dover	5	1.35%	\$13,459			5	1.35%	\$6,729	\$1,346	2.38%	\$8,091	\$1,618	\$10,000	\$2,000	\$24,820	\$11,361	\$2,691.79	\$4,964.05	2.5%	Dover	
Lancaster	22	5.92%	\$59,219			22	5.92%	\$29,610	\$1,346	3.39%	\$11,538	\$524	\$10,000	\$455	\$51,147	(\$8,072)	\$2,691.79	\$2,324.88	5.1%	Lancaster	
Lexington	53	14.27%	\$142,665			53	14.27%	\$71,332	\$1,346	14.39%	\$48,914	\$923	\$10,000	\$189	\$130,246	(\$12,419)	\$2,691.79	\$2,457.47	13.0%	Lexington	
Lincoln	5	1.35%	\$13,459			5	1.35%	\$6,729	\$1,346	2.31%	\$7,838	\$1,568	\$10,000	\$2,000	\$24,567	\$11,108	\$2,691.79	\$4,913.49	2.5%	Lincoln	
Needham	27	7.27%	\$72,678			27	7.27%	\$36,339	\$1,346	8.07%	\$27,439	\$1,016	\$10,000	\$370	\$73,779	\$1,100	\$2,691.79	\$2,732.54	7.4%	Needham	
Stow	25	6.73%	\$67,295			25	6.73%	\$33,647	\$1,346	4.27%	\$14,517	\$581	\$10,000	\$400	\$58,164	(\$9,130)	\$2,691.79	\$2,326.58	5.8%	Stow	
Sudbury	15	4.04%	\$40,377			15	4.04%	\$20,188	\$1,346	3.32%	\$11,302	\$753	\$10,000	\$667	\$41,490	\$1,113	\$2,691.79	\$2,766.01	4.1%	Sudbury	
Wayland	8.5	2.29%	\$22,880			8.5	2.29%	\$11,440	\$1,346	2.89%	\$9,818	\$1,155	\$10,000	\$1,176	\$31,258	\$8,378	\$2,691.79	\$3,677.40	3.1%	Wayland	
Weston	5	1.35%	\$13,459			5	1.35%	\$6,729	\$1,346	3.15%	\$10,723	\$2,145	\$10,000	\$2,000	\$27,453	\$13,994	\$2,691.79	\$5,490.59	2.7%	Weston	
<b>Total</b>	<b>371.5</b>	<b>100.00%</b>	<b>\$1,000,000</b>			<b>371.5</b>	<b>100.00%</b>	<b>\$500,000</b>		<b>100.00%</b>	<b>\$340,000</b>		<b>\$160,000</b>		<b>\$1,000,000</b>	<b>\$0</b>			<b>100.00%</b>		
								<b>50%</b>			<b>34%</b>			<b>16%</b>							

Example of Enrollment- Based on 4 year Rolling Average 2009-13						Min Of 5
	Enrollment Count as of October 2013	Enrollment Count as of October 2012	Enrollment Count as of October 2011	Enrollment Count as of October 2010	Total Enrollment Based on 4 Year Rolling Average	Total Enrollment Based on 4 Year Rolling Average
Acton	26	21	30	32	27.25	27.25
Arlington	165	138	139	115	139.25	139.25
Belmont	31	34	41	41	36.75	36.75
Bolton	11	10	10	10	10.25	10.25
Boxborough	5	6	8	16	8.75	8.75
Carlisle	12	9	7	5	8.25	8.25
Concord	7	9	18	22	14.00	14.00
Dover	1	2	2	1	1.50	5.00
Lancaster	27	22	22	25	24.00	24.00
Lexington	49	58	60	78	61.25	61.25
Lincoln	6	4	4	2	4.00	5.00
Needham	35	27	34	26	30.50	30.50
Stow	22	26	23	29	25.00	25.00
Sudbury	22	17	11	14	16.00	16.00
Wayland	8	7	10	12	9.25	9.25
Weston	4	4	3	3	3.50	5.00
<b>Total</b>	<b>431</b>	<b>394</b>	<b>422</b>	<b>431</b>	<b>419.5</b>	<b>425.5</b>

Calculation Factor - Ch. 70 Combined Effort Capital Allocation						
	Enrollment (Assumes 4 year Rolling Average = current enrollment with 5 Student Min)	Total Foundation Enrollment	MM Enrollment ÷ Community Foundation Enrollment	Total Combined Effort Yield	TOTAL - Combined Effort Yield @ Minuteman	Combined Effort Capital Assessment Share
Acton	27.3	4,806	0.57%	32,838,034	186,192	3.98%
Arlington	139.3	5,158	2.70%	56,052,070	1,513,232	32.35%
Belmont	36.8	3,967	0.93%	45,542,278	421,900	9.02%
Bolton	10.3	993	1.03%	8,241,384	85,070	1.82%
Boxborough	8.8	931	0.94%	8,099,941	76,127	1.63%
Carlisle	8.3	967	0.85%	12,185,749	103,963	2.22%
Concord	14.0	2,964	0.47%	47,707,536	225,339	4.82%
Dover	5.0	1,185	0.42%	26,384,016	111,325	2.38%
Lancaster	24.0	996	2.41%	6,588,253	158,753	3.39%
Lexington	61.3	6,657	0.92%	73,148,346	673,026	14.39%
Lincoln	5.0	880	0.57%	18,980,910	107,846	2.31%
Needham	30.5	5,307	0.57%	65,693,956	377,551	8.07%
Stow	25.0	1,273	1.96%	10,171,122	199,747	4.27%
Sudbury	16.0	4,300	0.37%	41,792,046	155,505	3.32%
Wayland	9.3	2,663	0.35%	38,890,610	135,088	2.89%
Weston	5.0	2,356	0.21%	69,525,202	147,549	3.15%
<b>Total</b>	<b>425.5</b>	<b>45,403</b>	<b>15.28%</b>	<b>561,841,453</b>	<b>4,678,214</b>	<b>100.00%</b>



Capital Assessment Model - Appendix A

50% ENROLLMENT - 34% CHAPTER 70 COMBINED EFFORT - 1% EACH MEMBER CAPITAL BASE CONTRIBUTION										
Member Districts	Enrollment Basis				Chapter 70 - Combined Effort Basis			Capital Base Contribution Basis		TOTAL
	4 Yr. Rolling Ave. Enrollment Debt/Capital Assessment	FY15 Debt/Capital Assessment Share	**Enrollment - 4 year rolling Average	Per Pupil Cost	Combined Effort Capital Assessment Share	Chapter 70 - Combined Effort	Per Pupil Cost	Capital Base Contribution	Per Pupil Cost	Capital Assessment
Acton	23.25	6.00%	\$30,019	\$1,291	3.73%	\$12,689	\$546	\$10,000	\$430	\$52,708
Arlington	125.75	32.47%	\$162,363	\$1,291	31.82%	\$108,194	\$860	\$10,000	\$80	\$280,557
Belmont	33.75	8.72%	\$43,577	\$1,291	8.97%	\$30,503	\$904	\$10,000	\$296	\$84,079
Bolton	9.75	2.52%	\$12,589	\$1,291	1.93%	\$6,563	\$673	\$10,000	\$1,026	\$29,151
Boxborough	7	1.81%	\$9,038	\$1,291	1.54%	\$5,243	\$749	\$10,000	\$1,429	\$24,281
Carlisle	8.25	2.13%	\$10,652	\$1,291	2.44%	\$8,289	\$1,005	\$10,000	\$1,212	\$28,941
Concord	12.25	3.16%	\$15,817	\$1,291	4.53%	\$15,401	\$1,257	\$10,000	\$816	\$41,217
Dover	5	1.29%	\$6,456	\$1,291	2.48%	\$8,446	\$1,689	\$10,000	\$2,000	\$24,901
Lancaster	21.75	5.62%	\$28,083	\$1,291	3.33%	\$11,335	\$521	\$10,000	\$460	\$49,418
Lexington	54.125	13.98%	\$69,884	\$1,291	13.97%	\$47,482	\$877	\$10,000	\$185	\$127,366
Lincoln	5	1.29%	\$6,456	\$1,291	2.58%	\$8,770	\$1,754	\$10,000	\$2,000	\$25,226
Needham	29	7.49%	\$37,444	\$1,291	8.64%	\$29,361	\$1,012	\$10,000	\$345	\$76,805
Stow	24	6.20%	\$30,988	\$1,291	4.45%	\$15,116	\$630	\$10,000	\$417	\$56,103
Sudbury	14.5	3.74%	\$18,722	\$1,291	3.23%	\$10,974	\$757	\$10,000	\$690	\$39,696
Wayland	8.875	2.29%	\$11,459	\$1,291	2.97%	\$10,113	\$1,140	\$10,000	\$1,127	\$31,572
Weston	5	1.29%	\$6,456	\$1,291	3.39%	\$11,523	\$2,305	\$10,000	\$2,000	\$27,979
Total	387.3	100.00%	\$500,000			\$340,000		\$160,000		\$1,000,000
			50%			34%		16%		

Capital Allocation				
Debt Service		Enrollment	Combined Effort	Capital Base Con.
		50.0%	34.0%	16.0%
Principal & Interest	\$1,000,000			100.0%
Total Debt Service	\$1,000,000	\$500,000	\$340,000	\$160,000

Per Community

**Calculation Factor - Capital Base Contribution 1.00%**

	Enrollment- Based on 4 year Rolling Average				Min Of 5		Percent of Enrollment
	Enrollment Count as of October 2013	Enrollment Count as of October 2012	Enrollment Count as of October 2011	Enrollment Count as of October 2010	Enrollment Based on 4 Year Rolling Average	Enrollment Based on 4 Year Rolling Average	
Acton	25	20	25	23	23.3	23.3	6.00%
Arlington	153	125	123	102	125.8	125.8	32.47%
Belmont	30	31	37	37	33.8	33.8	8.72%
Bolton	11	9	10	9	9.8	9.8	2.52%
Boxborough	4	5	7	12	7.0	7.0	1.81%
Carlisle	12	9	7	5	8.3	8.3	2.13%
Concord	7	7	15	20	12.3	12.3	3.16%
Dover	1	2	2	1	1.5	5.0	1.29%
Lancaster	26	22	18	21	21.8	21.8	5.62%
Lexington	47	53	54	62.5	54.1	54.1	13.98%
Lincoln	5	4	3	3	3.8	5.0	1.29%
Needham	34	27	31	24	29.0	29.0	7.49%
Stow	22	25	20	29	24.0	24.0	6.20%
Sudbury	19	15	11	13	14.5	14.5	3.74%
Wayland	7.5	8.5	8.5	11	8.9	8.9	2.29%
Weston	4	3	3	3	3.3	5.0	1.29%
Total	407.5	365.5	374.5	375.5	380.8	387.3	100.00%

Calculation Factor - Ch. 70 Combined Effort Capital Allocation						
	Enrollment 4 year Rolling Average	FY15 Total Foundation Enrollment	MM Enrollment ÷ Community Foundation Enrollment	Total Combined Effort Yield	TOTAL - Combined Effort Yield @ Minuteman	Combined Effort Capital Assessment Share
Acton	23.3	4,801	0.48%	32,803,838	158,860	3.73%
Arlington	125.8	5,306	2.37%	57,155,630	1,354,565	31.82%
Belmont	33.8	4,099	0.82%	46,380,769	381,886	8.97%
Bolton	9.8	1,022	0.95%	8,612,277	82,162	1.93%
Boxborough	7.0	879	0.80%	8,242,134	65,637	1.54%
Carlisle	8.3	947	0.87%	11,911,991	103,774	2.44%
Concord	12.3	3,039	0.40%	47,833,917	192,815	4.53%
Dover	5.0	1,164	0.43%	24,615,673	105,737	2.48%
Lancaster	21.8	994	2.19%	6,485,683	141,915	3.33%
Lexington	54.1	6,744	0.80%	74,070,559	594,465	13.97%
Lincoln	5.0	876	0.57%	19,237,049	109,801	2.58%
Needham	29.0	5,364	0.54%	67,992,775	367,597	8.64%
Stow	24.0	1,270	1.89%	10,014,275	189,246	4.45%
Sudbury	14.5	4,242	0.34%	40,193,980	137,391	3.23%
Wayland	8.9	2,652	0.33%	37,834,611	126,615	2.97%
Weston	5.0	2,326	0.21%	67,113,795	144,269	3.39%
Total	387.3	45,725	14.02%	560,498,956	4,256,735	100.00%

**FOOTNOTES:**

Debt Service assumes annual payment of \$1,000,000 in Principal and Interest.

Four Year Rolling Average is based on Minuteman School District - High School enrollment only as of October 1st. Minimum of 5 students per member district.

Ch. 70 Combined Effort data was based on the FY15 Preliminary Chapter 70 Aid and Net School Spending Requirements dated January 22, 2014.

# AGENDA REQUEST - Item #10

## BOARD OF SELECTMEN

### Requestor's Section

**Date of request:** *April 2, 2014*

**Requestor:** *Patty Golden*

**Action requested:** *Vote to approve the March 25<sup>th</sup> regular session meeting minutes.*

**Financial impact expected:** *None*

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

***CONSENT CALENDAR***

**Recommendations/Suggested Motion/Vote:**

*Vote to approve the March 25, 2014 regular session meeting minutes.*

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

### Selectmen's Office Section

**Date of Selectmen's Meeting:** *April 8, 2014*

**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, MARCH 25, 2014

Present: Chairman John C. Drobinski, Selectman Robert C. Haarde, Selectman Lawrence W. O'Brien, Selectman Leonard A. Simon and Assistant Town Manager Maryanne Bilodeau

Absent: Vice-Chairman Charles C. Woodard and Town Manager Maureen G. Valente

The statutory requirements as to notice having been complied with, the meeting was convened at 7:30 p.m. in the Lower Town Hall, 322 Concord Road.

**Opening Remarks**

At 7:30 p.m., Chairman Drobinski opened the meeting. He encouraged citizens to vote in the Town Election on March 31, 2014, noting there will be a ballot question for a new police station. He also noted absentee ballots are available until 5 p.m. on March 28, 2014. The Town's Spring Clean-up Day is scheduled for Saturday, April 26, 2014, and additional information is on the Town website. Chairman Drobinski also stated there is a new section regarding the Annual Town Meeting on the Town website.

It was on motion unanimously

VOTED: To appoint Assistant Town Manager Bilodeau as Clerk Pro Tem for the meeting.

**Citizen's Comments**

At 7:35 p.m., Chairman Drobinski noted several citizens are in attendance regarding decisions made by the Conservation Commission regarding the Johnson Farm development project, and a few residents have requested time to address the Board with comments.

Sudbury resident Frank Huntowski, 42 Cutler Farm Road, stated he believes the Town has many important issues to consider, but none are more important than the impact of the proposed Johnson Farm development will have on Sudbury. Mr. Huntowski stated he is well aware that everyone cannot agree on all matters, but he believes it is important for all to agree that decisions be made in open and transparent forums. He believes it is imperative that the Board acts now to review the development and take whatever actions are needed to stop the project from going forward. Mr. Huntowski believes the Conservation Commission gave up rights which will negatively impact Sudbury's position to fight this project. He stated several residents attended a Conservation Commission meeting last night, but they encountered an unwillingness to be heard on the issue. Mr. Huntowski stated he has developed a chronology of facts, which speak for themselves. He also stated legal opinions have been obtained which could help advise the Commission, but it was not willing to hear any information on the issue. Mr. Huntowski believes the Town has a right to a Notice of Intent (NOI), which the Commission relinquished.

Chairman Drobinski asked Mr. Huntowski to submit the informational chronology to the Selectmen's Office. He also stated that the prior Board of Selectmen was unanimously opposed to this development.

Mr. Huntowski stated he believes it is not too late for the Town to take action, including hiring special counsel to advise on this project development and how poor decisions made can be reversed.

Selectman Haarde asked if this issue should be put on a future Board agenda.

Selectman O'Brien asked if the Johnson Farm project is currently in litigation.



Chairman Drobinski stated the Board has not yet been apprised of new information regarding this development. Thus, he suggested the Board be careful addressing this issue because it may need to be discussed in Executive Session for litigation purposes. Chairman Drobinski will discuss this with the Town Manager.

Selectman Haarde suggested that the Board addresses the issues related to Johnson Farm in both a public session allowing for public comment and, if needed, in Executive Session. He believes citizens want to know the process being used to make decisions.

Sudbury resident Virginia Buckley, 14 Patricia Road, stated she attended the Conservation Commission meeting last night, and she was angry about residents being treated as if they were "naughty children." Ms. Buckley stated the Commission took the position last night that there was no need for any further discussion. She urged the Selectmen to play any role which could help the process involve citizen input regarding the development of Johnson Farm.

Chairman Drobinski thanked the residents for coming tonight to share their concerns with the Board. However, he emphasized the Board does not have control over the Conservation Commission or any other Board which acts independently.

Sudbury resident Frank Letteri, 208 Landham Road, stated he believes this is the most important project in Town, noting if a large scale development is built as proposed, it could negatively impact Sudbury's water supply. Mr. Letteri urged the Board to review the Johnson Farm situation. He described the Conservation Commission meeting last night as a "farce." Mr. Letteri stated the Commission made its decisions in two Executive Session meetings to which the public was not privy.

Sudbury resident Mike Palmer, 62 Cutler Farm Road, requested the Board puts this issue on a future agenda for public discussion. Mr. Palmer also requested that the Board try to influence the approach taken by the Conservation Commission to be more inclusive. He believes the Commission has been ill-advised and has made errors as a result.

Chairman Drobinski thanked the residents for bringing this matter to the Board's attention. He noted the Conservation Commission has a difficult job. He also stated the Board is committed to protect the Town's environment, and that the Town would consider how best to provide the Commission with litigation support.

Selectman O'Brien requested that, prior to the Board discussing this issue on a future agenda, it should receive copies of the minutes from last night's Conservation Commission meeting. Chairman Drobinski also requested that the Board receive any relevant information received from the Department of Environmental Protection.

Selectman Simon stated he is the Board's liaison to the Conservation Commission and he attended last night's meeting. He was appalled by how residents were treated, and he told residents in attendance tonight that he shared their unease with how the meeting was conducted. Selectman Simon stated the Board will try to maintain a public conversation regarding Johnson Farm. He committed to do what can be done, given that there is a separation of board/commission functions. Selectman Simon assured the residents the Board respects their input tonight.

At 7:53p.m., Chairman Drobinski thanked the residents for coming tonight, and he closed the period for comments.

**Reports from the Assistant Town Manager**

Assistant Town Manager Bilodeau reported Town Counsel has opined that votes taken by the Finance Committee on March 17, 2014 are valid, noting there had been questions raised regarding quorum requirements.

**Reports from the Board of Selectmen**

Selectman Haarde attended the breakfast meeting regarding Minuteman Regional Vocational High School with Selectmen Simon and Town Manager Valente. He believes Sudbury needs to decide what its future position is regarding the School. Selectman Haarde stated Wayland has an article submitted for its Town Meeting to leave the Minuteman District, and Weston is considering a similar position. He stated there are plans to build an 800-student school, but nearly half of the students who attend the School are from out-of-district communities. Selectman Haarde further stated the out-of-district towns do not pay for capital costs nor do they pay the same tuition rate as member towns. He believes now is the time for Sudbury to decide whether it wants to remain as a member, realizing that if they remain a member this will likely mean a much larger financial contribution in the future for the new school, which only 22 Sudbury students currently attend. Selectman Haarde suggested this topic be added to a future Board agenda.

Selectman O'Brien stated he attended the March 17, 2014 Finance Committee Meeting with Vice-Chairman Woodard. He also attended a public forum regarding the proposed new police headquarters.

Selectman Simon stated he and Chairman Drobinski conducted Board of Selectmen's Office Hours last night, and that a few residents visited to share their concerns regarding last night's Conservation Commission meeting. He reiterated his disappointment with how the meeting was conducted. Selectman Simon also stated he has had concerns regarding the Commission's adherence to the Open Meeting Laws, which he will address at another time.

**Conservation Commission – Appointments**

Present: Applicants Bruce Porter, Charles Russo and Mark Sevier

At 8:00 p.m., Chairman Drobinski welcomed Sudbury residents Bruce Porter, Charles Russo and Mark Sevier to the meeting to discuss their interests in serving on the Conservation Commission, and he highlighted the many talented volunteers who give their time and expertise to benefit the Town. The Board was previously in receipt of copies of the three Applications for Appointment and a memorandum from Town Manager Valente dated March 21, 2014.

Sudbury resident Bruce Porter stated he has always been active in Town, he has volunteered for many years with the Sudbury Valley Trustees, and he has been active in conservation issues. As a physicist, Mr. Porter believes he possesses the decision-making skills and perspective which could be useful to the Commission.

Sudbury resident Mark Sevier stated he has always been conservation-minded ever since acquiring his home, which includes a vernal pool on the property. Mr. Sevier is an engineer who also believes he possesses the decision-making skills and ability to process information which could benefit the Commission.

Sudbury resident Charles Russo stated that, as a municipal reporter, he became familiar with issues facing communities. Mr. Russo also has studied environmental management and works for an environmental and civil engineering firm.

Selectman Haarde stated he believes Mr. Porter's and Mr. Sevier's professional experiences are well suited to the Commission. He also thinks it is great that Mr. Russo is getting involved in Town after only living in Sudbury for one year. Selectman Haarde asked each candidate how they would handle resident input on controversial topics. All of the candidates stated it would be important for citizens to understand the limitations of different boards and why decisions are made the way they are. All of the applicants also stated it is important for people's voices to be heard. Selectman Haarde stated that, it is not always easy, but it is probably best to err on the side of letting people speak.

Selectman O'Brien thanked the gentlemen for volunteering for the positions. He asked how the applicants would handle balancing regulations with requests from property owners. All of the applicants answered that it is important to communicate and help educate citizens on why the rules are the way they are, and that it is important to be fair and think about how you would want the situation handled if it impacted you and/or your family.

Selectman Simon highlighted that Town bylaws are man-made laws, which are subject to interpretation. He asked how the applicants would handle disagreements. All of the applicants emphasized it is important to accept other points of view, but to also be willing to stand up for one's convictions, using data and principles to buoy your position.

Chairman Drobinski stated the Town is fortunate to have three excellent candidates interested in the positions.

It was on motion unanimously

VOTED: To approve the Town Manager appointments of the following individuals to the Conservation Commission: Bruce Porter, 42 Surrey Lane, Charles Russo, 30 Juniper Road, and Mark Sevier, 14 Arborwood Road, for terms ending May 31, 2015.

#### **Town Meeting Petition Articles – Discussion**

Proponents: Robert Weiss, Beth Brykman and Ron Riggert

At 8:22 p.m., Chairman Drobinski welcomed proponents of petition articles for the Annual 2014 Town Meeting to discuss their petitions with the Board. The Board was previously in receipt of copies of the petition articles submitted to appear in the Town Warrant and a memorandum related to Article #42 from Director of Planning and Community Development Jody Kablack dated October 30, 2012. In addition, copies of a handout of comments from Town Counsel related to each petition were distributed tonight.

Petitioner Robert Weiss, 7 Lafayette Drive, (Art. 42, Lafayette Drive Land) explained his petition "to see if the Town will vote to authorize the Selectmen, acting on behalf of the inhabitants of the Town of Sudbury, to execute a deed or deeds conveying all or a portion of the land shown as "Discontinuance" on plan entitled "The Commonwealth of Massachusetts Plan of Road in the Town of Sudbury Middlesex County Altered and Laid Out as a State Highway by the Department of Public Works, Layout No. 7030" for a sum to be determined by the Board of Selectmen no less than 0, and upon such other terms as the Selectmen shall consider proper including the discontinuance of that land by the Selectmen as a Town Way; or act on anything relative thereto."

Mr. Weiss has lived in Sudbury since 1987, and he built his current home in 2001-2002. His street abuts Route 20, and his home is the first one on Lafayette Drive. Mr. Weiss explained the original location of Route 20 has changed in this vicinity, and as a result there has been a small parcel adjacent to his land which has essentially been abandoned. He described the plot as being not maintained, which has led to unsafe

conditions with utility outages due to overgrown and fallen trees. Mr. Weiss believes the land is worthless, and that it has clearly been abandoned for nearly 50 years. He would like to legally own the land or be given rights to it so that he can access it to take care of the property. Mr. Weiss stated it has become an area for vagrants to frequent, and he believes it is in the public's best interests for him to have the parcel and work to beautify the area for the neighborhood. Mr. Weiss stated to acquire the property in the traditional manner would require what he believes would be a costly (time and money) title search, which he would rather not pursue.

Chairman Drobinski suggested the Town Engineer be asked to stake the area so Board members can visit the site. Mr. Weiss stated he believes the area was staked last year.

Selectman O'Brien asked if the petitioner is looking for legal access to the land or ownership. Mr. Weiss stated he would accept the parcel for free, but he would accept either scenario.

Chairman Drobinski reminded the Board to consider that, if a Route 20 sewer system is instituted, this area might be of use to the Town, and at 8:36 p.m., he concluded this discussion.

At 8:36 p.m., petitioners Beth Brykman and Ron Riggert, on behalf of Sustainable Sudbury, (Article 44, Divestment of PRIT funds), were welcomed to explain the petition submitted "to see if the Town will vote to request the Board of Selectmen to endorse State legislation requiring divestment of Statewide retirement funds (Pension Reserve Investment Trust (PRIT) Fund from fossil fuel companies as set forth in the petition."

Ms. Brykman distributed copies of her presentation "A Proposal for Sudbury to be Leader in Climate Change Resolution on Fossil Fuel Divestment" to the Board. She summarized the purpose of the petition for a Town Meeting vote. Ms. Brykman urged the Board to endorse the petition supporting the fossil fuel divestment of State-wide pension funds over five years. She also referenced the pending State bill S1225, noting others who have endorsed the pending bill. Ms. Brykman opined fossil fuel investments hold future risks and that renewable energy options are attractive alternative investments. She stated the actions requested from Sudbury include supporting State House initiatives for State-wide divestment, and to send copies of the resolution to all of Sudbury's national and State representatives.

Selectman Simon thanked the petitioners for bringing this issue to the attention of the Board. He believes the country's addiction to fossil fuel is unhealthy, and he supports the petition.

Selectman O'Brien asked if the pending bill only requires the State retirement plan to be divested, or does it also include the county retirement program which includes municipal employees. Assistant Town Manager Bilodeau stated it does include the Middlesex County pension fund because they invest through the PRIT Fund.

Selectman Haarde asked for clarification about what pension fund plans would be divested in the pending bill and what is being asked of the Board tonight.

Sudbury resident Bob Morrison, 16 October Road, stated it would be helpful to have the Board send a signal to legislators to support the bill to divest. He also stated the group hopes to educate and involve the community regarding this issue. Ms. Brykman stated the group would appreciate the support of the Board.

At 8:53 p.m., Chairman Drobinski thanked the proponents for their presentations, and he concluded the discussion.

**Annual Town Meeting Actions**

The Board was previously in receipt of copies of a draft list of articles submitted for the 2104 Annual Town Meeting Warrant dated March 20, 2014, a memorandum from Patty Golden dated March 21, 2014, two memoranda regarding Article 2 from Town Manager Valente dated March 12, 2014 and March 21, 2014, and a memorandum from Sudbury Public Schools (SPS) Superintendent Anne Wilson dated March 17, 2014, regarding Article 2. In addition, copies of a draft Article 2 Board of Selectmen Report dated March 25, 2014 were distributed tonight.

Chairman Drobinski stated there will be presentations to the Board regarding other articles at future meetings. He also stated Board speakers for the articles do not need to be finalized tonight, since they are not published in the Warrant.

Assistant Town Manager Bilodeau advised this is the Board's last opportunity to withdraw articles submitted or to take positions prior to printing the Warrant. She referenced the memos from Town Manager Valente, and she noted that two items are being requested tonight to be added to the Warrant for Article 2. Ms. Bilodeau reviewed the suggested language requesting a total of \$235,000 be added to the Department of Public Works snow and ice budget to cover shortfalls, noting the funds would be transferred from the line 900 Town/SPS Employee Benefits (\$165,000) and from the line 900 SPS Employee Benefits (\$70,000) budget lines. She further stated the SPS School Committee requests a total of \$253,165 to be added to line 300: Sudbury Public Schools Net from line 900: Town/SPS Employee Benefits. It was noted these funds would support the Technology/New Equipment; Curriculum/Curriculum Development and Maintenance accounts.

Ms. Bilodeau stated other adjustments might be identified in the coming weeks to be presented at Town Meeting. However, these needed additions are known now, and therefore it is thought best to add the information to the Warrant.

Selectman O'Brien stated he believes the more information that can be published in the Warrant the better.

It was on motion unanimously

VOTED: To amend the FY14 budget as reviewed tonight, and as outlined in the memoranda received from Town Manager Valente dated March 12, 2014 and March 21, 2014 and the memorandum from SPS Superintendent Anne S. Wilson dated March 17, 2014.

The list was reviewed to take positions on articles as noted below.

It was on motion unanimously

VOTED: To Report at Town Meeting the Board's position regarding Article # 4, #42, #43, #44, #4, #46 and #47.

#01 - Hear Reports - **Support**

#02 - FY14 Budget Adjustments - **Support**

#03 - Stabilization Fund - **RTM**

#04 - FY15 Operating Budget - **RTM**

#05 - FY15 Transfer Station Enterprise Fund Budget - **Support**

#06 - FY15 Pool Enterprise Fund Budget - **Support**

#07 - FY15 Recreation Field Maintenance Enterprise Fund Budget - **Support**



- #08 - Unpaid Bills - **RTM**
- #09 - Chapter 90 Highway Funding – **Consent Calendar - Support**
- #10 – Real Estate Exemption – **Consent Calendar - Support**
- #11 - Town/School Revolving Funds – **Consent Calendar - Support**
- #12 - Rescind/Amend Borrowings – **Consent Calendar - Support**
- #13 - FY15 Capital Budget - **Support - Woodard**
- #14 - Construct Police Headquarters - **Support – O’Brien**
- #15 – Purchase of Fire Department Ambulance and Fire Engine – FY15 Capital Exclusion - **Support - Woodard**
- #16 - DPW Rolling Stock Replacement - **Support - Woodard**
- #17 – Technology Infrastructure Improvement – Lincoln-Sudbury Regional High School – **RTM**
- #18 - Israel Loring Elementary School – Purchase of New Phone System - **Support**
- #19 – School Driveways, Parking Lot and Sidewalks Improvement - **Support**
- #20 –Ephraim Curtis Middle School – Purchase of Technology Devices - **Support**
- #21 - Fairbank Community Center Roof Project - **RTM**
- #22 - Energy Services Company Energy Improvement Program – ESCO- **Support**
- #23 – Nixon School – Partial Roof, Window and Door Replacements – **RTM**
- #24 – DPW Rolling Stock Stabilization Fund - **Support**
- #25- Energy Saving Programs Stabilization Fund - **RTM**
- #26 – Conduct Feasibility Study for Wastewater Disposal Options for Route 20 Business District - **RTM**
- #27 – Amendments to the District Agreement of the Minuteman Regional Vocational School District - **RTM**
- #28 – Chapter 110, Section, 110 of the Acts of 1993, Disabled Veteran’s Exemption Residency Requirements - **Support**
- #29 - Community Preservation Fund – Town-Wide Walkways - **Support**
- #30 - Community Preservation Fund - Sudbury Housing Trust 10% Allocation - **Support**
- #31 - Community Preservation Fund – Historic Projects - **Support**
- #32 - Community Preservation Fund – Bruce Freeman Rail Trail Design - **Support - Simon**
- #33 - Community Preservation Fund – Melone Property Engineering - **Support - Woodard**
- #34 - Community Preservation Fund - Sudbury Housing Authority Bathroom Project - **Support**
- #35 - Community Preservation Fund – Amend Art. 43 of the 2006 ATM – Sudbury Housing Authority Unit Buy-Down - **Support**
- #36 - Community Preservation Fund – Reversion of Funds - **Support**
- #37 - Community Preservation Fund - General Budget and Appropriations - **Support**
- #38 - Amend Zoning Bylaw - Medical Marijuana Treatment Centers - **Refer to Planning Board**
- #39 - Amend Zoning Bylaw - Accessory Structures - **Refer to Planning Board**
- #40 – Amend Zoning Bylaw, Art. IX – sec. 4100 – Flood Plain Overlay District - **Refer to Planning Board**
- #41 - Amend Zoning Bylaw Art. IX – Section 4500 – Wastewater Facilities Bylaw – Deletion - **Refer to Planning Board**
- #42 – Petition – Lafayette Drive Land - **RTM**
- #43 – Petition – Sale of Land under C61A #44 – Petition – Divestment of PRIT funds - **RTM**
- #44 – Petition – Divestment of PRIT Funds - **RTM**
- #45 – Petition – Utilize a Portion of CPA Funds to Fund Conservation Fund - **RTM**
- #46 – Petition – Amend Wetlands Administration Bylaw: Projects Funded with CPC funds - **RTM**
- #47 – Petition – Amend Bylaw Art. IV Finance Committee – **RTM**

It was noted Vice-Chairman Woodard is the Board’s liaison for the Melone property, which should be corrected on the list for Article # 33. It was also noted Selectman Simon would be the speaker for Article # 32 regarding the Bruce Freeman Rail Trail Design.

**Conservation Restriction – Redspire, Inc.**

The Board was previously in receipt of copies of a Conservation Restriction (CR) to the Town of Sudbury from Redspire, Inc. 441 Maynard Road, Sudbury.

Selectman Simon asked if this is similar to the one done in perpetuity for Pantry Road.

Conservation Commission Coordinator Debbie Dineen explained this Restriction would be different than the one for Pantry Road in that this would be a passive CR, which would be maintained in its natural state. In response to a question from Selectman O'Brien, Ms. Dineen further stated the parcel would continue to be able to be used as open space, and it will be mowed.

It was on motion unanimously

VOTED: To accept the Conservation Restriction granted by Redspire, Inc. dated March 4, 2014, on a total of 10.726 a. off Arboretum Way, shown as "Conservation Restriction" on a plan of land entitled "Conservation Restriction Plan of Land in Sudbury, Mass. Prepared for Frank Cutting, dated February 2014, prepared by David E. Ross Associates, Inc."

**Minutes**

It was on motion

VOTED: To approve the regular session and executive session meeting minutes of March 11, 2014.

Selectman Haarde abstained from the vote.

**Earth Week -Sudbury Cleanup Day**

It was on motion unanimously

VOTED: To proclaim April 20-26, 2014 as Sudbury Earth Week and to designate Saturday, April 26, 2014 as Spring Cleanup Day for the annual roadside cleanup, with a rain date on May 3, 2014.

**Annual Sudbury Spring Sprint Triathlon**

It was on motion unanimously

VOTED: To grant permission for the Annual Sudbury Spring Sprint Triathlon on Sunday, May 18, 2014, at 8 a.m. and the fifth Annual Tri Sprouts Children's Triathlon on Saturday, May 17, 2014, at 9:00 a.m. as requested in a letter dated January 24, 2014, from Race Director, William Fiske, subject to conditions required by the Park and Recreation Dept. and a meeting with the Sudbury Police Department prior to the Sunday event, (preferably by Monday, May 12) regarding safety concerns and/or weather issues, and the applicant providing for cleanup of any litter created by race participants and staff.

**Annual Service Auction – One-Day Wine & Malt License**

It was on motion unanimously

VOTED: To grant a one-day Wine & Malt license to Jan Hardenbergh, 7 Tippling Rock Road, to accommodate an Annual Service Auction fundraiser on Saturday, April 12, 2014 from 5:00 p.m. to 10:00 p.m. at First Parish of Sudbury, 327 Concord Road, subject to the use of a TIPS-trained bartender and a 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 Peter M. Finnegan, 409 Lincoln Road, of Troop 60, who will be recognized at a future Court of Honor for having achieved the high honor of Eagle Scout.

**Sudbury Celebrates 375/Sudbury Day Committee – Appointment**

It was on motion unanimously

VOTED: To approve the appointment of two members to the Sudbury Celebrates 375/Sudbury Day Committee: Venk Gopal, 14 Autumn Street, and George L. Connor, 189 Morse Road, for a term expiring November 30, 2014, as requested by Hal Cutler, Committee Co-Chair.

**Ti Sales – 36 Hudson Road – Endorse Final Site Plan**

It was on motion unanimously

VOTED: To endorse the final site plan for Ti-Sales at 36 Hudson Road, as recommended by Jody Kablack, Director of Planning and Community Development.

**NStar – Construction of a Walkway – Gift**

Selectman O'Brien asked for clarification regarding the walkway. Ms. Kablack provided information regarding the intended location for this walkway and the proposed walkway for the Coolidge project.

It was on motion unanimously

VOTED: To accept a \$15,225.00 gift from NStar, as described in section 4.4 of the Memorandum of Understanding between the Town of Sudbury and NStar dated March 19, 2014, towards the construction of a walkway, including handicap access ramps, along NStar's frontage on Boston Post Road, to be expended under the direction of the Director of Public Works, and to return any unused funds remaining after completion of the sidewalk construction to NStar.

There being no further business, the meeting adjourned at 9:10 p.m.

Attest: \_\_\_\_\_  
Maryanne Bilodeau  
Assistant Town Manager-Clerk Pro tem

# AGENDA REQUEST - Item #11

## BOARD OF SELECTMEN

### Requestor's Section:

**Date of request:** *April 2, 2014*

**Requestor:** *Maryanne Bilodeau*

**Action requested:** CONSENT CALENDAR

*To acknowledge that the month of May is Military Appreciation Month and to sign a proclamation in this regard*

**Financial impact expected:** *None*

**Background information:** *N/A*

**Recommendations/Suggested Motion/Vote:** *Vote to acknowledge that the month of May is Military Appreciation Month in Sudbury and to sign a proclamation acknowledging this event, which document will be recorded in the military album on display at the Goodnow Public Library.*

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

### Selectmen's Office Section:

**Date of Selectmen's Meeting:** *April 8, 2014*

**Board's action taken:**

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

**Distribution:**

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

# AGENDA REQUEST - Item #12

## BOARD OF SELECTMEN

### Requestor's Section:

**Date of request:** *April 3, 2014*

**Requestor:** *Maryanne Bilodeau*

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**Action requested:** CONSENT CALENDAR

*Sign a proclamation for U.S. Army SPC Timothy Hall who has arrived home after spending nine months in Afghanistan.*

---

**Financial impact expected:** *None*

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**Background information:**

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**Recommendations/Suggested Motion/Vote:** *Vote to sign a proclamation for U.S. Army SPC Timothy Bradford Hall, acknowledging his safe return home after spending nine months in Afghanistan, and proclaiming Friday, April 11, 2014 as Timothy Hall Day in Sudbury.*

---

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

### Selectmen's Office Section:

**Date of Selectmen's Meeting:** *April 8, 2014*

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**Board's action taken:**

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

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

**Distribution:**

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**Town Counsel approval needed?**

Yes ( )

No ( X )



# AGENDA REQUEST – ITEM #13

## BOARD OF SELECTMEN

### Requestor's Section:

**Date of request:** *March 31, 2014*

**Requestor:** *Hal Cutler, Chair of Sudbury Celebrates 375/Sudbury Day Committee*

**Action requested:** CONSENT CALENDAR

*Accept the resignation of Judith Gross from the Sudbury Celebrates 375/Sudbury Day Committee*

**Financial impact expected:** *None*

**Background information:** *N/A*

**Recommendations/Suggested Motion/Vote:** *Vote to accept the resignation of Judith Gross, 9 Blandford Drive, from the Sudbury Celebrates 375/Sudbury Day Committee, effective immediately, as noted in an email dated April 25, 2013, and to send a letter of thanks for her service to the Town.*

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

### Selectmen's Office Section:

**Date of Selectmen's Meeting:** *April 8, 2014*

**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 )

## Golden, Patricia

---

**From:** Thompson, Mark  
**Sent:** Monday, March 31, 2014 4:10 PM  
**To:** Golden, Patricia  
**Subject:** FW: Sudbury's 350th celebration

Patty,

Below is an email from Judith Gross resigning from the 375 committee.

Mark

### Mark Thompson

Technology Administrator

Town of Sudbury

978-639-3306

Fax: 978-443-1033

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

<http://sudbury.ma.us/services/infosys>

Directions: <http://sudbury.ma.us/mapnav/flynn.asp>

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:** hcutlercfpe [mailto:[hcutlercfpe@verizon.net](mailto:hcutlercfpe@verizon.net)]  
**Sent:** Friday, March 28, 2014 6:59 PM  
**To:** Thompson, Mark  
**Cc:** Golden, Patricia  
**Subject:** Fwd: Sudbury's 350th celebration

Mark,

I guess we should have taken the original message below as Judith Gross' resignation from the Committee.

Hal

Harold R. Cutler, CoChair

Sudbury Celebrates 375/Sudbury Day Committee

163 Landham Road  
Sudbury, MA 01776

Telephone: 978-443-2525

Begin forwarded message:

**From:** hcutlercfpe <[hcutlercfpe@verizon.net](mailto:hcutlercfpe@verizon.net)>  
**Date:** April 25, 2013 8:30:42 PM EDT  
**To:** Judith Gross <[sbmgross@gmail.com](mailto:sbmgross@gmail.com)>  
**Cc:** "Elin Neiterman" <[eneiterman@verizon.net](mailto:eneiterman@verizon.net)>

**Subject: Re: Sudbury's 350th celebration**

Judith,

I'm sorry to hear that. I do hope your surgery is successful and you have a speedy recovery.

If you see any of our activities that you would like to help out on on an ad-hoc basis, please contact us.

Hal

Harold R. Cutler

163 Landham Road  
Sudbury, MA 01776

Telephone: 978-443-2525

On Apr 25, 2013, at 8:27 PM, Judith Gross wrote:

Hello ~

Due to some scheduled surgery, I will not be able to participate in Sudbury's 350th celebration.

Thank you for your understanding and wish everyone much success in this wonderful event.

Sincerely,

Judy Gross



# AGENDA REQUEST – Item #14

## BOARD OF SELECTMEN

### Requestor's Section:

**Date of request:** *April 4, 2014*

**Requestor:** *Patty Golden*

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**Action requested (Who, what, when, where and why):** *Sign and approve the 2014 Annual Town Meeting Warrant which goes to the printer on Wednesday, April 15th.*

---

**Financial impact expected:** *Not applicable*

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**Background information (if applicable, please attach if necessary):**  
*2014 ATM warrant*

---

**Recommendations/Suggested Motion/Vote:** *Vote to approve and sign the Annual Town Meeting Warrant as presented which to be posted at Town Hall and delivered to all residents no later than April 28, 2014.*

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

### Selectmen's Office Section:

**Date of Selectmen's Meeting:** *April 8, 2014*

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**Board's action taken:**

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

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

**Distribution:**

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

# AGENDA REQUEST – Item #15

## BOARD OF SELECTMEN

### Requestor's Section

**Date of request:** March 20, 2014

**Requestor:** Sudbury Police Department

**Action requested:** Vote to accept a State 9-1-1 Training and EMD/Regulatory Compliance grant of \$12,914.66

**Financial impact expected:** Increased revenue

**Background information (if applicable, please attach if necessary):**  
See attached memo from Chief Nix

**Recommendations/Suggested Motion/Vote:** Vote to accept a State 9-1-1 Training and EMD/Regulatory Compliance grant in the amount of \$12,914.66 to the Sudbury Police Department, said funds to be 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:** April 8, 2014

**Board's action taken:**

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

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

**Distribution:**

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



# Sudbury Police Department Office of the Chief of Police

415 Boston Post Road  
Sudbury, MA 01776  
Business (978) 443-1042  
Fax (978) 443-1045  
nix@sudbury.ma.us

**Scott Nix**  
*Chief of Police*

March 20, 2014

To: Maureen Valente, Town Manager  
From: Scott Nix, Chief of Police  
RE: Acceptance of Grant Funds from the State 911 Department

Maureen,

Recently funds were received by the Town of Sudbury from a grant previously submitted to the State 911 Department relative to fees, overtime and backfill overtime incurred surrounding Emergency Medical Dispatch continuing education. Therefore, I would respectfully request the funds in the amount of \$12,914.66 be accepted by the Board of Selectmen. Along with this memorandum is a description of the grant and its purpose. If you require further information please let me know. I thank you and the Board for your time.

Respectfully,

Scott Nix  
Chief of Police

RECEIVED  
BOARD OF SELECTMEN  
SUDBURY, MA  
2014 MAR 21 P 12:15



The Official Website of the Executive Office of Public Safety and Security

## Public Safety

[Home](#) > [Public Safety Agencies](#) > [State 911 Department](#) > [FY 2014 Training Grant](#)

### FY 2014 Training Grant

## State 911 Department Fiscal Year (FY) 2014 9-1-1 Training Grant and EMD/Regulatory Compliance Grant

The Executive Office of Public Safety and Security (EOPSS) and the State 911 Department are pleased to announce the availability of the FY 2014 9-1-1 Training Grant and Emergency Medical Dispatch Grant.

Through this program, governmental entities hosting primary Public Safety Answering Points (PSAPs) are eligible to receive reimbursement for training-related costs associated with the 9-1-1 system.

Eligible awards are based on a rounded formula of 9-1-1 calls received and population served, with a minimum award of \$10,000.

[FY 2014 State 911 Department Training Grant and EMD/Regulatory Compliance Grant](#)

[Sample of FY 2014 State 911 Department Training Grant and EMD/Regulatory Compliance Grant](#)

[Sample of FY 2014 State 911 Department Training Grant Funds Only](#)

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# AGENDA REQUEST – Item #16

## BOARD OF SELECTMEN

### Requestor's Section

**Date of request:** *April 2, 2014*

**Requestor:** *Myron Fox, Chairman of Town Counsel Search Committee*

**Action requested:** CONSENT CALENDAR:  
*Approve disbanding the Town Counsel Search Committee*

**Financial impact expected:** *None*

**Background information (if applicable, please attach if necessary):**  
*None*

**Recommendations/Suggested Motion/Vote:** *Vote to formally disband the Town Counsel Search Committee, established September 3, 2013 by the Sudbury Board of Selectmen, as requested by Myron Fox, committee chairman.*

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

### Selectmen's Office Section

**Date of Selectmen's Meeting:** *April 8, 2014*

**Board's action taken:**

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

**Distribution:**

**Town Counsel approval needed?**

Yes ( )

No ( X )



**Town Counsel Search Committee  
Town of Sudbury  
Voted to establish September 3, 2013 by the Sudbury Board of Selectmen**

**Mission Statement**

The Board of Selectmen are creating this committee in order to have a group comprised of Selectmen, other elected officials, and Town staff develop a statement of the specific needs of the Town for Town Counsel services; draft materials for advertising for Town Counsel services; review applications received; conduct initial ranking of applications received; and recommend to the full Board of Selectmen which finalists should be interviewed by the Board/Town Manager.

**Membership**

**Note: The membership of this committee is drawn from the entities and individuals who rely on Town Counsel services the most in connection with their responsibilities.**

Two members of the Board of Selectmen – John Drobinski and Len Simon

One member of the Board of Assessors – Liam Vesely

Town Moderator – Myron Fox

Assistant Town Manager – Maryanne Bilodeau

Facilities Director – Jim Kelly

Planning and Community Development Director – Jody Kablack

Police Chief – Scott Nix

Town Finance Director – Andrea Terkelsen

All appointments shall expire on May 31, 2014, but may be extended by the Board of Selectmen.

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 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**

The committee will develop a statement of the specific needs of the Town for Town Counsel services; draft materials for advertising for Town Counsel services; review applications received; conduct initial ranking of applications received; and recommend to the full Board of Selectmen which finalists should be interviewed by the Board/Town Manager.

## **Compliance with State and Local Laws and Town Policies**

The *Town Counsel Search Committee* 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.