

**SUDBURY BOARD OF SELECTMEN**  
**AGENDA**  
**TUESDAY, MARCH 25, 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        Interview three candidates, and vote to approve the Town Manager appointment of the following individuals to the Conservation Commission: Bruce Porter, Charles Russo, and Mark Sevier, for a term ending 5/31/15.
6. 8:20        Discussion with Town Meeting Petition Article proponents (*petitioners Robert Weiss, Susan Doherty and Ron Riggert plan to attend*)

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**Miscellaneous:**

7. ***Vote***        Discussion and vote on ATM articles - Last opportunity to withdraw articles submitted by the Board, or take positions on articles to be printed in the warrant.
8. ***Vote***        Discussion and vote 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 the 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."

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**Consent Calendar:**

9. ***Vote***        Vote to approve the March 11, 2014 regular session and executive session meeting minutes.
10. ***Vote/Sign***    Vote to proclaim Earth Week and Town Cleanup Day as Saturday, April 26, 2014
11. ***Vote***        Vote to grant permission for the Annual Sudbury Spring Sprint Triathlon Sunday, May 18<sup>th</sup> at 8 a.m. and the 5<sup>th</sup> Annual Tri Sprout's children's Triathlon Saturday May 17<sup>th</sup> at 9 a.m. as requested in a letter dated January 24, 2014 from Race Director, William Fiske, subject to conditions required by Park and Recreation and a meeting with the Sudbury Police Department prior to the 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.
12. ***Vote/Sign***    Vote to grant a 1-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 PM

*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.*

to 10:00 PM 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.

13. **Vote/Sign** Vote 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.
14. **Vote/Sign** Vote 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.
15. **Vote/Sign** Vote to endorse the final site plan for Ti-Sales at 36 Hudson Road, as recommended by Jody Kablack, Director of Planning and Community Development.
16. **Vote** Vote 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 3/19/14, 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.

*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:** *March 21, 2014*

**Requestor(s):** *Maureen Valente, Town Manager*

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**Action requested:**

*Interview three candidates for appointment to the Conservation Commission.*

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**Financial impact expected:** *None*

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**Background information:** *See attached applications*

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**Recommendations/Suggested Motion/Vote:**

*Interview three candidates and vote to approve the Town Manager appointment of the following individuals to the Conservation Commission: Bruce Porter, Charles Russo, and Mark Sevier, for a term ending 5/31/15.*

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

*Applicants will be present.*

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

**Date of Selectmen's Meeting:** *March 25, 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 )**



# Town of Sudbury

## Town Manager's Office

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

278 Old Sudbury Road  
Sudbury MA 01776  
978-639-3385  
Maureen G. Valente, Town Manager

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

Date: March 21, 2014  
To: Board of Selectmen  
From: Maureen G. Valente, Town Manager  
Subject: Appointments to the Conservation Commission

There are three vacancies on the Conservation Commission. After a notice of the vacancies was publicized, four candidates put in applications. One subsequently withdrew due to family circumstances.

After interview and review of each candidate's qualifications, I am making appointment of each candidate to a term on the Commission ending 5/31/15.

I respectfully request that you interview each appointee, and then confirm my appointment of each.

February 24, 2014

Conservation Commission  
Ms. Debbie Dineen, Coordinator  
Greg Topham, Chair  
Town of Sudbury  
275 Old Lancaster Rd.  
Sudbury, Mass. 01776  
978-440-5471

Dear Ms. Dineen and Mr. Topham,

Please consider my attached resume and application for the position of Conservation Commission member.

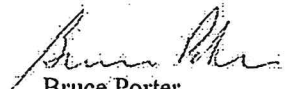
This opening was brought to my attention by Chuck Woodward, a member of the Board of Selectmen. Selectman Woodward contacted others in town seeking a recommendation for this opening. Sudbury Valley Trustees recommended to him that I may have the background needed for this position.

I have been very active in conservation issues in Sudbury. I have been a volunteer for the SVT for many years as a land steward and an educator of the value of putting aside land for its geology, habitat, and wetland sensitivity. As an educational tool I conduct an annual walk through Haynes Meadow and Gray Reservation identifying the major glaciological features of the area. My land steward role means I face many of the same issues that face the Conservation Commission.

My physics education taught me to make sound, science-based, rigorous, and objective decisions, and the ability to understand complicated issues such as those confronting the Conservation Commission. I am objective and balanced because, as an avid outdoors person, I am a frequent user and visitor to the conservation lands in town.

I look forward to hearing from you about a possible interview. I can be reached by e-mail ([porter\\_brucee@yahoo.com](mailto:porter_brucee@yahoo.com)) or by phone at home at 978-443-5507. Please leave a voicemail and I will get back to you.

Sincerely,

  
Bruce Porter  
42 Surrey Lane  
Sudbury, Mass. 01776  
978-443-5507

**SUMMARY:** An outdoors person (biking, hiking, cross country skiing, sailing) with experience as an SVT land steward and land surveyor, leader of geology walks in town; good knowledge of town hydraulics and geology; detailed knowledge of all the conservation lands in town; physics education supports sound decision making; excellent communication skills

**EXPERIENCE:**

7 yrs. Land Steward for Gray Reservation Sudbury Valley Trustees

- Trail maintenance, trash removal, kiosk maintenance, mitigate storm damage
- Identify and/or rectify activity that threatens wetlands, vernal pools, habitats, flora and fauna
- Track and/or rectify progress of invasive species
- Surveyed SVT properties, such as Memorial Forest

7 yrs. Physicist/Glaciologist Curtis M.S. and Sudbury Valley Trustees

- Educate the public on the value of land conservation by conducting an annual walk through nearby conservation land identifying glaciological features (kettles, eskers, kames, etc.)
- Glaciology coach for the Science Olympiad program at Curtis Middle School

25 yrs. Avid user of town's conservation areas and active outdoors person

- Regularly cross country ski in Hop Brook, Memorial Forest, and Assabet River NWR.
- Hiker throughout Sudbury, New England, U.S., Alaska, Ireland, Canada

25 yrs. Actively involved in land conservation activities in Sudbury and region

- Regularly attend SVT annual, educational, and other meetings
- Regularly attend Assabet River NWR annual, educational, and other meetings; member of Friends of...
- Member of the Blue Hills Weather Club
- Maintain historical weather data for Hop Brook watershed
- Attend regional professional meetings on global warming; supported Blue Hill weather data analysis for evidence of global warming

**Physics education**

- Provides an interdisciplinary education for balanced rigorous, and science-based decision making
- Volunteer at the Weston Geophysical Observatory (start date is TBD)
- Adjunct professor of physics at North Shore Community College
- Presently employed at Waters Corporation

**Excellent oral and written communication skills demonstrated.**

**EDUCATION:**

- MSEE (optical physics) Northeastern University.
- B.S. in physics (minor in Math) Stony Brook University

**COMPUTER SKILLS:** SolidWorks, AutoCAD, Labview, Matlab, VB, Mathematica, Unix, Cognos, UG

**INTERESTS:** Sailing, sports (squash, softball, soccer, basketball), road running, wilderness activities, travel, auto repair, century(long distance) biking, member of Blue Hills Weather Club, *geographer & map collector*

**TOWN OF SUDBURY**  
**APPLICATION FOR APPOINTMENT**

BOARD OF SELECTMEN  
278 OLD SUDBURY ROAD  
SUDBURY, MA 01776

FAX: (978) 443-0756  
E-MAIL: selectmen@sudbury.ma.us

Board or Committee Name: Conservation Commission

Name: Bruce Porter

Address: 42 Surrey Lane

Email Address: porter\_bruce@yahoo.com

Home phone: 978-443-5507

Work or Cell phone: 508 244-9523

Years lived in Sudbury: 25 yrs.

Brief resume of background and pertinent experience:

see resume

Municipal experience (if applicable):

none

Educational background:

B.S. physics, M.S. optical physics

Reason for your interest in serving:

I have acquired considerable experience working for the SVT that are relevant to in ConCom issues.  
See cover letter for details

Times when you would be available (days, evenings, weekends):

Evenings, weekends until retirement

Do you or any member of your family have any business dealings with the Town? If yes, please explain:

None

B.P. (Initial here that you have read, understand and agree to the following statement)

I agree that if appointed, I will work toward furtherance of the committee's mission statement; and further, I agree that I will conduct my committee activities in a manner which is compliant with all relevant State and Local laws and regulations, including but not limited to the Open Meeting Law, Public Records Law, Conflict of Interest Law, Email Policy and the Code of Conduct for Town Committees.

I hereby submit my application for consideration for appointment to the Board or Committee listed above.

Signature

Bruce Porter

Date

2/24/2014

TOWN OF SUDBURY  
APPLICATION FOR APPOINTMENT TO  
CONSERVATION COMMISSION

Planning and Community Development Department  
78 OLD SUDBURY ROAD  
SUDBURY, MA 01776

PHONE (978)639-3387  
FAX (978) 443-0756  
E-MAIL: PCD@sudbury.ma.us

Name: MARK SEVIER

Brief resume of background and experience: DEVELOPED INTEREST IN RESOURCE CONSERVATION WHILE IN COLLEGE; HAVE SINCE PURSUED ENERGY CONSERVATION, REDUCING HUMAN ENVIRONMENTAL IMPACT, AND MATERIAL RE-USE AT HOME AND WORK

Address: 14 ARBORWOOD RD

Home phone: 978-443-4993  
Work phone: 781-646-9486

Years lived in Sudbury: 9

E-Mail Address: m\_sev@Yahoo.com

Municipal experience (If applicable):

CURRENTLY SERVING ON ENERGY COMMITTEE (GREEN RIBBON)

Educational background:

BS IN MECHANICAL ENGINEERING; PROFESSIONAL ENGINEER (MECHANICAL)

Employment and/or other pertinent experience:

DESIGNED & BUILT ZERO ENERGY HOME, DE-CONSTRUCTED EXISTING HOME IN UPLAND AREA FROM VERNAL POOL, TURNING AREA BACK TO NATURE

Reason for your interest in serving:

WANT TO HELP MAINTAIN CONSERVATION PRINCIPLES

Times when you would be available (days, evenings, weekends):

EVENINGS, INFREQUENT WEEKENDS

Do you or any member of your family have any business dealings with the Town? If yes, please explain:

NO

☒ (Initial here that you have read, understand and agree to the following statement)

I agree that if appointed, I will work toward furtherance of the committees' mission statement as adopted by the Board of Selectmen and further, I agree that I will conduct my committee activities in a manner which is compliant with all relevant State and Local laws and regulations, including but not limited to the Open Meeting Law, Public Records Law, Conflict of Interest Law, Email Policy and the Code of Conduct for Town Committees.

I hereby submit my application for consideration for appointment to the Board or Committee listed above.

Signature

Mark Sevier

Date

2/25/14

**TOWN OF SUDBURY**  
**APPLICATION FOR APPOINTMENT TO**

(Board or Committee Name) Conservation Commission

BOARD OF SELECTMEN  
278 OLD SUDBURY ROAD  
SUDBURY, MA 01776

FAX: (978) 443-0756  
E-MAIL: [selectmensoffice@sudbury.ma.us](mailto:selectmensoffice@sudbury.ma.us)

Name: Charlie Russo

**Brief resume of background and experience:**

- 5+ years as a municipal reporter in Massachusetts, covering municipal meetings such as ConCom meeting/issues
- Recent master's degree completion in Sustainability and Environmental Management
- Employed (in marketing) by an environmental and civil engineering firm that provide wetland delineation, mitigation, and permitting services

Address: 30 Juniper Road, Sudbury, MA 01776

Home phone: 978-443-2045

Cell phone: 978-808-3972

Years lived in Sudbury: 1

E-Mail Address: [charlierusso@gmail.com](mailto:charlierusso@gmail.com)

**Municipal experience (If applicable):**

- 5+ years as a municipal reporter in Massachusetts, covering municipal meetings such as ConCom meeting/issues

**Educational background:**

- Recent master's degree completion in Sustainability and Environmental Management

**Employment and/or other pertinent experience:**

- Employed (in marketing) by an environmental and civil engineering firm that provide wetland delineation, mitigation, and permitting services

**Reason for your interest in serving:**

- I believe my skills and experience match what the ConCom requires
- I would like to contribute to the Town in some capacity and help shape a positive future for residents

**Times when you would be available (days, evenings, weekends):**

Evenings (after work, M-F) some weekends

Do you or any member of your family have any business dealings with the Town? If yes, please explain:

No

CGR (Initial here that you have read, understand and agree to the following statement)

I agree that if appointed, I will work toward furtherance of the committee's mission statement; and further, I agree that I will conduct my committee activities in a manner which is compliant with all relevant State and Local laws and regulations, including but not limited to the Open Meeting Law, Public Records Law, Conflict of Interest Law, Email Policy and the Code of Conduct for Town Committees.

I hereby submit my application for consideration for appointment to the Board or Committee listed above.



1/21/2011



# **AGENDA REQUEST – Item #6**

## **BOARD OF SELECTMEN**

### **Requestor's Section**

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

**Requestor:** *Board from prior meeting*

**Action requested:** *Discussion on petition articles by three submitters: Robert Weiss (Art. 42, Lafayette Drive Land); Ron Riggert (Art. 44, Divestment of PRIT funds); Susan Doherty (Art. 43, Sale of Land under C61A)*

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

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

**Recommendations/Suggested Motion/Vote:**  
*Board's support or position on the articles*

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

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

**Date of Selectmen's Meeting:** *March 25, 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 )



TOWN OF SUDBURY  
FORM OF PETITION – TOWN MEETING ARTICLE

T42

INSTRUCTIONS

Signature Requirements: Annual Town Meeting requires a minimum of 10 valid signatures. Once called, a Special Town Meeting requires a minimum of 100 valid signatures.

- NOTE: 1. Before obtaining signatures, submit a draft to the Selectmen's office to verify legality of wording.
2. The signatures must be certified by the Board of Registrars after submission to the Board of Selectmen. Some signatures usually must be rejected. It is therefore recommended that you obtain more than the minimum stated above to be sure you will have the required number certified.

All signatures must appear on a page containing the article wording. A report, briefly explaining the intent and scope of the article, must be attached and will be printed in the Warrant.

To: Board of Selectmen, Sudbury, MA 01776

We, the undersigned being registered voters of the Town of Sudbury, hereby petition that the following article be included in the Warrant for the MAY 5, 2014, Annual or Special Town Meeting.  
(date)

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.

SIGNATURES to be made in person with name substantially as registered

Signature	Printed name	Address where registered
1. Daniel Foley	Daniel Foley	45 Bent Rd
2. CANON 6104D	CANON 6104D	245 Dutton Rd
3. Susan Jackson	Susan Jackson	150 North Rd
4. Tammy Donaghey	Tammy Donaghey	730 Boston Post Rd
5. Robert J. Giorgio	Robert J. Giorgio	95 Austin Rd
6. Dan Preston	Dan Preston	30 Church St
7. EARL DAVIES	EARL DAVIES	39 Wilkes Rd
8. Andrew Lewis	Andrew Lewis	616 Peacham
9. David J. Breazzano	David J. Breazzano	193 Dutton Road
10. RICHARD BREAZZANO	RICHARD BREAZZANO	193 Dutton Rd
11. IVAN O'SULLIVAN	IVAN O'SULLIVAN	70 Bigelow Drive
12. Frances O'Doughlin	Frances O'Doughlin	Sudbury, 150 North Rd.
13. Robert Weirich	Robert Weirich	87 Lafayette Dr
14. DONATHAN WEIR	DONATHAN WEIR	7 Lafayette Dr
15. Robert Weirich Gordon	Robert Weirich Gordon	7 Lafayette Dr

PLEASE DO NOT WRITE IN THE SPACE BELOW THIS LINE

CERTIFICATION OF NAMES

At least three Registrars names must be signed or stamped below

N – no such registered voter at that address, or address is illegible  
S – unable to identify signature as that of a voter because of form of signature or signature is illegible  
T – already signed papers for this petition  
above signatures checked thus V are the names of qualified voters from this town.

month and day

We Certify that \_\_\_\_\_  
number of names certified - use numbers and words

Registrars of Voters of Sudbury

TOWN OF SUDBURY  
FORM OF PETITION – TOWN MEETING ARTICLE

INSTRUCTIONS

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SIGNATURES to be made in person with name substantially as registered

Signature	Printed name	Address where registered
1. <u>Barbara Dickey</u>	<u>Barbara Dickey</u>	<u>8 NewBridge Rd.</u>
2. <u>Linda Shulman</u>	<u>Linda Shulman</u>	<u>27 Pendleton Road</u>
3. <u>Jean Anne Dickey</u>	<u>JEAN ANNE DICKEY</u>	<u>10 NEWBRIDGE RD</u>
4. <u>Rosanne E. Dickey</u>	<u>Rosanne E. Dickey</u>	<u>10 NewBridge Rd</u>
5. <u>Colleen Fallo</u>	<u>Colleen Fallo</u>	<u>66 Pine St</u>
6. <u>Charlene Jackson</u>	<u>Charlene Jackson</u>	<u>19 East St. Sud.</u>
7. <u>James Jackson</u>	<u>James Jackson</u>	<u>19 East St Sud</u>
8. <u>DeAnna Bisson</u>	<u>DeAnna Bisson</u>	<u>52 Basswood, Sudbury</u>
9. <u>Michelle More</u>	<u>Michelle More</u>	<u>370 Hudson Rd Sudbury</u>
10. <u>Patricia McCart</u>	<u>Patricia McCart</u>	<u>232 Mossman Rd</u>
11. <u>Robert McCart</u>	<u>Robert McCart</u>	<u>232 Mossman Rd</u>
12. <u>Beth Bakerman</u>	<u>Beth Bakerman</u>	<u>70 Bigelow Dr. SUDBURY</u>
13. <u>Anna Weishaas</u>	<u>Anna Weishaas</u>	<u>7 Lafayette Dr</u>
14. _____	_____	_____
15. _____	_____	_____

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of signature or signature is illegible  
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above signatures checked thus V are the names of qualified voters from this town.

month and day

We Certify that

number of names certified - use numbers and words

Registrars of Voters of Sudbury



TOWN OF SUDBURY  
FORM OF PETITION – TOWN MEETING ARTICLE

INSTRUCTIONS

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To: Board of Selectmen, Sudbury, MA 01776

We, the undersigned being registered voters of the Town of Sudbury, hereby petition that the following article be included in the Warrant for the MAY 5, 2014, Annual or Special Town Meeting.  
(date)

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.

SIGNATURES to be made in person with name substantially as registered

Signature	Printed name	Address where registered
1. <u>Stephen C. Hallinger</u>	<u>Stephen C. Hallinger</u>	<u>5 Washington Dr</u>
2. <u>Mike</u>	<u>Mike Hallinger</u>	<u>5 Washington Dr</u>
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13.		
14.		
15.		

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month and day



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number of names certified - use numbers and words

Registrars of Voters of Sudbury

TOWN OF SUDBURY  
FORM OF PETITION - TOWN MEETING ARTICLE

T43

INSTRUCTIONS

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All signatures must appear on a page containing the article wording. A report, briefly explaining the intent and scope of the article, must be attached and will be printed in the Warrant.

To: Board of Selectmen, Sudbury, MA 01776

We, the undersigned being registered voters of the Town of Sudbury, hereby petition that the following article be included in the Warrant for the May 5, 2014 (date), Annual or Special Town Meeting Town Meeting

To see if the Town will vote to Adopt this Attached Chapter 61 Landas Policy to set forth a clear and timely process by which the Town of Sudbury will review and respond to notices of Conversion and sale of lands subject to Chapters 61, 61A and 61B and determine whether or not to exercise or assign its right of first refusal on these lands. These policies and procedures are adopted solely for the purposes of Coordinating local review. Failure to adhere to these policies and procedures shall not affect any rights that the town has under MGL Chapters 61, 61A and 61B.

SIGNATURES to be made in person with name substantially as registered

Signature	Printed name	Address where registered
1. Susan M. Doherty	Susan M. Doherty	253 Concord Road Sudbury, Ma
2. Martha J. Keighley	Martha J. Keighley	610 Boston Post Rd
3. Dorothy M. Burdett	<del>Dorothy M. Burdett</del>	578 Boston Post Rd
4. Robert D. Aspin	ROBERT D. ASPIN	48 Horse Pond Rd.
5. D.A. De Pompei	D.A. De Pompei	55 Haynes Road
6. Krys Kucharski	KRYS KUCHARSKI	587 Boston Post Rd
7. Rita Comstock	RITA COMSTOCK	326 Vutton Rd
8. Alice Levine	Alice Levine	42 Chacefield Rd
9. Joanna Garvin	Joanna Garvin	26 Bowditch Rd
10. Amy Adolfsson	Amy Adolfsson	60 Hopeshill Brown Rd
11. Amy Mastobatis	Amy Mastobatis	253 Concord Rd, Sudbury MA
12. Ed Rodriguez	Ed Rodriguez	252 Concord Rd, Sudbury 01776
13. Gordon Hamersley	Gordon Hamersley	260 Concord Rd, Sudbury 01776
14. Joanne B. Topham	Joanne B. Topham	210 Concord Rd Sudbury MA 01776
15. Greg J. Topham	GREG J. TOPHAM	210 CONCORD RD Sudbury

PLEASE DO NOT WRITE IN THE SPACE BELOW THIS LINE

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number of names certified - use numbers and words

Registrars of Voters of Sudbury



WHEREAS, the Town of Sudbury (the "**Town**") encourages owners of open lands used for forestry, farming or recreation to enroll their property in the Chapter 61, 61A and 61B preferential tax programs in order to help maintain these open lands, but in doing so, forgoes tax revenue that would otherwise be generated by these lands; and

WHEREAS, owners of land enrolled in these programs are required to grant the Town a 120-day assignable right of first refusal in the event that these lands are proposed to be sold or converted for other uses; and

WHEREAS, the Town has the ability to exercise its right of first refusal on land sold for, or converted to, another use within one year of leaving Chapter 61, 61A and 61B; and

WHEREAS, the Town has ongoing needs for open land to be used for conservation, recreational and other purposes and finds it in the Town's best interest to give full consideration to the opportunity presented by withdrawal of land from these programs, to gather information from relevant boards and staff, and to determine whether the Town should exercise or assign its right of first refusal;

NOW, THEREFORE it be resolved that the voters of Sudbury request the Town's Board of Selectmen (the "**Board**") to adopt this Chapter 61 Lands Policy to set forth a clear and timely process by which the Town will review and respond to notices of conversion and sale of lands subject to Chapters 61, 61A and 61B and determine whether or not to exercise or assign its right of first refusal on these lands; provided, that these policies and procedures are adopted solely for the purposes of coordinating local review and that the failure to adhere to these policies and procedures shall not affect any rights that the Town has under MGL Chapters 61, 61A and 61B.

#### **Chapter 61 Lands Policy of the Town of Sudbury**

A. **Right of First Refusal.** Within 120 days of the date upon which the Board actually receives a proper notice (the "**120 Day Period**"), the Town must either:

1. Act to exercise its option to purchase (to meet a bona fide purchase offer or, in the case of intended conversion by the landowner, an option to purchase at full and fair market value), recorded at the Registry of Deeds,
2. Assign its rights to a non-profit conservation organization or the Commonwealth or any of its political subdivisions, recorded at the Registry of Deeds,

Or

3. Notify the property owner that it does not intend to exercise its right of first refusal.

B. **Requirements for Notice by Property Owner.**

1. The 120 Day Period begins with a notice of the landowner's intent to sell or convert a parcel for commercial, industrial or residential use. This notice must be sent by certified mail or hand delivered to the Board, in addition to the Planning Board, Board of Assessors and Conservation

Commission, and to the State Forester. This notice in order to be valid must comply with applicable law, as amended from time to time. Presently, applicable law requires the following:

- a. A statement of intent to sell or convert,
- b. A statement of proposed use of the land,
- c. The location and acreage of land as shown on a map drawn at the scale of (municipal) Assessor's map of the town in which the land is situated,
- d. The name, address and telephone number of the landowner,
- e. In the case of an intent to sell, a certified copy of an executed purchase and sale agreement specifying the purchase price and all terms and conditions of the proposed sale, which is limited only to the property classified under the Chapter, and must be a bona fide offer,
- f. The purchase and sale agreement must be a bona fide offer, defined as a good faith offer not dependent upon potential changes to current zoning or conditions or contingencies relating to the potential for, or the potential extent of, subdivision of the property for residential use or the potential for, or the potential extent of, development of the property for industrial or commercial use,
- g. Any additional agreements or a statement of any additional consideration for any contiguous land under the same ownership, and not classified under the Chapter, but sold or to be sold contemporaneously with the proposed sale,
- h. A notarized affidavit that the landowner has mailed or delivered the notice will be conclusive evidence that the notice has been mailed in the manner and at the time specified,
- i. In the case of an intent to convert the land to other use, the landowner must also notify the Town of the landowner's attorney, if any.

**C. Procedure for Review of Notices and Evaluation of Properties.**

- 1. Within three (3) days of receipt of a notice from a landowner complying with the requirements referenced above (such notice may be referred to as a "**Notice**"), the Board's office will ascertain in writing that such Notice was also properly transmitted to the Planning Board, Board of Assessors and Conservation Commission. The Board will promptly provide copies of the Notice to other interested boards and committees (including but not limited to the Historic Districts Commission, the Park and Recreation Commission, and other interested town bodies). For the purposes of this Policy, the Town Planning Board, Board of Assessors and Conservation Commission and other interested boards and committees including but not limited to the Historic Districts Commission and the Park and Recreation Commission may be referred to as

**"Interested Boards"**). The Board shall require, and all of the Interested Boards shall promptly provide their written recommendations to the Board concerning whether to exercise the right of first refusal.

2. The Board's office will promptly determine the final day of the 120 Day Period and verify that date with the landowner or his/her representative.
3. The Board will promptly consult with, and seek the advice of town counsel in connection with its review of the Notice, including the purchase and sale agreement prior to rendering a determination as to whether the Town is being given the same opportunity as the buyer with regard to the terms of the purchase and sale.
4. If the notice provided by the landowner is determined to be insufficient, the Board will immediately, but in no event, later than the 30<sup>th</sup> day following its receipt of such notice, transmit a certified letter notifying the landowner in writing that the proper notice has not been given and informing him/her that the 120 Day Period has not started. A copy of this letter will be provided to the Planning Board, Board of Assessors and Conservation Commission and other the boards and officials referenced in Section C (1) above.
5. The Board will diligently gather information on the property to determine its conservation value. The Board will also gather background information about the interests and perspectives of the landowner, abutters and the proposed buyer. By way of example not limitation the following actions will be undertaken as soon as reasonably practicable following receipt of a Notice:
  - The Town's Conservation Commission and/or other qualified individuals shall analyze the location of the property relative to other protected lands and perform a reasonably detailed environmental assessment.
  - The Town's Conservation Commission and/or other qualified individuals shall determine whether the property contains any unique geological or other environmental features, important soils, or a drinking water source.
  - The Town's Historic Commission and/or other qualified individuals shall determine whether the property is historically significant.
  - The Planning Board and/or other qualified individuals shall examine zoning and subdivision control regulations to determine the impact of the potential development on town services.

All such analyses, assessments, determinations and test results shall be documented.

Inspections of the property shall occur, with the Town enjoying all the rights designated to the buyer in the purchase and sale agreement contained in the Notice including surveying, soil testing and water testing.



6. Promptly following a determination that proper Notice was received, the Board shall schedule and give notice of a public hearing for the purpose of receiving comments from the public on the importance of the property to the Town, its conservation significance and/or potential for use to serve Town needs and for initiating discussion of whether or not the Town should exercise or assign its right of first refusal. The Board shall notify each Interested Board of the public hearing and a representative from each Interested Board will attend the public hearing to answer questions from the public. The public hearing will be scheduled within 60 days of receipt of the Notice. In those cases where there is a proposed conversion of the land but no sale, the determination of sale price may take as long as 90 days, at which point the public hearing will be scheduled (see section C (7)). Notice of the hearing is required to be given in accordance with M.G.L. Ch. 39, Section 23B (Open Meeting Law). The option to exercise the right of first refusal may only occur after a public hearing.

At the public hearing, the Board will afford Interested Boards, organizations and individuals the right to comment. If there is interest in pursuing acquisition of the property for municipal uses or in assigning the right of first refusal to a non-profit conservation organization or to the Commonwealth or one of its political subdivisions, the Board will continue the public hearing as needed to allow time to present a more specific proposal for consideration by the Board. The Board may create a Study Committee comprised of the chairs (or their representatives) of these and other boards to assist in developing a proposal.

7. If the landowner is converting the property, and the Town is interested in the option to purchase the land at fair market value, the Town will hire a qualified independent appraiser, and obtain the appraisal within 30 days of receiving the notice to convert. If the landowner contests the appraisal, the landowner may hire a qualified independent appraiser and obtain an appraisal within 60 days of the notice to convert. If the Town and the landowner cannot agree on an appraised value, then the two parties will jointly hire a third appraiser and obtain an appraisal within 90 days of the notice to convert. The price of the third appraisal will prevail if there is a sale, but at anytime the landowner may withdraw his or her notice to convert. Upon agreement of the purchase price, the Town will have 120 days to exercise its option.

**D. Decision by Municipality.** Based on input at the public hearing and further research as warranted, the Board will close the hearing and determine whether or not to pursue the opportunity to exercise the right of first refusal. The Board must choose one of three courses of action:

1. Exercise its option, in which case the Board shall:
  - Record the notice to exercise the option at the Registry of Deeds as part of an affidavit of a notary public during the 120 Day Period.
  - Notify the landowner by certified mail during the 120 Day Period, at the address specified in the landowner's notice, of the Town's intent to exercise its option.



- Schedule a town meeting or city council meeting for the purpose of appropriating funds to purchase the property, place a warrant article on the town warrant for this purpose, and schedule an override vote (if necessary) for the purpose of authorizing expenditure of funds. The town or city council meeting must be scheduled within the 120 Day Period, unless an extension of this deadline is agreed to in writing between the Town and the landowner.
  - Closure on the property must occur within 90 days of the Town's decision to exercise its right of first refusal, unless otherwise agreed to in writing by the landowner.
2. Assign its right of first refusal to a qualified land trust/conservation agency, in which case the Board shall:
- At a public hearing held during the 120 Day Period, vote to assign its right of refusal to the non-profit organization, setting forth any terms and conditions of the assignment. [Note: the non-profit conservation organization or the Commonwealth or any of its political subdivisions must conserve at least 70% of the property in a use consistent with one of the three Chapters, or no less a percentage conserved than proposed by the developer whose offer gave rise to the assignment, whichever is greater, but may be permitted to undertake a limited development on the balance of the property. The Board may place conditions on this use; for example the number of lots in the limited development can be specified.]
  - Record the notice to exercise at the Registry of Deeds as part of an affidavit of a notary public during the 120 Day Period.
  - Notify the landowner by certified mail during the 120 Day Period, at the address specified in the landowner's notice, of the Town's intent to assign its option to a non-profit conservation organization, stating the name and address of the non-profit organization and the terms and conditions of the assignment.
  - Closure on the property must occur within 90 days of the Town's decision to assign its right of first refusal, unless otherwise agreed to in writing by the landowner.
3. Forgo its right of first refusal, in which case the Board should examine the wisdom of recording a limited waiver of its rights at the Registry of Deeds. Any waiver of the Town's rights should be specific to the proposed purchase terms so that if the sale falls through and a new proposal comes forth, the 120 Day Period will begin again.

The Town shall use as much of the 120 Day Period as is necessary to properly evaluate the property and the potential of exercising or assigning the right of first refusal. It is possible that the Town may decide that it cannot afford to purchase the property, but any such choice should be thoroughly discussed and researched and documented before making such a determination. Where there is consensus on the absence of conservation value or where the Town has

negotiated a signed agreement with the landowner and/or developer that meets the municipal needs with regard to the property, the Town may choose not to exercise its right. Any such negotiations, however, should occur in consultation with the boards/committees entitled to notice by statute.

TOWN OF SUDBURY  
FORM OF PETITION – TOWN MEETING ARTICLE

T44

INSTRUCTIONS

Signature Requirements: Annual Town Meeting requires a minimum of 10 valid signatures. Once called, a Special Town Meeting requires a minimum of 100 valid signatures.

- NOTE: 1. Before obtaining signatures, submit a draft to the Selectmen's office to verify legality of wording.
2. The signatures must be certified by the Board of Registrars after submission to the Board of Selectmen. Some signatures usually must be rejected. It is therefore recommended that you obtain more than the minimum stated above to be sure you will have the required number certified.

All signatures must appear on a page containing the article wording. A report, briefly explaining the intent and scope of the article, must be attached and will be printed in the Warrant.

To: Board of Selectmen, Sudbury, MA 01776

We, the undersigned being registered voters of the Town of Sudbury, hereby petition that the following article be included in the Warrant for the May 5, 2014, Annual ~~or Special~~ Town Meeting.  
(date)

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)) from fossil fuel companies as set forth on the reverse side of this petition; or act on anything relative thereto.

SIGNATURES to be made in person with name substantially as registered

Signature	Printed name	Address where registered
1. <u>H. Donald Riggert</u>	<u>H. RONALD RIGGERT</u>	<u>133 MOORE RD.</u>
2. <u>Karen M. Riggert</u>	<u>Karen M. Riggert</u>	<u>133 Moore Rd.</u>
3. <u>Eric S. Line</u>	<u>ERIC S. LINE</u>	<u>31 WARD RD</u>
4. <u>Richard R. VanderSluis</u>	<u>RICHARD R. VANDERSLUIS</u>	<u>96 Dudley Rd.</u>
5. <u>Beth Brickman</u>	<u>Beth Brickman</u>	<u>67 Greystone Lane</u>
6. <u>Mary Atkinson</u>	<u>MARY ATRINSON</u>	<u>18 Brook Lane</u>
7. <u>Doris Goldthwaite</u>	<u>Doris Goldthwaite</u>	<u>141 Goodman's Hill Rd.</u>
8. <u>Deborah Wolozin</u>	<u>Deborah Wolozin</u>	<u>16 October Rd</u>
9. <u>Robert Morrison</u>	<u>Robert Morrison</u>	<u>16 October Road</u>
10. <u>Margaret T. Whittemore</u>	<u>Margaret T. Whittemore</u>	<u>24 Taylor Rd.</u>
11. <u>Melissa Gough</u>	<u>Melissa Gough</u>	<u>16 Wildwood Lane.</u>
12. <u>Dean Bruce Langmuir</u>	<u>DEAN BRUCE LANGMUIR</u>	<u>9 BENT BROOK ROAD</u>
13. <u>Donald R. Oasis</u>	<u>Donald R Oasis</u>	<u>325 Willis Rd</u>
14. <u>Paul B Greenspan</u>	<u>Paul B Greenspan</u>	<u>123 MOORE ROAD</u>
15. _____	_____	_____

PLEASE DO NOT WRITE IN THE SPACE BELOW THIS LINE

CERTIFICATION OF NAMES

At least three Registrars names must be signed or stamped below

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S – unable to identify signature as that of a voter because of form  
of signature or signature is illegible  
T – already signed papers for this petition  
above signatures checked thus ✓ are the names of qualified voters from this town.

month and day

We Certify that \_\_\_\_\_  
number of names certified - use numbers and words

Registrars of Voters of Sudbury

## RESOLUTION ON FOSSIL FUEL DIVESTMENT

To see if the Town will vote to request the Board of Selectmen to endorse proposed state legislation requiring divestment of statewide retirement funds (Pension Reserve Investment Trust (PRIT)) from fossil fuel companies; or act on anything relative thereto..

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Whereas: Global warming, caused primarily by the burning of fossil fuels and resulting increase in greenhouse gases in the atmosphere, is a serious threat to current and future generations in Sudbury and around the world;

Whereas: Global warming is already causing costly disruption of human and natural systems throughout the world, including the acidification of oceans, melting of arctic and glacial ice, rising sea levels, extreme weather, and corresponding food and water shortages, property damage, loss of biodiversity, and death;

Whereas: The effects of global warming will further intensify with increasing temperature such that almost every government in the world (including the United States) has agreed through the 2009 Copenhagen Accord that any warming above a 2°C (3.6°F) rise would be unsafe for human habitation;

Whereas: Fossil fuel companies continue to explore for even more fossil fuel deposits that cannot be burned without rendering Earth unfit for human habitation;

Whereas: Proven coal, oil and gas reserves, counted as assets of fossil fuel companies, equal roughly five times the maximum amount that can safely be released to prevent more than 2°C of global warming;

Whereas: Fossil fuel companies operate under the imperative to create shareholder profit rather than for long term public benefit, using their considerable financial resources to mislead the public on the scientific consensus about the dangers of global warming and to influence the government to maintain laws and regulations favorable to the continuing sale of their product;

Whereas: The Town of Sudbury has a moral duty to protect the lives and livelihoods of its inhabitants and of people around the world from the threat of global warming and should advocate for a future without the catastrophic impacts of a warming environment;

Whereas: There is a national movement underway to divest from fossil fuel companies as both a moral action and a means of weakening the political influence of the fossil fuel industry;

Whereas: Investments in fossil fuel companies could prove highly risky given that 80% of their proven reserves could become "stranded" and unusable assets if governments act to protect a habitable climate;

Whereas: Leadership is critical to build national momentum for the movement to divest from fossil fuel companies;

Whereas: the President of the United States has called upon citizens to make climate change an urgent priority for action in their communities including investment in clean, renewable energy, and divestment from dirty fossil fuels;

Therefore be it resolved that: The voters of Sudbury request the Board of Selectmen to endorse proposed state legislation requiring divestment of statewide retirement funds (Pension Reserve Investment Trust (PRIT)) from fossil fuel companies; and to send copies of this Resolution to Governor Deval Patrick, State Treasurer Steven Grossman, State Senators Michael Barrett and Jamie Eldridge, and State Representative Tom Conroy.

2014 JAN 29 P 4: 06  
RECEIVED  
BOARD OF SELECTMEN  
SUDBURY, MA



TOWN OF SUDBURY  
FORM OF PETITION – TOWN MEETING ARTICLE

T45

INSTRUCTIONS

Signature Requirements: Annual Town Meeting requires a minimum of 10 valid signatures. Once called, a Special Town Meeting requires a minimum of 100 valid signatures.

- NOTE: 1. Before obtaining signatures, submit a draft to the Selectmen's office to verify legality of wording.
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All signatures must appear on a page containing the article wording. A report, briefly explaining the intent and scope of the article, must be attached and will be printed in the Warrant.

To: Board of Selectmen, Sudbury, MA 01776

We, the undersigned being registered voters of the Town of Sudbury, hereby petition that the following article be included in the Warrant for the MAY 2014, Annual or Special Town Meeting.  
(date)

To see if the Town will vote to

Approve utilization of \$200,000 of current Community Preservation Act reserve funds from the category Open Space to fund Sudbury's Conservation Fund, Pursuant to Massachusetts General Law Chapter 41B (The Community Preservation Act) or act on anything relative thereto.

SIGNATURES to be made in person with name substantially as registered

Signature	Printed name	Address where registered
1. M. Eileen DePompei	M. Eileen DePompei	35 Haynes Road
2. D. A. DePompei	D. A. DePompei	35 Haynes Road
3. Martha J Keighley	Martha J Keighley	610 Boston Post Rd
4. Dorothy M Bartlett	Dorothy M Bartlett	578 Boston Post Rd
5. Robert D. Abrams	ROBERT D. ABRAMS	48 Horse Pond Rd
6. Susan M. Doherty	Susan M. Doherty	253 Concord Rd.
7. Lewis Lukaczuk	LEWIS LUKACZUK	587 Boston Post Rd
8. Richard R. Kurth	Richard R. Kurth	113 Haynes Road
9. Edith H. Fisker	Edith H. Fisker	113 Haynes Road
10. Mary F. Kurth	Mary F. Kurth	113 Haynes Rd.
11. Tammy Adams	Tammy Adams	52 Haynes Rd
12. Mark Adams	MARK ADAMS	52 Haynes Rd.
13. Miriam DiMauro	MIRIAM DIMAURO	588 Peakham R
14. Russell D. Mauro	Russell D. Mauro	588 Peakham Rd
15. Richard P. Stitt	RICHARD P. STITT	29 Stone Root Lane

PLEASE DO NOT WRITE IN THE SPACE BELOW THIS LINE

CERTIFICATION OF NAMES

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month and day

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number of names certified - use numbers and words

Registrars of Voters of Sudbury

T45

## ARTICLE xx – UTILIZE A PORTION OF CURRENT CPA FUNDS TO FUND THE CONSERVATION FUND

Move to see if the town will vote to approve utilization of \$200,000 of current Community Preservation Act reserve funds from the category Open Space to fund Sudbury's Conservation Fund, pursuant to Massachusetts General Law Chapter 44B (the Community Preservation Act), or act on anything relative thereto.

### Submitted by Petition

#### Discussion:

Over the past few years several properties in Sudbury administered under Chapter 61A have been converted from agricultural or open space use to residential development. The town of Sudbury was granted the right of first refusal to purchase these properties and maintain them as undeveloped space in return for their favored property tax treatment under Chapter 61A; however the town declined to exercise this right at least in part because of the effort and expense to convene a Special Town Meeting to secure the necessary funding from Community Preservation Funds.

The Conservation Fund, established under the provisions of MGL Chapter 40 Section 8C, can be used to hold funds available for immediate use when properties become available. Conservation Commission expends the Fund to acquire properties identified for preservation in the Open Space and Recreation Plan as they deem appropriate.

The amount of \$200,000 is roughly equal to the 10% allocation of CPA funds for open space preservation necessary under Chapter 44B; this utilization is directly analogous to allocating the 10% of CPA funds required for affordable housing to the Sudbury Housing Trust.

Funding the Conservation Fund permits the town to act quickly without the expense of a special town meeting to preserve our heritage of open space in Sudbury.



Dan De Pompei  
35 Hayner Rd  
Sudbury, MA 01776

TOWN OF SUDBURY  
FORM OF PETITION – TOWN MEETING ARTICLE

T46

INSTRUCTIONS

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All signatures must appear on a page containing the article wording. A report, briefly explaining the intent and scope of the article, must be attached and will be printed in the Warrant.

To: Board of Selectmen, Sudbury, MA 01776

We, the undersigned being registered voters of the Town of Sudbury, hereby petition that the following article be included in the Warrant for the May 2014, Annual or Special Town Meeting.  
(date)

To see if the Town will vote to

Amend the Town Bylaws Article XXII, Wetland Administrative Bylaws, Section 4 by adding the following: The Town of Sudbury will be the applicant for permitting for all design / construction projects that are funded, either in part or in whole, with Community Preservation funding. As the applicant, the Town of Sudbury will adhere to all requirements of the Wetlands Administrative Bylaws.

SIGNATURES to be made in person with name substantially as registered

Signature	Printed name	Address where registered
1. <u>M. Eileen DePompei</u>	<u>M. Eileen DePompei</u>	<u>35 Haynes Road</u>
2. <u>D. A. DePompei</u>	<u>D. A. DePompei</u>	<u>35 Haynes Road</u>
3. <u>Martina J. Keighley</u>	<u>Martina J. Keighley</u>	<u>610 Boston Post Rd</u>
4. <u>Dorothy M. Bartlett</u>	<u>Dorothy M. Bartlett</u>	<u>578 Boston Post Rd</u>
5. <u>Robert D. Abrams</u>	<u>ROBERT D. ABRAMS</u>	<u>48 Horse Pond Rd.</u>
6. <u>Susan M. Doherty</u>	<u>Susan M. Doherty</u>	<u>253 Concord Road</u>
7. <u>Richard R. Kurth</u>	<u>Richard R. Kurth</u>	<u>507 Boston Rd No</u>
8. <u>Mary F. Kurth</u>	<u>Mary F. Kurth</u>	<u>113 Haynes Road</u>
9. <u>Edith H. Fiske</u>	<u>Edith H. Fiske</u>	<u>113 Haynes Rd.</u>
10. <u>Edith H. Fiske</u>	<u>Edith H. Fiske</u>	<u>113 Haynes Rd.</u>
11. <u>Tommy Adams</u>	<u>Tommy Adams</u>	<u>52 Haynes Rd</u>
12. <u>Mark Adams</u>	<u>MARK ADAMS</u>	<u>52 Haynes Rd</u>
13. <u>Miriam DiMauro</u>	<u>Miriam DiMauro</u>	<u>588 Pea Khan Rd</u>
14. <u>Russell DiMauro</u>	<u>Russell DiMauro</u>	<u>588 Pea Khan Rd</u>
15. <u>Richard P. Stitt</u>	<u>RICHARD P. STITT</u>	<u>29 Stone Root Lane</u>

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month and day

We Certify that

number of names certified - use numbers and words

Registrars of Voters of Sudbury



746

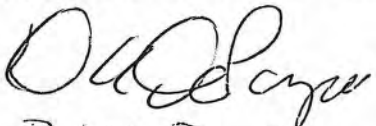
Wetlands Administrative Bylaws: Projects Funded with Community Preservation Funds

Move to amend the town Bylaws by adding the following to Article XXII, Section 4:

The Town of Sudbury will be the applicant for permitting for all design/construction projects that are funded, either in part or in whole, with Community Preservation funding. As the applicant, the Town of Sudbury will adhere to all requirements of the Wetlands Administrative Bylaws

Discussion

Sudbury's geography is 26% wetlands and its' water supply is 100% dependent on groundwater. The state owned RoW's referred to as the BFRT and the MCRT pass through Sudbury's wetlands, watersheds and riparian areas. No other community along these state owned right of ways is 100% dependent on groundwater, nor do these towns face the significant violation of environmental bylaws we face in Sudbury from rail trail construction. One ubiquitous set of design and/or approval standards at the state level, as currently demanded by many advocates of Rail Trails, simply is not compatible with the variety of local environments and natural resources encountered along the entire length of these RoW's. Sudbury deserves the transportation connectivity, and recreational benefits that are possible with a well planned and designed trail system. Sudbury also deserves trail design and construction that honors the bylaws and regulations currently enforced for all other organizations, land owners and construction projects in Sudbury. Honoring Sudbury's bylaws and permitting process is not incompatible with the design and construction of recreational trails.

  
DAN De Pompei  
35 Haynes Rd  
Sudbury, MA



TOWN OF SUDBURY  
FORM OF PETITION – TOWN MEETING ARTICLE

T47

INSTRUCTIONS

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All signatures must appear on a page containing the article wording. A report, briefly explaining the intent and scope of the article, must be attached and will be printed in the Warrant.

To: Board of Selectmen, Sudbury, MA 01776

We, the undersigned being registered voters of the Town of Sudbury, hereby petition that the following article be included in the Warrant for the MAY 2014, Annual or Special Town Meeting.  
(date)

To see if the Town will vote to Amend The Town Bylaws Article IV, Finance Committee, by adding the following to section 5:

"Additionally, all submittals/reports shall include any amounts currently held in reserve accounts, contingency accounts, escrow accounts and self insurance accounts. Said submittals + reports shall also include all unfunded liabilities."

SIGNATURES to be made in person with name substantially as registered

Signature	Printed name	Address where registered
1. <u>M. Eileen DePompei</u>	<u>M. Eileen DePompei</u>	<u>35 Haynes Road</u>
2. <u>D. A. De Pompei</u>	<u>D. A. De Pompei</u>	<u>25 Haynes Road</u>
3. <u>Martha Keighley</u>	<u>Martha Keighley</u>	<u>610 Boston Post Rd</u>
4. <u>Dorothy M. Bartlett</u>	<u>Dorothy M. Bartlett</u>	<u>578 Boston Post Rd</u>
5. <u>Robert D. Abrams</u>	<u>Robert D. Abrams</u>	<u>48 Horse Pond Rd</u>
6. <u>Susan M. Doherty</u>	<u>Susan M. Doherty</u>	<u>253 Concord Rd.</u>
7. <u>Kenneth W. Doherty</u>	<u>Kenneth W. Doherty</u>	<u>587 Boston Post Rd</u>
8. <u>Mary F. Kurth</u>	<u>Mary F. Kurth</u>	<u>113 Haynes Rd.</u>
9. <u>Richard R. Kurth</u>	<u>Richard R. Kurth</u>	<u>113 Haynes Rd.</u>
10. <u>Edith H. Fisker</u>	<u>Edith H. Fisker</u>	<u>113 Haynes Rd.</u>
11. <u>Tenny Adams</u>	<u>Tenny Adams</u>	<u>52 Haynes Rd</u>
12. <u>Mark Adams</u>	<u>MARK ADAMS</u>	<u>52 Haynes Rd</u>
13. <u>Miriam DiMauro</u>	<u>MIRIAM DIMAURO</u>	<u>588 Peakham Rd</u>
14. <u>Russell DiMauro</u>	<u>Russell DiMauro</u>	<u>588 Peakham Rd</u>
15. <u>Richard P. Stitt</u>	<u>RICHARD P STITT</u>	<u>29 Stone Root Lane</u>

PLEASE DO NOT WRITE IN THE SPACE BELOW THIS LINE

CERTIFICATION OF NAMES

At least three Registrars names must be signed or stamped below

N – no such registered voter at that address, or address is illegible  
S – unable to identify signature as that of a voter because of form of signature or signature is illegible  
T – already signed papers for this petition  
above signatures checked thus ✓ are the names of qualified voters from this town.

month and day

We Certify that \_\_\_\_\_  
number of names certified - use numbers and words

Registrars of Voters of Sudbury

747

Move to amend the Town Bylaws Article IV, *Finance Committee*, by adding the following sentence in quotations to Section 5:

**Section 5:**

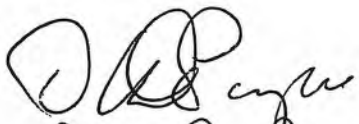
Each Town department shall annually submit to the Finance Committee, not later than January 31st, an estimate of its requirements for the ensuing year, and the Selectmen shall report all other requests for appropriations on or before February 5th.

“Additionally, all submittals/reports shall include any amounts currently held in reserve accounts, contingency accounts, escrow accounts and self-insurance accounts. Said submittals and reports shall also include all unfunded liabilities.”

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

**Article 2 Discussion**

Town Residents, in their capacity as Legislators voting on the budget, need full financial disclosure to accurately understand the financial status of the Town. The residents are the stakeholders who fund all three cost centers and deserve full financial disclosure. Without knowledge of all financial resources and liabilities there is no way to realistically discuss and/or project financial need or financial sustainability

  
Dan De Pompei  
35 Hayner Rd  
Sudbury, MA

# **AGENDA REQUEST – Item #7**

## **BOARD OF SELECTMEN**

### **Requestor's Section**

**Item Name:** *Continued Discussion of Town Meeting articles from 3/11 meeting*

**Date of request:** *3.18.14*

**Requestor:** *Town Manager Valente*

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

*In order to get the Board of Selectmen positions in the warrant, the Board needs to vote their positions by March 25, 2014.*

**Financial impact expected:**

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

**Recommendations/Suggested Motion/Vote:**

*Any position of the board.*

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

*Not applicable*

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

**Date of Selectmen's Meeting:** *3/25/14*

**Board's action taken:**

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

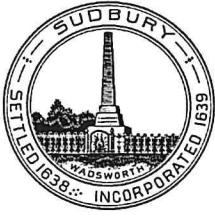
**Future Agenda date (if applicable):**

**Distribution:**

**Town Counsel approval needed?**

**Yes (X)**

**No ( )**



# Town of Sudbury

Office of Selectmen

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

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

March 21, 2014

TO: Board

FROM: Patty Golden

SUBJ: 2014 ATM Articles – Speaker Assignments

I received input from two Board members regarding their suggested speaking assignments, which is included in the attached list. Also a column has been added to include liaison assignment.

Please keep in mind that these are potential speaking assignments. Feel free to make changes as you see fit.

Thank you.



## 2014 Annual Town Meeting Articles

Article #	Title	Consent Calendar	Position	Potential Speaker	Liaison Assignment
<b>Finance/Budget</b>					
1	Hear Reports		S		N/A
2	FY14 Budget Adjustments		S	JD	JD
3	Stabilization Fund		RTM	JD	JD
4	FY15 Operating Budget			CW	JD
5	FY15 Transfer Station Enterprise Budget		S	JD	JD
6	FY15 Pool Enterprise Budget		S	JD	JD
7	FY15 Recreation Field Maintenance Enterprise Budget		S	JD	JD
8	Unpaid Bills		RTM	JD	JD
9	Chapter 90 Highway Funding	CC	S	JD	JD
10	Real Estate Exemption	CC	S	JD	JD
11	Town/School Revolving Funds	CC	S	JD	JD
12	Rescind/Amend Borrowings	CC	S	JD	JD
<b>Capital</b>					
13	FY15 Capital Budget		S	CW	CW
14	Construct Police Headquarters		S	LOB	LOB
15	Purchase of Fire Department Ambulance and Fire Engine - FY15 Capital Exclusion		S	CW	CW
16	DPW Rolling Stock Replacement		S	CW	CW
17	Technology Infrastructure Improvement - Lincoln-Sudbury Regional High School		RTM	CW	LOB
18	Israel Loring Elementary School - Purchase of New Phone System		S	CW	RH
19	School Driveways, Parking Lot, and Sidewalks Improvement		S	CW	RH
20	Ephraim Curtis Middle School - Purchase of Technology Devices		S	CW	RH
21	Fairbank Community Center Roof Project		RTM		RH
22	Energy Services Company Energy Improvement Program		S	LS	LS
23	Nixon School - Partial Roof, Window and Door Replacements		RTM		RH
24	DPW Rolling Stock Stabilization Fund		S	CW	CW
25	Energy Saving Programs Stabilization Fund		RTM	CW	LS
<b>Other</b>					
26	Conduct Feasibility Study for Wastewater Disposal Options for Rte 20 Business District		RTM		RH
27	Amendments to the District Agreement of the Minuteman Regional Vocational School District		RTM		RH/LS
28	Chapter 110, Section 110 of the Acts of 1993, Disabled Veteran's Exemption Residency Requirements		S	LOB	JD
<b>Community Preservation</b>					
29	Town-wide Walkways \$50K		S	LOB	JD
30	Sudbury Housing Trust 10% Allocation \$100K		S	LOB	LOB
31	Historical Commission Projects		S	LOB	CW
32	Bruce Freeman Rail Trail Design		S	LOB	RH/LS
33	Melone Property Engineering		S	CW	JD
34	SHA Bathroom Project		S	LOB	LOB
35	Community Preservation Fund - Amend Art. 43/2006 ATM SHA Unit Buy-Down		S	LOB	LOB
36	CPC - Reversion of Funds		S	LOB	JD
37	CPC General Budget and Appropriations		S	LOB	JD
<b>Zoning</b>					
38	Amend Zoning Bylaw, Medical Marijuana Treatment Centers		Refer to PB	LOB	LOB
39	Amend Zoning Bylaw Accessory Structures		Refer to PB	LOB	LOB
40	Amend Zoning Bylaw, Sect 4100 Flood Plain Overlay District		Refer to PB	LOB	LOB
41	Amend Zoning Bylaw: (Wastewater facilities delete sec. 4500)		Refer to PB	LOB	LOB
<b>Petition</b>					
42	Petition-Lafayette Drive Land				
43	Petition-Sale of Land under C61A				
44	Petition-Divestment of PRIT funds				
45	Petition-Utilize Portion of CPA Funds to Fund Conservation Fund				
46	Petition-Amend Wetlands Administration Bylaw: Projects funded with CPC funds				JD
47	Petition-Amend Bylaw Art. IV Finance Committee				JD



# Town of Sudbury

## Town Manager's Office

Townmanager@sudbury.ma.us

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

Maureen G. Valente, Town Manager

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

Date: March 21, 2014  
To: Board of Selectmen  
From: Maureen G. Valente, Town Manager   
Subject: Article 2

As I noted at your meeting on March 11, 2014, the snow and ice deficit for FY14 stands between \$425,000 and \$475,000. After applying the reserve fund balances to this deficit, there is still a need to cover up to \$275,000 of deficit within the FY14 budget.

I advised the Finance Committee there will likely be \$488,165 surplus in the FY14 line item for health insurance for the Town and SPS employees, due to the high number of opt outs and the decisions of new employees not to take the Town health insurance, although they are eligible to do so.

Of this \$488,165, \$165,000 is attributable to the Town budget, and I plan to ask Town Meeting to make a budget adjustment under Article 2 to transfer these funds to the snow and ice budget.

Additionally, the Sudbury Public Schools have voted to request that \$70,000 of the balance of the savings attributable to their budget be transferred to the snow and ice budget. Please see the attached memo.

There may be other FY14 adjustments that are possible as we move nearer Town Meeting date. But these are two items that I would like to put in the warrant under Article 2.

The Finance Committee has not taken a position on Article 2 as yet, but plan to do so at their meeting on April 28, 2014.



## *Sudbury Public Schools*

40 Fairbank Road  
Sudbury, Massachusetts 01776  
Phone: (978) 639-3211  
Fax: (978) 443-9001

Anne S. Wilson, Ph.D.  
Superintendent of Schools  
[anne\\_wilson@sudbury.k12.ma.us](mailto:anne_wilson@sudbury.k12.ma.us)

Date: March 17, 2014  
To: Finance Committee  
From: Anne S. Wilson, Ph.D., SPS Superintendent of Schools  
Re: Article 2, Budget Adjustments FY14

We have been notified by the Town that there will be a \$488,165 surplus in the line item for the health insurance for the Town and SPS active employees for FY14. SPS's portion of this surplus is \$323,165.

At a special School Committee Meeting, March 17, 2014, the School Committee voted to request that the Finance Committee approve fund transfers from the active employee health insurance line item to the following School and Town line items.

<u>Line Item</u>	<u>Description</u>	<u>Amount</u>
21610273-731000	Tech/ New Equip	\$153,165
21610213-250000	Curriculum/Curriculum	\$ 50,000
23546324-422000	Maintenance	\$ 50,000
	Town Snow & Ice	\$ 70,000

### Rationale:

Technology New Equipment – This allocation will allow SPS to purchase **some** of the 1:1 devices for the implementation year of the middle school 1:1 program. This expenditure supplements the Capital request for \$70,000.00 to offset the initial one-time costs associated with outfitting two grade levels of students with 1:1 devices. In addition, this allocation will go toward replacing teacher computers that are 6+ years old and will also support a new phone system at Curtis Middle School. Both of these projects have been identified as needs and our ability to meet the needs is long overdue.

Curriculum/Curriculum Development – We have a need to provide additional materials, aligned with the Common Core standards, for teacher and student use. Over the next several years, we will have an ongoing need to provide a wide range of Common Core aligned materials and resources for all learners. Many of the texts and supplemental materials we have used in the past are not aligned to the Common Core standards and are no longer useful for instruction. Additionally, we have large groups of teachers who must meet to design units and assessments and to review appropriate materials to make informed decisions regarding new materials. This allocation will provide time for teachers to meet (outside of the work day) and make important decisions regarding instructional materials, and to create units of study and assessments that meet student learning needs.



Maintenance – SPS has ongoing maintenance needs that have been identified for some time and this allocation will allow us to address **some** of the most crucial maintenance and repair issues in the system. For example, the doors at Curtis Middle School have been identified for replacement and there are multiple water heaters and circulation pumps throughout the system that need to be replaced as they are at the end of their useful life.

Town Snow and Ice – Although not the responsibility of the School Department, the School Committee and School Administration would like to assist the Town with the Snow and Ice deficit for this year, due to the surplus funds for FY14 in the Benefits line. The circumstances allowing for SPS to provide assistance with the cost of Snow and Ice removal are unique to this fiscal year and in no way does SPS conceive that this type of contribution would be possible in the future, however, we wish to assist at this time. We very much appreciate the efforts of Sudbury DPW, and in particular, this school year due to DPW efforts, we were able to open safely and successfully on a 2-hour delay during one of the snow events.

I am happy to answer any questions from the Finance Committee and respectfully request your support of this budget article updated plan.

Respectfully,

A handwritten signature in blue ink, appearing to read "Anne S. Wilson", with a long horizontal flourish extending to the right.

Anne S. Wilson, Ph.D.

cc: Sudbury Town Manager





# Town of Sudbury

## Town Manager's Office

Townmanager@sudbury.ma.us

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

Date: March 12, 2014  
To: Finance Committee, Board of Selectmen  
From: Maureen G. Valente, Town Manager *Maureen G. Valente*  
Subject: Article 4 Operating Budget and Article 2, Budget Adjustments

I am advising the Finance Committee of one change to the FY 15 Town Government Budget Request and a proposal for Article 2, Budget Adjustments, to address the snow & ice deficit.

### Article 4: FY 15 Operating Budget

I am hereby submitting a revised Town Budget Summary sheet to supersede the budget that I submitted to the Finance Committee on January 31, 2014. Please see the attached Budget Summary sheet with the revised numbers and note the bottom line has not changed and the overall budget remains within the FinCom's guidelines for FY15.

	F14 Appropriated	FY15 No Override	Difference	Difference
General Government	2,549,815	2,669,762	119,947	4.7%
Public Safety	6,948,250	7,125,079	176,829	2.5%
Public Works	4,892,309	4,956,982	64,673	1.3%
Human Services	598,570	656,715	58,145	9.7%
Culture & Recreation	1,116,228	1,175,691	59,463	5.3%
Unclassified & Transfer Accounts	397,699	417,112	19,413	4.9%
Town Employee Benefits & Insurances	4,308,537	4,378,611	70,074	1.6%
Subtotal	20,811,408	21,379,952	568,544	2.7%
Town Offsets	(762,745)	(830,072)	(67,327)	8.8%
Total Town Services	20,048,663	20,549,880	501,216	2.5%

	FY14 Appropriated	FY15 No Override	Difference	Difference
Town Personal Service	11,550,436	11,862,213	311,777	2.7%
Town Benefits	4,308,537	4,378,611	70,074	1.6%
Town Expenses	4,109,411	4,287,838	178,427	4.3%
Town Capital	418,274	426,540	8,266	2.0%
Town Snow & Ice	424,750	424,750	0	0.0%
Town Offsets	(762,745)	(830,072)	(67,327)	8.8%
	20,048,663	20,549,880	501,216	2.5%

	<b>FY15 Prelim</b>	<b>FY15 Current</b>	<b>Difference</b>
General Government	2,629,972	2,669,762	39,790
Public Safety	7,125,079	7,125,079	0
Public Works	4,956,982	4,956,982	0
Human Services	656,715	656,715	(0)
Culture & Recreation	1,175,691	1,175,691	0
Unclassified & Transfer Accounts	417,112	417,112	0
Town Employee Benefits & Insurances	4,418,401	4,378,611	(39,790)
Subtotal	21,379,952	21,379,952	0
Town Offsets	(830,072)	(830,072)	(0)
Total Town Services	20,549,880	20,549,880	(0)

The FY15 rates for health plans from the Group Insurance Commission (GIC) have been set and overall it is good news for the Town and SPS. The GIC voted an overall 1% increase in rates. For the Town budget, that translates to a reduction of \$39,790 from the benefits budget. I have reallocated those funds as follows:

\$20,000	Treasurer/Collector Department, clerical salaries
\$ 3,000	Treasurer/Collector's Department, general expenses
\$16,790	Assistant Town Manager/HR Director, contracted services

As explanation, I was recently notified of the planned retirement of Peter Anderson, the Town's part-time financial analyst. The position was originally planned as full-time but was made part-time at Peter's request. To replace him, I believe we will need to return the hours to full-time and review the job responsibilities as well. The Town has other financial management needs to address, including more efficient and quicker turnaround in handling of bidding and procurement processes. We will look to see what can be handled by this position to help the overall organizational efficiency.

The Finance Director/Tax Collector/Treasurer's office needs to have more funds added for the general expenses of issuing tax bills and other work of the office. I had lowered this amount for FY14, but now realize it was lowered too much to cover the general expenses of this office.

In the ATM/HR department, I remain committed to funding a classification study to insure the Town's job descriptions are up to date and properly classified for compensation purposes.

## **Article 2: FY14 Budget Adjustment**

As I have kept the Finance Committee and Board of Selectmen informed, there is a substantial deficit in the snow and ice account, due to the exceptionally high number of snow and ice events this winter (and we are potentially not even done with snow & ice removal activities yet!!)

Currently the deficit stands between \$425,000 and \$475,000 (depending on whether we have more storms and if we restock on salt supplies this season) We likely will have between \$200,000 and \$220,000 in the Reserve Fund that can be dedicated to reducing this deficit, depending on any other unexpected events that might occur between now and year end. Worst case, this leaves a balance of \$275,000 that I am developing plans to cover by June 30.

On February 27<sup>th</sup>, I advised the FinCom that there will likely be \$488,165 surplus in the line item for the health insurance for the Town and SPS active employees and the reasons for this (high level of opt outs and decisions of new hires not to take the Town's health plans). We have estimated that about \$165,000 of this total is from savings for Town employee's health insurance with the balance attributable to the SPS FY14 benefits budget.

The Board of Selectmen have indicated their support for Article 2 to request that \$165,000 be transferred from the Town benefits budget to the Town snow and ice budget as part of the plan to cover the deficit.

If Town Meeting approves, the deficit then becomes in the neighborhood of \$110,000. I will continue working on this deficit challenge and may add to the Article 2 adjustment request to make other transfers under this article, if the Board of Selectmen approve.

I am happy to answer any questions from the Finance Committee and respectfully request your support of Budget Adjustment Article 2 and the Town's Operating Budget request.



# **AGENDA REQUEST – Item #8**

## **BOARD OF SELECTMEN**

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

**Date of request:** 3-7-14

**Requestor:** Town Counsel

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

**Financial impact expected:** None

**Background information (if applicable, please attach if necessary):** This Conservation Restriction on a total of 10.726 a. on portions of multiple parcels of land off Arboretum Way is required by the Decision of the Sudbury Planning Board, dated 11/17/04, related to development of the Subdivision. The CR was enlarged as part of the Conservation Commission's approval of the development of Lots 2 -6 and Lots 9 & 10. The CR will be approved by the Conservation Commission on 3/24 and the document has been reviewed and approved by Town Counsel's office.

**Recommendations/Suggested Motion/Vote:** 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 the 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."

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

None

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

**Date of Selectmen's Meeting:** 3/25/14

**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 ( )**

Grantor: Redspire, Inc.

Grantee: Town of Sudbury, Conservation Commission

Address of Property: land off Arboretum Way, Sudbury, MA 01776

For title see: deed

recorded with the Middlesex South Registry of Deeds on July 13, 2006 at  
Book 47798 , Page 124

CONSERVATION RESTRICTION TO  
TOWN OF SUDBURY, MASSACHUSETTS

(Property Address: land off Arboretum Way, Sudbury, MA)  
Sudbury CR# \_\_\_\_\_

Redspire, Inc. a Massachusetts corporation with a principal place of business at 441 Maynard Road, Sudbury, Massachusetts 01776 and its successors and assigns ("GRANTOR"), acting pursuant to sections 31, 32 and 33 of Chapter 184 of the General Laws, hereby grant to the TOWN OF SUDBURY, a Massachusetts municipal corporation acting by and through its Conservation Commission in accordance with M.G.L., chapter 40, sec. 8C, its permitted successors and assigns ("GRANTEE") with quitclaim covenants, for nominal consideration in perpetuity and exclusively for conservation purposes, the following described 10.726 acre conservation restriction on portions of multiple parcels of land off Arboretum Way in the Town of Sudbury (the restricted area herein referred to as the "Premises"), being shown as the "Conservation Restriction" on a plan of land entitled "Conservation Restriction Plan of Land in Sudbury, Mass., prepared for Frank Cutting, Scale 1" = 40' February 2014 prepared by David E. Ross Associates, Inc." which is recorded herewith in Book \_\_\_\_, Page \_\_\_\_ and a reduced copy attached hereto as Exhibit A ("Plan").. Reference is made to the Decision of the Sudbury Planning Board dated November 17, 2004 recorded with Middlesex South District Registry of Deeds in Book 47269, Page 566 which Decision requires a perpetual restriction on the open space pursuant to Section 5142 of the Sudbury Zoning By-Laws.

PURPOSES

This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the Massachusetts General Laws and otherwise by law. Its purpose is to assure that the

Premises will be retained in perpetuity predominantly in their natural, scenic and open condition and to prevent any use of the Premises that will materially impair or interfere with the conservation values of the Premises. The GRANTOR and the GRANTEE acknowledge and agree that the Premises provide protection of significant scenic, aesthetic, and ecological values in their present state as natural areas comprising bordering vegetated wetlands, adjacent upland resource areas, wetland resource areas and ponds., The GRANTOR and the GRANTEE further acknowledge and agree that the Premises have not been subjected to development incompatible with said state, and that protection of the Premises in their predominantly natural or open condition will be of benefit to the public through the protection of the public water supply, ground water supply and wildlife habitat, and the prevention of storm damage and pollution, and flood control. The GRANTOR and GRANTEE share the common purpose of conserving the natural values of the Premises for the present generation and future generations. The Grantor and Grantee further recognize that the Premises abuts land placed under an Agricultural Preservation Restriction as more particularly referenced in Book 43337, Page 300 recorded with Middlesex South District Registry of Deeds. Further, this grant is made in conformance with the conditions set forth in the Definitive Cluster Subdivision Special Permit The Aboretum which Decision is recorded with Middlesex South District Registry of Deeds in Book 47269, Page 566. The terms of this Conservation Restriction are as follows:

A. PROHIBITED USES AND ACTIVITIES - RESTRICTED AREA

Except as otherwise permitted in paragraph B below, the GRANTOR, shall neither perform nor permit others to perform any of the following activities or uses, which are prohibited, on, above or below the the Premises. The Premises shall be delineated by specific plantings at specified surveyed points at property line intersections and changes in direction on the Conservation Restriction plan.

- (1) Constructing or placing of any temporary or permanent building, tennis court, landing strip, mobile home, swimming pool, fences, asphalt or concrete pavement, sign billboard, or other advertising display, antenna, utility pole, tower, conduit, line or other temporary or permanent structure or facility on, above, or under the Premises;
- (2) Mining, excavating, dredging or removal of soil, loam, peat, gravel, sand, rock or other mineral substances or natural deposit;
- (3) Placing, filling, or dumping of soil or other substances on the ground as landfill or



dumping of refuse, trash, vehicle bodies or parts, rubbish, debris, junk, solid or chemical waste or other substance or material whatsoever;

- (4) Cutting, removing or otherwise destroying trees, shrubs or other vegetation
- (5) Use, parking or storage of motorized vehicles of any nature or kind, including but not limited to cars, trucks, motorcycles, all-terrain vehicles and snowmobiles, except as may be necessary for emergency personnel in carrying out their lawful duties;
- (6) Activities detrimental to drainage, flood control, water conservation, erosion control, wild-life habitat or soil conservation;
- (7) Subdivision or other division of the Premises and the Premises cannot be used towards further building requirements on this or any other land.
- (8) Use of pesticides or herbicides.
- (9) Underground storage of petroleum or other products;
- (10) Use of de-icing or other chemicals except for calcium or magnesium-based de-icing chemicals;
- (11) Use of fertilizers, except of the low nitrogen variety, and only in the spring of each year;
- (12) Planting of non-native or invasive species.
- (13) Any other use or activity which would materially impair conservation interests unless necessary in an emergency for the protection of the conservation interests that are identified as purposes of the Conservation Restriction, and with prior written permission of the Sudbury Conservation Commission, or permission as soon as practicable after the emergency.

B. RESERVED RIGHTS - RESTRICTED AREA

1. Except as expressly limited in this Conservation Restriction, the GRANTOR reserves for itself, , all rights as owner of the Premises, including the right to use the Premises for

all purposes not inconsistent with and that do not materially impair the purposes or conservation interests of this Conservation Restriction.

2. Notwithstanding anything contained in Paragraph A hereof, the GRANTOR reserves the right to conduct or permit the following activities and uses on the Premises:

- (i) Selective minimal pruning and cutting of trees and shrubs to control or remove hazards, disease, invasive species, or insect or storm damage provided the planting of new native trees or shrubs to further enhance the purposes of this Conservation Restriction is accomplished; and
- (ii) The right to control noxious, nuisance, or non-native plant or animals species in a manner that does not materially impair non-target species or water quality

3. Cutting, removing trees, shrubs or other vegetation only with prior written permission of the Sudbury Conservation Commission;

4. Posting of signs prohibiting trespass and prohibiting public access and other admonitions as to use and identifying Grantee as the holder of this Conservation Restriction.

5. The, repair and maintenance, but not enlargement of an existing causeway utilized for farm equipment, the location of which is shown on the attached Exhibit marked as "Sketch of Plan of Causeway".

6. Walking, bird-watching, photography and other passive outdoor recreational activities for the benefit of lot owners within the "Arboretum Way Subdivision" (lots 1 – 10) and owners of land abutting Cutting Lane as shown on said plan as Parcel "C1" and land of John C. and H. Rebecca Cutting but only to the extent that such activity occurs on that portion of the Premises shown and designated as open space on Conservation Restriction plan as above referenced.

7. Mowing the existing meadow within the restricted area on a seasonal basis but only during non-nesting periods – October 1st through March 31st.

8. Filling and grading to the minimum required for the construction of a driveway on Lot 6 as shown on the Plan and the completion of the construction of Arboretum Way as shown on

said plan; said filling and grading to occur within the limits of work as depicted by the proposed contour lines of the herein described Premises as illustrated on Cluster Subdivision Plan of "The Arboretum", Sudbury, Mass., prepared for John C. Cutting, Scale 1" = 40', July 2004, David E. Ross, Associates, Inc., recorded with Middlesex South District Registry of Deeds as Plan No. 404 of 2006.

9. Excavating to the minimum required on a certain portion of the restricted area abutting Cutting Lane to modify, maintain and replace as necessary or required the existing drainage at the end of the pipe outfall on the side of Cutting Lane; all work to occur in accordance with an Order of Conditions to be issued by the Sudbury Conservation Commission for improvement of the said existing drainage to design the basin to MA Stormwater Standards, including creating a suitable forebay and overflow design. Work in accordance with said Order of Conditions shall include but not be limited to the removal of existing loam piles and the installation of a ramp for construction and maintenance access.

C. COMPLIANCE WITH APPLICABLE LAW

The exercise of any right reserved by GRANTOR shall be in compliance with the then-current Wetland Administration By-Law of the Town of Sudbury, the state Wetlands Protection Act (Massachusetts General Laws Chapter 131, Section 40), and all other applicable federal, state, and local law. The inclusion of any reserved right requiring a permit from a public agency does not imply that GRANTEE or the Commonwealth of Massachusetts takes any position on whether such permit should be issued.

D. ACCESS

The GRANTOR grants to the GRANTEE the right to enter the Premises at reasonable times and in a reasonable manner for the purposes of inspecting the same to determine compliance herewith. Access to Lots 1-6 and 10 shall be with prior notice to current record title owners of said lots. Such notice shall also include an invitation to participate in the inspection.

The Conservation Restriction hereby conveyed does not grant to the general public, or to any other person any right to enter upon the Premises or conduct any activities on the Premises, except those rights expressly conferred upon the GRANTEE as set forth in this Section D, and those rights reserved by the GRANTOR.

E. LEGAL REMEDIES OF GRANTEE

The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to its condition prior to the time of the injury complained of (it being agreed that the GRANTEE will have no adequate remedy at law), and shall be in addition to, and not in limitation of, any other rights and remedies available to the GRANTEE. GRANTOR, and its successors and assigns covenant and agree to reimburse GRANTEE all reasonable costs and expenses (including without limitation reasonable counsel fees) incurred in enforcing this Conservation Restriction or in taking reasonable measures to remedy or abate any violation thereof, provided that a court of competent jurisdiction determines that there has been a violation of this Conservation Restriction. By its acceptance of this Conservation Restriction, GRANTEE does not undertake any liability or obligation relating to the condition of the Premises not caused by, Grantee or its agents. Enforcement of the terms of this Conservation Restriction shall be at the discretion of GRANTEE, and any forbearance by GRANTEE to exercise its rights under this Conservation Restriction shall not be deemed or construed to be a waiver. In the event of a dispute over the boundaries of the Conservation Restriction, the GRANTOR will be responsible for surveying and placement of monuments along the boundaries of this Conservation Restriction.

F. DURATION AND ASSIGNABILITY

The burdens of this Conservation Restriction shall run with the Premises and shall be enforceable against GRANTOR holding any interest in the Premises in perpetuity. GRANTEE is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction. The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the GRANTEE, except in the following instances and from time to time: (1) as a condition of any assignment, GRANTEE requires that the purpose of this Conservation Restriction continue to be carried out, and (2) the assignee, at the time of assignment, qualifies under Section 32 of Chapter 184 of the General Laws as an eligible GRANTEE to receive this Conservation Restriction directly, and (3) GRANTEE agrees to comply with the provisions of Article 97 and amendments of the state constitution, give written notice to GRANTOR of any such assignment at least twenty (20) days prior to the same, but failure to do so shall not impair the validity of this Conservation Restriction or limit its enforceability in any way.

G. SUBSEQUENT TRANSFERS

GRANTOR, agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument by which GRANTOR conveys any interest in all or a portion of the Premises, including, without limitation, a leasehold interest. Failure to do so shall not impair this Conservation Restriction or its enforceability in any manner. GRANTOR and each such successor in title shall not be liable hereunder for breaches of this Conservation Restriction arising after its period of ownership, but shall only be liable for breaches of this Conservation Restriction occurring or existing during its respective period of ownership.

H. EXTINGUISHMENT

(a) Grantee's Receipt of Property and Development Rights.

The Grantor and the Grantee agree that the grant of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is equal to the proportionate value that this Conservation Restriction, to be determined at the time of any future taking or conveyance, bears to the value of the unrestricted Premises at that time.

(c) Right of Grantee to recover Proportional Value at Disposition.

If any occurrence ever gives rise to extinguishment or other release of the Conservation Restriction under applicable law, then the Grantee, on a subsequent sale, exchange or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds equal to such proportionate value, subject, however, to any applicable law which expressly provides for a different disposition of proceeds, and provided that Grantee shall use such proceeds exclusively for land conservation in the Town of Sudbury.

(d) Grantor/Grantee Cooperation Regarding Public Action

Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action.

(e) Allocation of Expenses upon Disposition



All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantee in shares equal to such proportionate value.

(f) Continuing Trust of Grantee's Share of Proceeds of Conservation Restriction Disposition

The Grantee shall use its share of the proceeds in a manner consistent with the conservation purposes of this grant.

I. MISCELLANEOUS

(a) Controlling Law The interpretation and performance of this Conservation Restriction shall be governed by the laws of The Commonwealth of Massachusetts.

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

(c) Severability If any provision of this Conservation Restriction shall to any extent be held invalid, the remainder shall not be affected.

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

(e) Effective Date This Conservation Restriction shall be effective when the GRANTOR and the GRANTEE have executed this indenture, the administrative approvals required by Section 32 of Chapter 184 of the General Laws have been obtained, a subordination of GRANTOR's mortgagee, if any, has been obtained, and has been recorded. This Conservation Restriction shall be recorded in a timely manner.

(f) Estoppel Certificates Upon request by the GRANTOR, the GRANTEE shall within forty-five (45) days execute and deliver to the GRANTOR any document, including an estoppel certificate, which certifies the GRANTOR's compliance with any obligation of the GRANTOR contained in this Conservation Restriction, provided that GRANTOR is in compliance therewith. If the GRANTOR is not in compliance, the estoppel certificate shall describe the noncompliance.

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

***NO DOCUMENTARY STAMPS ARE REQUIRED.***

EXECUTED UNDER SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014

GRANTOR:

Redspire, Inc.

\_\_\_\_\_  
Frank J. Cutting, its President

\_\_\_\_\_  
Beth A.C. Cosgrove, its Treasurer

**THE COMMONWEALTH OF MASSACHUSETTS**

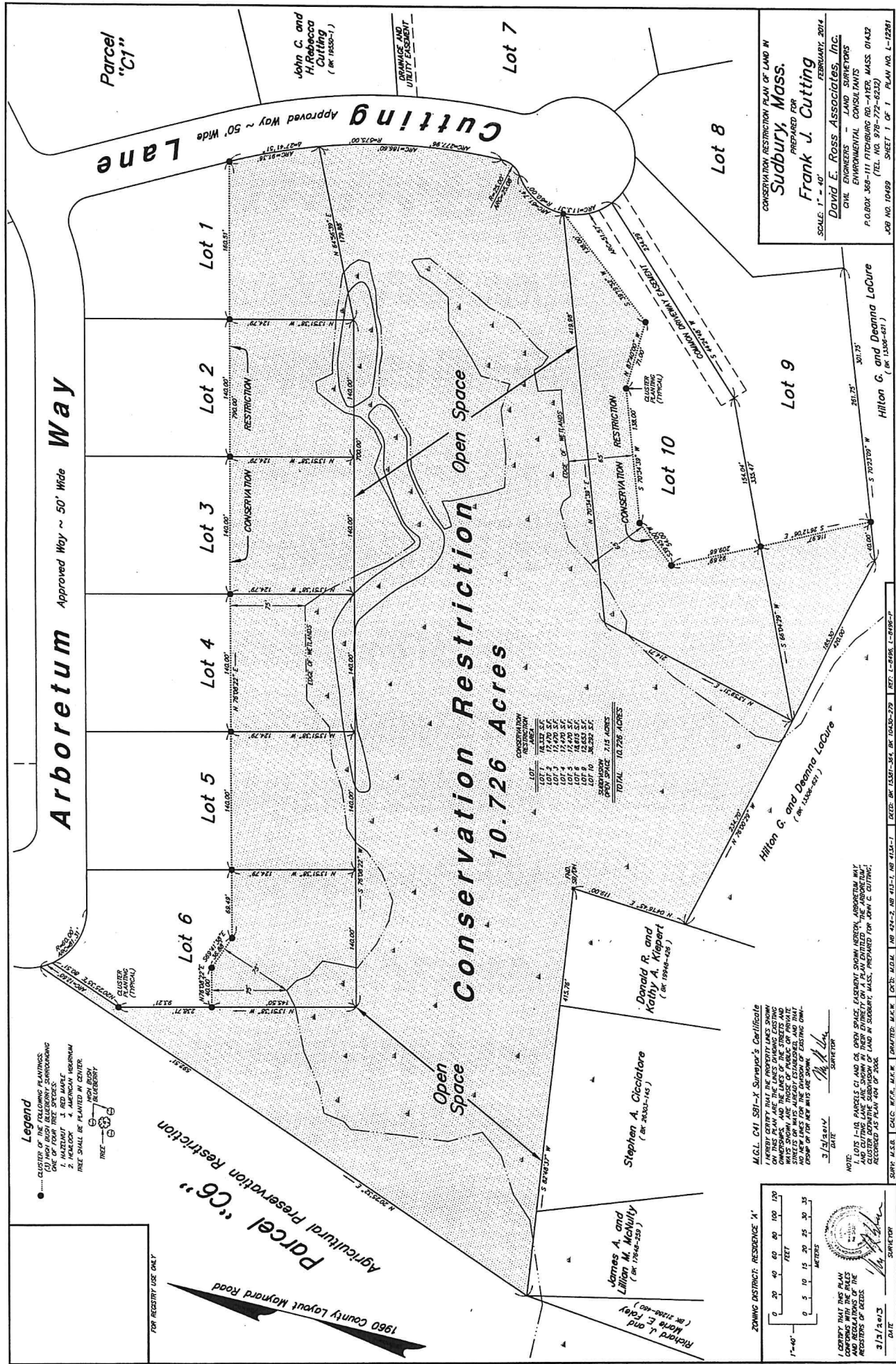
Middlesex, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2014 before me, the undersigned notary public, personally appeared the above-named Frank J. Cutting, President and Beth A.C. Cosgrove, Treasurer, proved to me through satisfactory evidence of identification, which were:

\_\_\_\_\_ to be the persons whose names are executed on the preceding or attached document, and acknowledged to me that they executed it voluntarily for its stated purpose.

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

My Commission Expires:



CONSERVATION RESTRICTION PLAN OF LAND IN  
**Sudbury, Mass.**  
PREPARED FOR  
**Frank J. Cutting**  
FEBRUARY, 2014  
David E. Ross Associates, Inc.  
CIVIL ENGINEERS - LAND SURVEYORS  
P.O. BOX 368-111 FIDELITY RD., APT. 111, SUITE 101  
(TEL. NO. 978-772-6232)  
JOB NO. 10489 SHEET 1 OF 1 PLAN NO. L-12281

**Parcel "C1"**  
John C. and  
H. Rebecca  
Cutting  
(EN 1828-1)

**Parcel "C6"**  
Agricultural Preservation Restriction  
1960 County Layout Maynard Road

**Parcel "C7"**  
Richard L. and  
Lillian M. McNulty  
(EN 1748-125)

**Parcel "C8"**  
Stephen A. Cicciatore  
(EN 2003-143)

**Parcel "C9"**  
Donald R. and  
Kathy A. Kiepert  
(EN 1996-128)

**Parcel "C10"**  
Hilton G. and Deanna LaCure  
(EN 1308-421)

**Conservation Restriction**  
10.726 Acres

**Lot Areas Table:**

LOT	AREA (ACRES)
LOT 1	18.133 S.C.
LOT 2	17.740 S.C.
LOT 3	17.470 S.C.
LOT 4	17.470 S.C.
LOT 5	17.470 S.C.
LOT 6	17.470 S.C.
LOT 7	17.470 S.C.
LOT 8	17.470 S.C.
LOT 9	17.470 S.C.
LOT 10	17.470 S.C.
<b>TOTAL</b>	<b>10.726 ACRES</b>

**Legend**

- CLUSTER OF THE FOLLOWING PLANTINGS:
- (1) HAWTHORN
- (2) RED MAPLE
- (3) AMERICAN HEMLOCK
- (4) AMERICAN BIRCH
- (5) AMERICAN SWEETGUM
- (6) AMERICAN YEW
- (7) AMERICAN DOGWOOD
- (8) AMERICAN HICKORY
- (9) AMERICAN WALNUT
- (10) AMERICAN OAK
- (11) AMERICAN PINE
- (12) AMERICAN SPRUCE
- (13) AMERICAN FIR
- (14) AMERICAN JUNIPER
- (15) AMERICAN CEDAR
- (16) AMERICAN LARCH
- (17) AMERICAN TYPHOCK
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**Scale:** 1" = 40'

**DATE:** 3/1/2013

**SURVEYOR:** [Signature]



# **AGENDA REQUEST - Item #9**

## **BOARD OF SELECTMEN**

### **Requestor's Section**

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

**Requestor:** *Patty Golden*

**Action requested:** *Vote to approve the March 11, 2014 regular session and executive 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 11, 2014 regular session and executive session meeting minutes.*

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

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

**Date of Selectmen's Meeting:** *March 25, 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 11, 2014

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

Absent: Selectman Robert C. Haarde

The statutory requirements as to notice having been complied with, the meeting was convened at 7:41 p.m. in the Lower Town Hall, 322 Concord Road.

**Opening Remarks**

At 7:41p.m., Chairman Drobinski opened the meeting. He welcomed three Boy Scouts from Troop 61 who are attending tonight's meeting as work towards their citizenship badges. Chairman Drobinski announced he and Selectman Simon will conduct Board Office Hours on March 24, 2014 from 7:30 p.m. to 8:30 p.m. at the Senior Center. He encouraged citizens to vote in the Town Election on March 31, 2014 and reminded them there will be a ballot question regarding a new Police Station. The deadline for absentee ballots for the Election is March 28, 2014. Chairman Drobinski also announced the Council on Aging is looking for new applicants. He also encouraged citizens to access information on the new Town Meeting section of the Town website.

Chairman Drobinski stated he set tonight's agenda assuming all Board members would be present. He learned last week Selectman Haarde would not be able to attend. However, the Town Manager appointment agenda item is tied to a March 16, 2014 deadline for the Town. The Board had also previously discussed making progress on the Town Counsel recommendation agenda item in tandem with the timing of Town Meeting. It is sometimes the case, when all Board members cannot attend every meeting. Chairman Drobinski also stated the Board has had a tradition of conducting its meetings with professional respect and courtesy, and it is the intention this will continue in the future.

**Reports from the Town Manager**

Town Manager Valente attended a breakfast meeting regarding Minuteman Regional Vocational High School with Selectmen Simon and Haarde. She updated the Board on the Group Insurance Commission's (GIC) rate increases which are projected at approximately 1% over last year. The Town budgeted a 5% increase, and thus approximately \$39,000 has been freed up for the Town budget and approximately \$128,000 for the Schools' budgets. Town Manager Valente stated she is evaluating potential uses for allocating these funds. She also reported the Town's snow and ice deficit is at least \$413,000 for this year. Ms. Valente stated there is \$235,000 in the reserve fund, which could be used towards this deficit. She is also proposing using savings from this year's health insurance budget to cover the balance. Assistant Town Manager Bilodeau estimates these funds to be approximately \$450,000 (combined for the Town and Sudbury Public Schools). Ms. Valente will propose a transfer of approximately \$130,000 under Article 2 for the FY14 Budget Adjustments. She explained the Town has these extra funds because of its prudent due diligence in waiting to join the GIC until after laws were changed to be more advantageous for municipalities. Town Manager Valente thanked Sudbury's legislators for instituting the legal changes to GIC which allowed Sudbury to preserve jobs and reap these financial benefits.

**Reports from the Board of Selectmen**

Vice-Chairman Woodard stated he toured the Fairbanks building on February 27, 2014 to better assess the roof situation. He also attended a Permanent Building Committee (PBC) meeting regarding construction of the new Police Headquarters.

Selectman O'Brien and Senior Tax Advisor Dave Levington met with State House officials to update them on the first-year results of the Town's Means-Tested Senior Tax Relief Pilot Program. He mentioned a Home Rule Petition may be considered in the future to make the program permanent beyond its three-year pilot status.

Selectman Simon stated he toured the Fairbank Building with Vice-Chairman Woodard and he attended a Fairbank Building Task Force meeting, which was well attended by the public. As the Board's liaison, he has communicated with the Ponds and Waterways Committee regarding future dredging of ponds. Selectman Simon attended the Candidates' Night on March 4, 2014 and the Route 20 Sewer Citizens' Advisory Committee on March 5, 2014. He also attended the Minuteman Breakfast Meeting, which highlighted many of the issues and concerns Sudbury has regarding changes to the Regional Agreement, the imbalances inherent in the tuition structure and whether a new school will be built or whether the current school will be renovated. Selectman Simon also attended a Sudbury Historic Districts Commission meeting regarding the new Police Headquarters project. He expressed the joy he experienced participating in the Read Across America Program at the Haynes School, which Chairman Drobinski also attended. Selectman Simon thanked State Senators Barrett and Eldridge for their work advocating for rail trails.

Chairman Drobinski also enjoyed participating in the Read Across America program.

#### **Legislative Discussion**

Present: State Senators Jamie Eldridge and Michael Barrett

At 8:04 p.m., Chairman Drobinski welcomed State Senators Jamie Eldridge and Mike Barrett to tonight's meeting to provide the Board with a legislative update.

State Senator Jamie Eldridge distributed copies to the Board of a letter from him dated March 11, 2014, highlighting his priorities and the FY14 Local Aid estimates comparing the Cherry Sheet for Sudbury and L-SRHS to the Governor's FY15 Budget estimates.

Mr. Eldridge stated that, working to support increases to municipalities in Local Aid and Chapter 70, lottery, SPED circuit breaker and prioritizing full funding for regional school transportation are his highest priorities. He has advocated strongly for human services funding, and vital social safety net services. Mr. Eldridge also supports stimulating economic development, investments in transportation, water, higher education, libraries and public schools. He also advocates strongly for protecting the environment, including water infrastructure. Senator Eldridge thanked Town Manager Valente for sending him the useful transportation-related priorities for Sudbury. He referenced the Cherry Sheet comparison to the Governor's proposed budget, noting he anticipates there could be increases in some categories from what has been proposed. Senator Eldridge highlighted three legislations which were related to promoting municipal collaboration and regionalization (H.3822), improving drinking water and wastewater infrastructure (S.2021), and financing improvements to the State's transportation system (S.2033).

Senator Barrett commended Senator Eldridge for his leadership on critical issues such as water infrastructure needs. He also thanked Town Manager Valente for the communication highlighting the Town's transportation needs.

Vice-Chairman Woodard thanked the legislators for instituting the changes to GIC which helped municipalities. He asked whether the State has a plan to stop towns from effectively deficit spending for their Other Post-Employment Benefits (OPEB) obligations. Vice-Chairman Woodard stated the OPEB liabilities continue to grow because towns are not obligated to put money behind future commitments. Senator Barrett stated the question is interesting from philosophical and constitutional standpoints. He is unsure whether the State could

limit a town's ability to make unfunded future commitments. He and Senator Eldridge opined this issue would likely not be debated soon.

Selectman O'Brien asked for an update regarding proposed consolidation of housing authorities. Senator Eldridge stated the Housing Committee is currently drafting a bill which will likely differ from the bill the Governor had proposed, but will have some forms of regionalization included. It is also being considered whether providing an incentive for Housing Authorities to build more affordable housing should be included.

Selectman O'Brien asked for clarification regarding legislation S.2021. Senator Eldridge stated it is intended for any legal entity which provides water. Selectman O'Brien noted Sudbury's communications with Marlborough regarding joint efforts related to wastewater treatment. He asked if this type of collaboration between towns within the same watershed could be encouraged within the legislation. Senator Eldridge stated local use and treatment options are intended to be encouraged.

Selectman O'Brien summarized how Sudbury's Senior Tax relief program was initiated. He suggested it might be helpful for the State's website to include a section of Home Rule Petitions filed and approved which could help generate ideas for other towns.

Selectman Simon stated a common theme of the three pieces of legislation highlighted by Senator Eldridge is regionalization. He noted Sudbury's interest in moving ahead with a rail trail, and he thanked both senators for their efforts regarding such projects in the Commonwealth.

On behalf of a Sudbury citizen, Chairman Drobinski asked if the old Mass. Central Rail would ever be re-activated as a commuter rail. Senator Eldridge stated it is unlikely.

Town Manager Valente asked what the next steps are for the Transportation Bond Bill. Senator Barrett explained that the Executive Branch (Governor) has considerable flexibility regarding a bond bill, even when both the House and Senate agree.

At 8:34 p.m., Chairman Drobinski thanked the legislators for their work on behalf of Sudbury and he closed the discussion.

### **Citizen's Comments**

At 8:34 p.m., Chairman Drobinski recognized Sudbury citizen Rick Johnson, 38 Bent Road. Mr. Johnson stated he would address the Board later when the Town Manager appointment agenda item is discussed.

### **Town Counsel Search Committee – Receive Report and Recommendations**

Present: Town Counsel Committee Chair Myron Fox, and Committee members Selectman Simon, Jody Kablack, Maryanne Bilodeau, Selectman Drobinski, James Kelly, Scott Nix, Andrea Terkelsen and Liam Vesely

The Board was previously in receipt of copies of a memorandum from the Town Counsel Search Committee dated February 3, 2014, the 2013 Town Counsel Search Timeline dated October 17, 2013, and letters of recommendation for Town Counsel Paul Kenny from Sudbury resident H. Rebecca Cutting dated November 29, 2013, Attorney Brian T. Callahan dated November 29, 2013, Sudbury Board of Health Director Robert Leupold dated December 2, 2013, Sudbury Building Inspector Mark Herweck dated November 27, 2013, Department of Public Works Director I. William Place dated October 18, 2013, Civil Engineer Bruce Ey dated December 2, 2010, Sudbury Permanent Building Committee Co-Chair Michael Melnick dated December 2, 2013 and Sudbury Director of Assessing Cynthia Gerry dated November 27, 2013.



Town Counsel Committee Chair Myron Fox stated the Committee met seven times, and all meetings were open to the public. He reviewed the charge of the Committee. Mr. Fox read aloud from a May 31, 2013 memorandum from Town Manager Valente regarding feedback received from other towns regarding Town Counsel services. Mr. Fox stated the Committee reached similar conclusions as stated in Ms. Valente's communication. A Request for Proposal (RFP) was prepared, posted on the Town website and advertised in legal venues and the Massachusetts Municipal Association. Nine responses to the RFP were received, and the field was narrowed to four choices. It was noted the Committee was advised by Labor Counsel not to interview Town Counsel Paul Kenny because he is a current employee, and his job position would be considered a personnel matter not within the purview of the Committee. Mr. Fox stated the Committee considered many factors and pondered many questions as part of its process. The Search Committee has ranked its top three recommended choices as Town Counsel Paul Kenny based on his in depth legal experience, followed by Petrini & Associates and Kopelman and Paige. Both law firms would offer on-site services for a set price. However, the Committee unanimously recommends the Board to enter into negotiations to extend Mr. Kenny's contract. Mr. Fox noted several reasons why Mr. Kenny was the preferred choice, including his extensive experience and familiarity with the Town, accessibility and cost.

Chairman Drobinski stated he and Selectman Simon were on the Committee, and they concur with the recommendation. He stated the interviewing process was very interesting, and he found it very helpful to hear from Town staff how much they interact with Town Counsel.

Selectman Simon stated Committee members approached the charge diligently and with an open mind. He stated many factors were considered, including quality of services to be received, accessibility and cost. Selectman Simon stated Town Counsel Kenny's "open-door" policy was noted by many as being very beneficial for the Town staff and residents. He further stated the cost of Sudbury's Town Counsel services have been stable and controlled with the structure currently in place. Selectman Simon believes Mr. Kenny is the best choice for the Town.

Vice-Chairman Woodard asked if the Committee believed the other legal firms would cost more. Mr. Fox stated the costs for services would be part of the negotiation process with the Board. He explained some firms offered an hourly rate, others a fixed rate, and some had an upper limit for the fixed rate and then an additional cost structure above the limit. In all cases, the hourly rates with the law firms were double Mr. Kenny's rate. Mr. Fox further stated the Committee was suspect that the amount of work done by Mr. Kenny could actually be done by a law firm for the \$60,000 quoted by one as its upper limit. Vice-Chairman Woodard stated the report indicates Town Counsel Kenny provides good legal services and he is cost-effective.

Selectman O'Brien thanked the Committee for its work. He asked if a summation of the process could be provided for future use. Mr. Fox stated the Committee's meeting minutes and RFP could be made available.

Selectman Simon stated a number of the firms which responded to the RFP emphasized their litigation expertise. However, he noted that, within law firms, there sometimes is the incentive to overbill clients. Selectman Simon stated he believes the Town has a lean legal budget, and it has received excellent results because steps are taken to avoid and prevent litigation.

Sudbury resident Bryan Semple, 15 Revere Street, asked if the three recommended firms were deemed qualified by the Committee. Mr. Fox stated the two legal firms which were finalists with Mr. Kenny were deemed qualified. Mr. Semple asked if a cost analysis was done of what each of the finalists would cost the Town for comparable services. He suggested a model for legal services should have been provided to applicants and that it could have been derived from past data of Mr. Kenny's employment history. Mr. Semple believes that without such a cost model, the Committee is comparing "apples to oranges" and cannot offer a valid recommendation.

Vice-Chairman Woodard stated the Committee seems to have concluded that, no matter what the costs of the other firms were, Mr. Kenny would do a better job for Sudbury.

Committee member Liam Vesely stated the Committee considered many aspects of this position, and that costs were only one factor. He noted the Committee did evaluate costs spent by the law firms for other towns, and found more money was spent by smaller towns than what Sudbury spends for Mr. Kenny. Mr. Vesely stated the Committee did consider budgetary data, and it is available for review. He also stated the Committee was wary that the costs for firms proposing fixed fees would not hold up over time when matched to the amount of work done by Mr. Kenny.

Mr. Semple stated he does not believe the Town knows what the three qualified bidders would cost the Town, since no model has been completed. Vice-Chairman Woodard stated he believes the Committee has a good sense of what the anticipated costs would be, and he believes a lot of analysis was done.

Selectman Simon stated the Committee's documents and minutes are public information which are available.

Sudbury resident Rick Johnson, 34 Bent Road, asked for how many years a contract would be negotiated for with Mr. Kenny, and he asked what the Town proposes for a Town Counsel succession plan. Chairman Drobinski stated these issues would be addressed as part of the negotiation process.

Mr. Johnson asked the Board why it is unwilling to do a cost model now which might satisfy the concerns of some people.

Sudbury resident Kirsten Roopenian, 45 Harness Lane, stated she believes there is a communication issue with the Board not being able to relay effectively that cost was considered and it is an important factor.

Town Manager Valente stated towns which use law firms are very conscious of using the hours available judiciously. She emphasized it would be difficult to quantify and reflect on a spreadsheet how Town Counsel services are utilized in Sudbury for a wide-range of services which a firm would likely not be able to provide.

Mr. Johnson suggested that, going forward, the Town tracks Mr. Kenny's hours and services, so this data can be used to develop a cost model in the future when Mr. Kenny is replaced.

Vice-Chairman Woodard asked how much Mr. Kenny's services cost the Town. Town Manager Valente stated in FY14, the cost was \$91,128.

Mr. Semple stated his concerns are not with the amount of money spent and/or saved by Mr. Kenny, but rather the process used to make this decision by the Town. He questions how the Town can enter into a contract for legal services without preparing a cost model.

Selectman Simon stated he wishes Mr. Semple had attended some of the Committee's meetings because it might have helped him better understand the factors and information which were considered.

Permanent Building Committee Co-chair Mike Melnick stated he has worked with Mr. Kenny for years. He believes Mr. Kenny is very accessible, and Mr. Melnick provided an example of how Mr. Kenny's expertise has saved money for the Town.

Chairman Drobinski stated that, for the Town's perspectives regarding cost-consciousness and risk management, the Committee believes Mr. Kenny provides better service than would be provided by a law firm. He stated the protection Town Counsel provides for Sudbury's taxpayers could probably be better communicated to the public. Chairman Drobinski emphasized the Board very much considers costs in its decision-making process on behalf of Sudbury's taxpayers.

It was on motion unanimously

VOTED: To enter into negotiations to extend the contract for Mr. Paul Kenny, current Town Counsel, and designate a subcommittee to be comprised of the Board's Chairman and Vice-Chairman and the Town Manager to begin negotiations.

Mr. Fox thanked the Committee members for their work.

Selectman Simon thanked Mr. Fox and Assistant Town Manager Bilodeau for coordinating the Committee's work.

**Construct Police Headquarters – 77 Hudson Road – Project Update**

Present: Permanent Building Committee Co-Chair Mike Melnick, Combined Facilities Director Jim Kelly, and Police Chief Scott Nix

At 9:29 p.m., Chairman Drobinski opened a discussion regarding the project cost to be submitted in the Town Warrant.

Permanent Building Committee Co-Chair Mike Melnick stated the construction documents are nearly 90% complete. Mr. Melnick stated many meetings and Public Hearings were held with various Town entities to refine the project and to decrease projected costs. He stated the recommendation at this time is to present an appropriation request for new funds of \$7,173,000 at the 2014 Town Meeting for an estimated project cost of \$7,800,000 (\$627,000 was approved last year). Mr. Melnick noted there have been changes regarding new energy code requirements and site work which will need to be completed than was originally anticipated. He distributed copies to the Board of an exterior façade rendering, noting suggestions varied from Town group to Town group.

Police Chief Nix emphasized the building has been planned for the future.

Mr. Melnick stated an independent estimate has been authorized for the project, and a commissioning agent will be engaged.

Vice-Chairman Woodard stated he has kept abreast of the work done to decrease the costs of the project. It was noted additional site work and stormwater-related work is estimated to cost approximately \$950,000.

Selectman O'Brien noted there were no land acquisition costs involved for the project.

Chairman Drobinski noted for the record that this project will be presented on March 18, 2014 at 7:00 p.m. at Town Hall, and there will be a discussion on March 13, 2014 at 11:00 a.m. at the Senior Center. The project will also appear as a ballot question at the Town Election on March 31, 2014.

Selectman Simon asked if the proposed storage shed is included in the proposed cost figure. Police Chief Nix stated it is at this time.

Sudbury resident Rick Johnson, 34 Bent Road, questioned why a nearly \$8 million dollar project is not being debated first at Town Meeting before being presented on the Town Ballot. Vice-Chairman Woodard emphasized there is a two-step process, and the project will be discussed at Town Meeting. It was also noted this is not a new project to residents. Selectman O'Brien noted the Board believed the March 31, 2014 Town Election would attract the highest number of residents to vote on the project.

Mr. Johnson asked what the cost will be to annually maintain the new building, and he suggested this information be available at Town Meeting.

At 9:55 p.m., Chairman Drobinski closed the discussion.

**Town Center Committee – Design Update and Requested feedback**

Present: Director of Planning and Community Development Jody Kablack

At 9:56 p.m., Chairman Drobinski opened a discussion regarding the Sudbury Town Center Intersection project. The Board was previously in receipt of copies of a memorandum from Director of Planning and Community Development Jody Kablack dated March 6, 2014 and design plans.

On behalf of the Sudbury Center Improvement Advisory Committee (SCIAC), Ms. Kablack explained funds for construction were approved in 2013 and final engineering plans are underway. Minor revisions have been made regarding with the redesign of the "No Name Road," crosswalks and the location of the master control box. The Town is working with NStar to relocate the transformers in front of First Parish, since burying them is not feasible. To avoid installing an overhang signal arm, the project design became wider for the intersection by eight feet due to engineering and safety requirements. However, Ms. Kablack stated an alternative to the wider intersection would be a one-signal mast arm to replace the four signal posts and the three proposed raised traffic islands. Ms. Kablack circulated photographs of one mast arm from several viewpoints to the Board for review. She stated SCIAC voted to recommend the one-signal mast arm design which retains the character of the Town Center and does not inhibit safety. Ms. Kablack further stated representatives from First Parish and the Sudbury Historical Commission concur. She summarized next steps in the process regarding permitting and sending the plans to bid.

Ms. Kablack fielded a few question from the Board regarding the proposed position of the arm, which lanes of traffic will see two lights, pedestrian lights and "smart" lights. She explained the revised design will reduce the amount of signage needed and the five lamp posts initially proposed.

Selectman Simon asked if the initially proposed islands would have helped to keep traffic properly directed in lanes. Selectman O'Brien stated it is possible a rumble strip could be installed. Ms. Kablack emphasized the revised plan is a safer plan, which keeps the intersection more narrow and as maintenance-free as possible. She further stated the SCIAC will continue to fine-tune such details.

It was on motion unanimously

VOTED: To support the design change to a single signal mast arm for the Town Center Intersection project, as recommended by the Sudbury Center Improvement Advisory Committee (SCIAC) and discussed tonight.



**2014 Annual Town Election – Sign Warrant**

It was on motion unanimously

VOTED: To sign the 2014 Annual Town Election Warrant which must be posted in the hands of residents no later than Monday, March 24, 2014.

**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

Town Manager Valente stated details are not yet available from the Finance Committee regarding budget-related articles. The Finance Committee will be voting its positions on March 17, 2014, and she stated the Board's positions on the articles need to be finalized no later than at its March 25, 2014 meeting.

Selectman O'Brien suggested a column be added to the list indicating the relevant Selectman liaison for each article. Town Manager Valente suggested any Board member who is interested in being assigned as speaker for a specific article(s) should contact Patty Golden.

The list was reviewed to assign speakers and take positions on articles as noted below, but will be voted at the Board's March 25, 2014 meeting.

- #01 - Hear Reports - **Support**
- #02 - FY14 Budget Adjustments - **Support**
- #03 - Stabilization Fund - **RTM**
- #04 - FY15 Operating Budget –
- #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#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  
#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  
#43 – Petition – Sale of Land under C61A #44 – Petition – Divestment of PRIT funds  
#44 – Petition – Divestment of PRIT Funds  
#45 – Petition – Utilize a Portion of CPA Funds to Fund Conservation Fund  
#46 – Petition – Amend Wetlands Administration Bylaw: Projects Funded with CPC funds  
#47 – Petition – Amend Bylaw Art. IV Finance Committee

Town Manager Valente stated the petitioners will be invited to the Board's next meeting.

**Minutes of January 28, 2014 – Amend and Append**

The Board was previously in receipt of copies of a section of the January 28, 2014 minutes regarding the Town Manager Composite Evaluation Report and a letter and report to the Board from Chairman Drobinski dated January 28, 2014. Town Manager Valente stated that, at the January 28, 2014 meeting, Chairman Drobinski read aloud his letter/report, but the report was not attached to the official minutes.

Sudbury resident Bryan Semple, 15 Revere Street, asked for clarification regarding what was being added to the minutes. It was further asked if the individual evaluations made by Selectmen are available, and it was responded they are available under a public records request to the Town's Human Resource Director, who is custodian of the individual evaluations.

It was on motion unanimously

VOTED: To amend the regular session meeting minutes of January 28, 2014, and to append the report of Chairman Drobinski on the composite evaluation of the Town Manager.

**Re-appointment of Town Manager and Renewal of Employment Agreement– Discussion**

The Board was previously in receipt of copies of a memorandum from Chairman Drobinski dated March 6, 2014, regarding the renewal of the Employment Agreement with the Town Manager.

Town Manager Valente exited the meeting prior to this discussion.

It was on motion unanimously

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

Chairman Drobinski referred to his March 6, 2014 memo, noting the current Agreement is from March 26, 2010 to March 16, 2015. He further explained the Agreement states the Board must give notice one year in advance (March 16, 2014) if the Agreement will not be renewed or it would automatically renew for an additional year. Chairman Drobinski stated the Board completed its evaluations and the report was read into the record at the January 28, 2014 meeting.

Selectman Simon stated that, based on the highly positive evaluations from a super majority of the Board, and upon his observations of Ms. Valente's performance and execution of her responsibilities, he believes it would be prudent for the Town to renew the Town Manager's contract and to enter into negotiations to do so.

Vice-Chairman Woodard stated he is overwhelmingly in support of entering into contractual negotiations with the Town Manager since four out of five Board members gave her performance very high ratings.

Selectman O'Brien stated Ms. Valente has done an outstanding job in her tenure to date, and he believes the same results can be expected in the future. He supports the Board entering into contractual negotiations with the Town Manager.

Chairman Drobinski stated the excellent financial condition of the Town is an indication of how well run it is. He believes the Town Manager has done a very good job, and he agreed with the consensus of the Board to renew a contract with Ms. Valente.

At 10:40 p.m., Sudbury resident Bryan Semple asked for a characterization of what is being voted on tonight. He referenced two sections of the current contract with the Town Manager which he believes refer to a nine-month renewal clause and a twelve-month renewal clause. Mr. Semple also referred to Section 6 which he understands to mean that the Board has essentially three months within to negotiate a contract.

Assistant Town Manager Bilodeau clarified what she believes is intended regarding the parameters for renewal notification. She stated Section 2D should have been replaced with Section 6. She also stated the longer 12-month clause would have precedence over a shorter timeframe.

Mr. Semple expressed his frustration that the contract has inconsistencies, and that it was not perfectly drafted for such an important Town position. He also questioned whether a super majority is sufficient to renew and/or terminate a Town Manager contract, as opposed to a unanimous vote. Mr. Semple does not believe a 4/5 vote has the best interest of the Town at its core. He urged the Board to do its job better.

It was on motion unanimously

VOTED: To provide the Town Manager with written notice of the Board's intention to renew the employment agreement and appointment as Town Manager beyond March 16, 2015, subject to successful negotiations on successor employment agreement, and to appoint a subcommittee of the Board's Chairman and Vice-Chairman to negotiate a contract between the Town of Sudbury and the Town Manager.

**Minutes**

It was on motion unanimously

VOTED: To approve the regular session meeting minutes of February 11, 2014 and February 25, 2014, and the January 23, 2014 Town Forum minutes.

Selectman O'Brien recused himself from the vote on the February 11, 2014 Meeting Minutes.

Chairman Drobinski recused himself from the vote on the February 28, 2014 Meeting Minutes.

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

It was on motion unanimously

VOTED: To accept the resignation of Nancy Hershfield, 88 Butler Road, from the Sudbury Celebrates 375/Sudbury Day Committee effective March 3, 2014, as noted in an email of the same date, and to send a letter of appreciation for her service to the Town.

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

It was on motion unanimously

VOTED: To accept the resignation of Ellen Gitelman, 19 Raynor Road, from the Sudbury Celebrates 375/Sudbury Day Committee effective March 4, 2014, as noted in an email of the same date, and to send a letter of appreciation for her service to the Town.

**FY15 Transfer Sticker Rates**

It was on motion unanimously

VOTED: To approve the FY15 rates for Transfer Station stickers as recommended by Bill Place Department of Public Works Director, who is advising leaving them at the FY14 amounts.

**Sudbury Housing Authority - Department of Housing and Community Development Agreement – 16 Willis Lake Drive**

It was on motion unanimously

VOTED: To authorize the Chairman of the Board of Selectmen on behalf of the Town to sign the "Regulatory Agreement and Declaration of Restrictive Covenants for Rental Project, Local Action Units" between DHCD, the Sudbury Housing Authority and the Town of Sudbury for 16 Willis Lake Drive.



**The Sudbury Foundation – Grant**

It was on motion unanimously

VOTED: To accept, on behalf of the Town, a grant in the amount of \$5,000 from The Sudbury Foundation to help fund Sudbury Celebrates 375<sup>th</sup>'s Field Day, the final event in a year-long celebration of the Town's 375<sup>th</sup> anniversary, said funds to be expended under the direction of the Town Manager.

There being no further business, the meeting adjourned at 10:57 p.m.

Attest: \_\_\_\_\_  
Maureen G. Valente  
Town Manager-Clerk

# **AGENDA REQUEST - Item #10**

## **BOARD OF SELECTMEN**

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

**Date of request:** *March 19, 2014*

**Requestor:** *Patty Golden*

**Action requested:** **CONSENT CALENDAR**

*To proclaim April 20-26, 2014 as Sudbury Earth Week and designating Saturday, April 26th as Spring Cleanup Day for the annual roadside cleanup*

**Financial impact expected:** *None*

**Background information:** *See attached*

**Recommendations/Suggested Motion/Vote:** *Vote to proclaim April 20-26, 2014 as Sudbury Earth Week and designating Saturday, April 26 as **Spring Cleanup Day** for the annual roadside cleanup, with a rain date of May 3.*

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

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

**Date of Selectmen's Meeting:** *March 25, 2014*

**Board's action taken:**

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

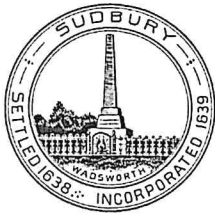
**Future Agenda date (if applicable):**

**Distribution:**

**Town Counsel approval needed?**

**Yes ( )**

**No ( X )**



## TOWN OF SUDBURY

Office of Selectmen  
[www.sudbury.ma.us](http://www.sudbury.ma.us)

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

Email: [selectmen@sudbury.ma.us](mailto:selectmen@sudbury.ma.us)

### ***PROCLAMATION***

***WHEREAS:*** The citizens of Sudbury take pride in the beauty of their Town and wish to maintain its attractiveness for the enjoyment of visitors and residents alike; and

***WHEREAS:*** It is the responsibility of every American to conserve resources and preserve the environment for the needs of future generations;

***NOW, THEREFORE,***

**The Selectmen of the Town of Sudbury hereby proclaim**

**the week of April 20 to April 26, 2014 as SUDBURY EARTH WEEK**

**and designate Saturday, April 26, 2014 as SPRING CLEANUP DAY**

and urge all residents to make conservation a part of daily life, and further urge all educational institutions to organize special programs to teach respect and interest in protecting and improving the environment.

We invite all residents to join a Town-wide effort to pick up litter from Sudbury roadsides on Saturday, April 26, 2014. Trash bags may be picked up behind Town Hall from 9:00 a.m. to 12 noon.

### **BOARD OF SELECTMEN**

John C. Drobinski

Charles C. Woodard

Lawrence W. O'Brien

Robert C. Haarde

Leonard A. Simon

Dated: March 25, 2014

# **AGENDA REQUEST - Item #11**

## **BOARD OF SELECTMEN**

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

**Date of request:** *January 28, 2014*

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

**Action requested:** **CONSENT CALENDAR:** *To grant a special permit for the Annual Sudbury Spring Sprint Triathlon to be held on Sunday, May 18, and the 5<sup>th</sup> Annual TriSprouts Children's Triathlon on Saturday, May 17<sup>th</sup>.*

**Financial impact expected:** *None*

**Background information:** *Race details provided – see attached from Police Dept.*

**Recommendations/Suggested Motion/Vote:** *Vote to grant permission for the Annual Sudbury Spring Sprint Triathlon Sunday, May 18<sup>th</sup> at 8 a.m. and the 5<sup>th</sup> Annual Tri Sprout's children's Triathlon Saturday May 17<sup>th</sup> at 9 a.m. as requested in a letter dated January 24, 2014 from Race Director, William Fiske, subject to conditions required by Park and Recreation and a meeting with the Sudbury Police Department prior to the 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.*

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

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

**Date of Selectmen's Meeting:** *March 25, 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 )**





19 Deer Run, Charlton, MA 01507

January, 24, 2014

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

Board of Selectmen

I request permission to hold the 26<sup>th</sup> Annual Sudbury Spring Sprint Triathlon on Sunday, May 18<sup>th</sup>, 2014 at 8 AM and the 5th Annual Tri Sprout's children's triathlon on May 17<sup>th</sup> at 9 AM. This is a fundraiser for the Park & Recreation Department. The Atkinson pool has been reserved with the Aquatic Facility Director. Police Detail will be hired as in the past years.

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

Many Thanks for your assistance.

Sincerely,

William Fiske  
Race Director

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

2014 JAN 28 P 12:28

RECEIVED  
BOARD OF SELECTMEN  
SUDBURY, MA

## Golden, Patricia

---

**From:** Grady, Robert  
**Sent:** Friday, March 21, 2014 9:38 AM  
**To:** Golden, Patricia  
**Subject:** FW: Re Firm Race May 18 2014

Patty,

Per our conversation the police department has no issue with this event taking place provided the race organizers follow through with the obtaining the detail officers and prior to the Monday before the event speaking to either the Chief or Myself in regard to any last minute changes.

Thank You  
Bob Grady

---

**From:** Grady, Robert  
**Sent:** Friday, March 21, 2014 8:16 AM  
**To:** Golden, Patricia  
**Cc:** Nix, Scott  
**Subject:** Re Firm Race May 18 2014

Patty,

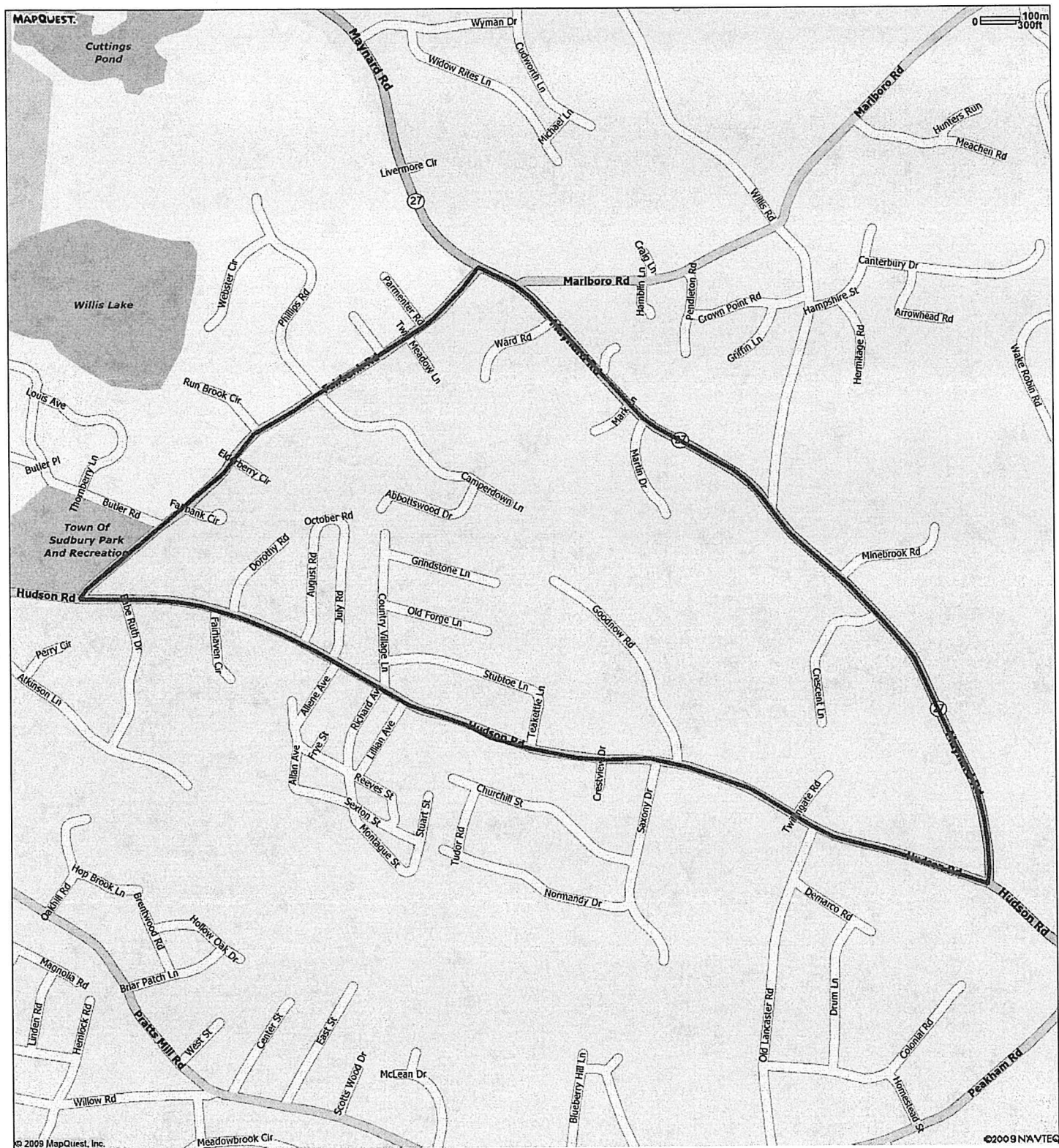
In keeping with the past years We don't see the need to completely close the north bound lane of Fairbanks Rd. Race participants should be advised by the race organizers that there will be traffic present on the route. In order to completely shut down the North Bound lane and guaranty such, it would require a detail officer at each side street on Fairbanks Rd. which I think would be cost prohibitive. I believe four detail officers should be hired; one for the intersection of Hudson and Fairbanks, One for the crossing between the Atkinson Pool and Haskell Field , One at Maynard and Fairbanks and One at Hudson and Maynard.

Thank You  
Lieutenant Robert F. Grady  
Sudbury Police Department  
978-443-1042  
[Gradyr@Sudbury.Ma.Us](mailto:Gradyr@Sudbury.Ma.Us)



ROUTE: **Sudbury Bike Course**  
DISTANCE: 7.30 mi LOCATED: Sudbury, Massachusetts

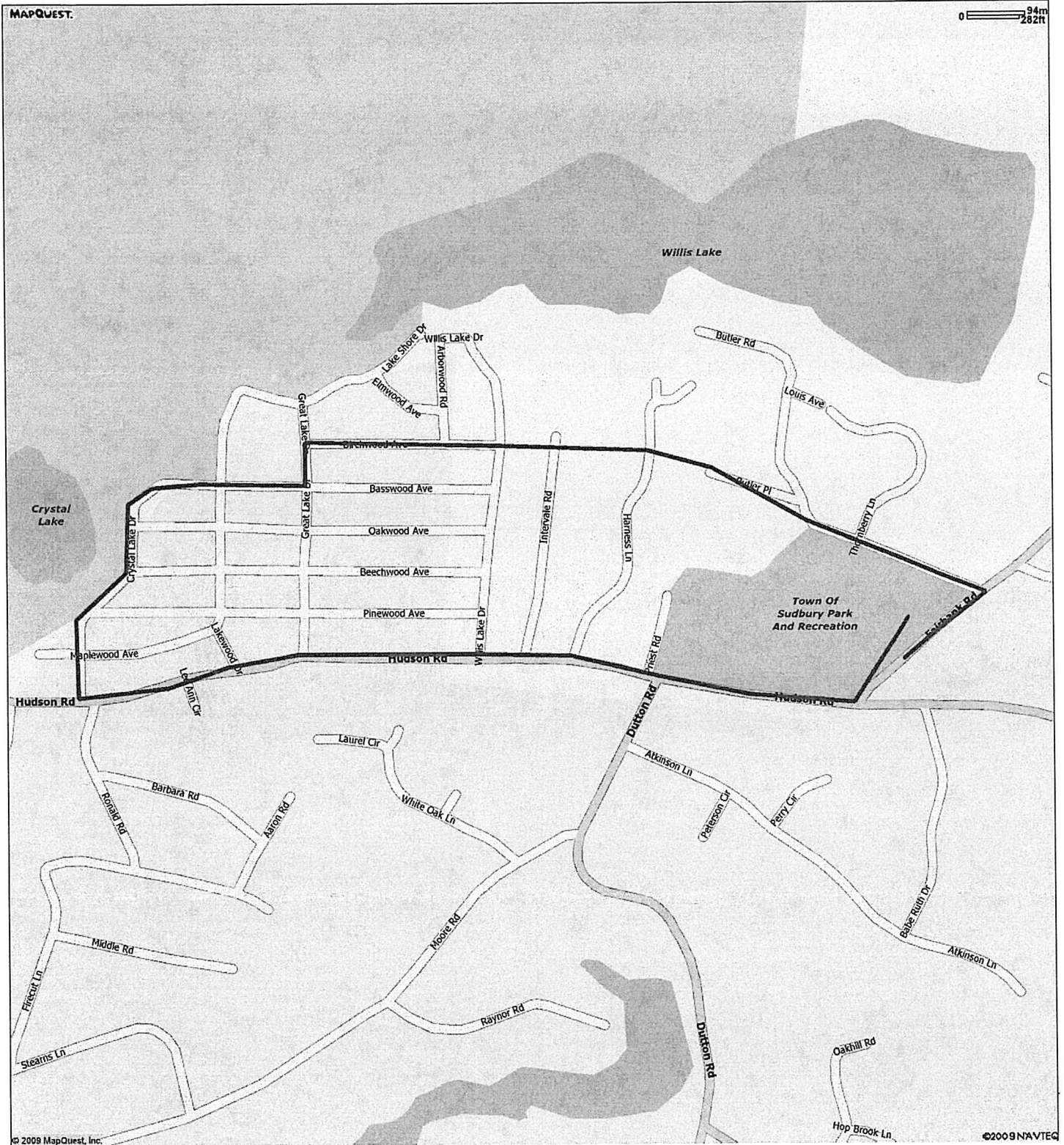
ROUTE DESCRIPTION:  
This is a 2 loop course



© MapMyFitness, LLC. All Rights Reserved. 2005-2008 | View more maps online at:  
Find this route online at <http://www.mapmyrun.com/ride/united-states/ma/sudbury/39640357>  
Distance values on this map may differ slightly from values reported on the route engine.



ROUTE DESCRIPTION:  
 This is a fast flat run





3-18-14

Town of Sudbury  
Selectmen's Office  
978-443-0756

Re: Insurance certificate

For: Annual Sudbury Spring Sprint Triathlon

Thanks  
Bill Fiske

**CERTIFICATE OF INSURANCE**

DATE: 3/4/2014

CERTIFICATE NUMBER: 20140304236092

**AGENCY:**

ESIX Entertainment & Sports Insurance eXperts  
5660 New Northside Drive, Suite 440  
Atlanta, GA 30328  
Phone: (678) 324-3300 Fax: (678) 324-3303

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND  
CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES  
NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES  
BELOW.

**NAMED INSURED:**

USA Triathlon of Colorado  
5826 Delmonico Drive  
Colorado Springs CO 80919-2400

WILLIAM FISKE

**INSURERS AFFORDING COVERAGE:**

INSURER A: AXIS Insurance Company (NAIC# 37273)

**EVENT INFORMATION:**

Sudbury Sprint Triathlon (5/18/2013 - 5/18/2014)

**POLICY/COVERAGE INFORMATION:**

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

**INS TYPE OF INSURANCE:****A GENERAL LIABILITY**

- ☒ Occurrence  
☒ Participant Legal Liability

**POLICY NUMBER(S): EFFECTIVE: EXPIRES: LIMITS:**

AXGL06100260-13	12/1/2013 12:01 AM	12/1/2014 12:01 AM	GENERAL AGGREGATE (Applies Per Event)	\$2,000,000
			EACH OCCURRENCE	\$1,000,000
			DAMAGE TO RENTED PREMISES (Each Occ.)	\$1,000,000
			MEDICAL EXPENSE (Any one person)	EXCLUDED
			PERSONAL & ADV INJURY	\$1,000,000
			PRODUCTS-COMP/OP AGG	\$2,000,000

**DESCRIPTION OF OPERATION LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS:**

The certificate holder is an additional insured, as required by written contract or written agreement, but only for liability arising out of the negligence of the named insured, but only with respect to the USAT sanctioned or approved event specified on this certificate.

**CERTIFICATE HOLDER:**

Town of Sudbury  
Main St  
Sudbury MA 01776

**NOTICE OF CANCELLATION:**

Should any of the above described policies be cancelled before the expiration date thereof,  
notice will be delivered in accordance with the policy provisions.

**AUTHORIZED REPRESENTATIVE:**

# **AGENDA REQUEST - Item #12**

## **BOARD OF SELECTMEN**

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

**Date of request:** *March 18, 2014*

**Requestor:** *Jan Hardenbergh, 7 Tippling Rock Rd*

**Action requested:** **CONSENT CALENDAR**

*Approval of a one-day Wine and Malt Beverages License*

**Financial impact expected:** *\$25 to General Fund*

**Background information:** *Requested information has been provided. Building Inspector, Police Dept, Fire Dept, and Board of Health expressed no issues.*

**Recommendations/Suggested Motion/Vote:**

*Vote to grant a 1-day Wine & Malt license to Jan Hardenbergh, 7 Tippling Rock Road, to accommodate a fundraiser on Saturday, March 15, 2014 from 6:00 PM to 11:00 PM 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.*

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

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

**Date of Selectmen's Meeting:** *March 25, 2014*

**Board's action taken:**

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

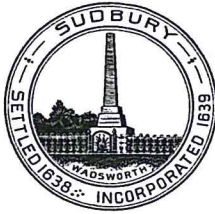
**Future Agenda date (if applicable):**

**Distribution:**

**Town Counsel approval needed?**

**Yes ( )**

**No ( X )**



# Town of Sudbury

Office of Selectmen  
[www.sudbury.ma.us](http://www.sudbury.ma.us)

Flynn Building  
278 Old Sudbury Rd  
Sudbury, MA 01776-1843  
978-639-3381  
Fax: 978-443-0756  
Email: [selectmen@sudbury.ma.us](mailto:selectmen@sudbury.ma.us)

## APPLICATION FOR ONE-DAY LIQUOR LICENSE

Non-profit organizations hosting an event in Sudbury are eligible to apply for a one-day liquor license. Application processing can take up to four weeks as approval from the Fire, Police, Building and Board of Health departments are required prior to Board of Selectmen approval. Processing begins after all required materials are received, so please plan accordingly.

**Jan Hardenbergh**

Name of applicant: \_\_\_\_\_

Address of applicant: **7 Tippling Rock Road**

Phone: **978-273-4949** Email: **jch@jch.com**

Organization Name: **First Parish of Sudbury**

Name & Purpose of Event: **Annual Service Auction Fundraiser**

License Type Requested: ☒ \$25 Wine & Malt – OR – ☐ \$35 All Alcohol

Event Date: **April 12, 2014**

Event Time: **5PM - 10PM**

Event Venue & Address: **327 Concord Rd**

Documents Enclosed:

- ☒ Certificate of Liability naming the Town of Sudbury
- ☒ Proof of bartender(s) training/certification
- ☒ Application fee: \$25 Wine & Malt or \$35 All Alcohol. Check payable to Town of Sudbury.

Please submit completed application and materials to:

Board of Selectmen  
278 Old Sudbury Rd.  
Sudbury, MA 01776  
Fax: 978-443-0756  
Email: [BOSSadmin@sudbury.ma.us](mailto:BOSSadmin@sudbury.ma.us)

**March 7, 2014**

Date

  
Applicant Signature

RECEIVED  
BOARD OF SELECTMEN  
SUDBURY, MA  
2014 MAR 18 P 2:06



# Certificate of Completion

This Certificate of Completion of

**eTIPS On Premise 2.0**

For coursework completed on March 7, 2014  
provided by Health Communications, Inc.  
is hereby granted to:

**David Andrews**

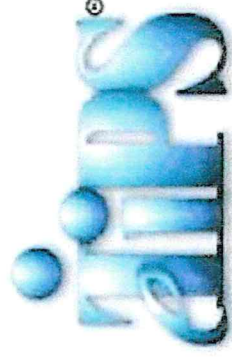
Certification to be sent to:

97 Hunter Ave  
Hudson MA, 01749-3043 USA



HEALTH COMMUNICATIONS INC.

This document is not proof of TIPS certification. It signifies only that you have completed the course. Valid certification documents will be forwarded to you.





50SUDBUFIR LWADWANSKI

## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

3/12/2014

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

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

<b>PRODUCER</b> Emery & Webb, Inc. - Fishkill Office 989 Main Street Fishkill, NY 12524	<b>CONTACT NAME:</b>	
	<b>PHONE (A/C, No, Ext):</b> (845) 896-6727	<b>FAX (A/C, No):</b> (845) 896-6877
<b>INSURED</b>  First Parish Church of Sudbury 327 Concord Road Sudbury, MA 01776-1820	<b>E-MAIL ADDRESS:</b>	
	<b>INSURER(S) AFFORDING COVERAGE</b>	
	<b>INSURER A:</b> Netherlands Insurance Company	
	<b>INSURER B:</b>	
	<b>INSURER C:</b>	
	<b>INSURER D:</b>	
<b>INSURER E:</b>		
<b>INSURER F:</b>		
<b>NAIC #</b> 24171		

## COVERAGES

## CERTIFICATE NUMBER:

## REVISION NUMBER:

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


INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY			CBP8746044	1/1/2014	1/1/2015	EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person) \$ 15,000
							PERSONAL & ADV INJURY \$ 1,000,000
							GENERAL AGGREGATE \$ 3,000,000
							PRODUCTS - COMP/OP AGG \$ 3,000,000
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS	<input type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS	<input type="checkbox"/> NON-OWNED AUTOS					PROPERTY DAMAGE (Per accident) \$
							\$
	UMBRELLA LIAB						EACH OCCURRENCE \$
	EXCESS LIAB						AGGREGATE \$
	DED						\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATUTORY LIMITS
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y / N	N/A				OTH-ER
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. EACH ACCIDENT \$
							E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Proof of insurance for Church fundraiser on April 12, 2014. Includes host liquor liability

## CERTIFICATE HOLDER

## CANCELLATION

Town of Sudbury Town of Sudbury Sudbury, MA 01776	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

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## Golden, Patricia

---

**From:** Leupold, Bob  
**Sent:** Tuesday, March 18, 2014 2:28 PM  
**To:** Golden, Patricia  
**Subject:** RE: One-day Alcohol License application - response requested

The Board of Health has no objections to the event. If there is a food vendor we ask that the Board of Health be contacted.  
Bob Leupold

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

**From:** Golden, Patricia  
**Sent:** Tuesday, March 18, 2014 2:22 PM  
**To:** Miles, William; Nix, Scott; Leupold, Bob; Herweck, Mark  
**Subject:** FW: One-day Alcohol License application - response requested

Good afternoon,  
Attached is an application for a one-day wine & malt license for an event April 12th at First Parish.  
Would you please review the attached and respond by Thursday with your input since this is scheduled for the 3/25 agenda.

Thank you.

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

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



## Golden, Patricia

---

**From:** Miles, William  
**Sent:** Tuesday, March 18, 2014 2:44 PM  
**To:** Golden, Patricia; Nix, Scott; Leupold, Bob; Herweck, Mark  
**Subject:** RE: One-day Alcohol License application - response requested

The Fire Department has no issues with this event.

William L. Miles  
Fire Chief  
Sudbury Fire Department  
77 Hudson Road  
Sudbury, MA 01776-1666  
978-443-1038 Extension 1214

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

**From:** Golden, Patricia  
**Sent:** Tuesday, March 18, 2014 2:22 PM  
**To:** Miles, William; Nix, Scott; Leupold, Bob; Herweck, Mark  
**Subject:** FW: One-day Alcohol License application - response requested

Good afternoon,  
Attached is an application for a one-day wine & malt license for an event April 12th at First Parish.  
Would you please review the attached and respond by Thursday with your input since this is scheduled for the 3/25 agenda.

Thank you.

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

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## Golden, Patricia

---

**From:** Herweck, Mark  
**Sent:** Tuesday, March 18, 2014 2:52 PM  
**To:** Golden, Patricia  
**Subject:** RE: One-day Alcohol License application - response requested

Hi Patty ; The Building Department has no issues with this application.

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

**From:** Golden, Patricia  
**Sent:** Tuesday, March 18, 2014 2:50 PM  
**To:** Herweck, Mark  
**Subject:** FW: One-day Alcohol License application - response requested

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

**From:** YON - Jan C. Hardenbergh [mailto:jch@jch.com]  
**Sent:** Tuesday, March 18, 2014 2:46 PM  
**To:** Golden, Patricia  
**Subject:** Re: One-day Alcohol License application - response requested

Yes, the event is on the first floor, the "Parish Hall".

For food, in the past we have had donations from the Wayside Inn, Shaw's and Roche Brothers. I will send the info for this year when I get it.

YON [www.jch.com](http://www.jch.com) <> Know thyself

> On Mar 18, 2014, at 14:41, "Golden, Patricia" <GoldenP@sudbury.ma.us> wrote:

>  
> Hello again Jan.  
> The Building Inspector just called me to ask where this event will be  
> located. (I assume it would be in the meeting room on the first floor.) Could you please confirm the location?

>  
> Thank you.

>  
> Patty Golden  
> Senior Admin Asst to the Town Manager  
> Town of Sudbury  
> Ph: 978-639-3382  
> Fax: 978-443-0756  
> [www.sudbury.ma.us](http://www.sudbury.ma.us)

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

>  
>  
> -----Original Message-----

> **From:** Golden, Patricia  
> **Sent:** Tuesday, March 18, 2014 2:22 PM  
> **To:** Miles, William; Nix, Scott; Leupold, Bob; Herweck, Mark  
> **Subject:** FW: One-day Alcohol License application - response requested

>  
> Good afternoon,

## Golden, Patricia

---

**From:** Nix, Scott  
**Sent:** Wednesday, March 19, 2014 8:25 AM  
**To:** Golden, Patricia; Miles, William; Leupold, Bob; Herweck, Mark  
**Subject:** RE: One-day Alcohol License application - response requested

Good morning Patty,

The police department is OK with the event.

Scott

Respectfully,

Scott Nix  
Chief of Police  
Sudbury Police Department  
415 Boston Post Road  
Sudbury, MA 01776  
(978) 443-1042  
nixs@sudbury.ma.us

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

**From:** Golden, Patricia  
**Sent:** Tuesday, March 18, 2014 2:22 PM  
**To:** Miles, William; Nix, Scott; Leupold, Bob; Herweck, Mark  
**Subject:** FW: One-day Alcohol License application - response requested

Good afternoon,

Attached is an application for a one-day wine & malt license for an event April 12th at First Parish.

Would you please review the attached and respond by Thursday with your input since this is scheduled for the 3/25 agenda.

Thank you.

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

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

# **AGENDA REQUEST - Item #13**

## **BOARD OF SELECTMEN**

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

**Dates of request:** *March 16, 2014*

**Requestor:** *Melinda Manente, Secretary, Boy Scout Troop 60*

**Action requested:** *Letter of congratulations to Peter M. Finnegan, 409 Lincoln Road, acknowledging his achievement to rank of Eagle Scout.*

**Financial impact expected:** *None*

**Background information:** **CONSENT CALENDAR**

### **Recommendations/Suggested Motion/Vote:**

*Vote to enter into the Town record and congratulate Peter M. Finnegan, 409 Lincoln Road, who will be recognized at a future Courts of Honor for having achieved the high honor of Eagle Scout.*

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

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

**Date of Selectmen's Meeting:** *March 25, 2014*

**Board's action taken:**

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

**Distribution:**

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

## Golden, Patricia

---

**From:** Manente Family <manentefamily@gmail.com>  
**Sent:** Sunday, March 16, 2014 3:37 PM  
**To:** Golden, Patricia; Selectmen's Office  
**Subject:** Troop 60 Eagle Scout: Peter M. Finnegan

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

March 16, 2014

Dear Patricia,

The Scouts, Leaders, and Members of Sudbury Massachusetts Boy Scout Troop 60, take great pleasure in announcing that:

Having completed the requirements for, and having been reviewed by  
An Eagle Scout Board of Review on March 12, 2014

Peter M. Finnegan  
409 Lincoln Road  
Sudbury, MA

was found worthy of the rank of Eagle Scout

In honor of this achievement, would you be so kind as to send Peter a certificate to be presented at an Eagle Scout Court of Honor to be held this spring?

Please address your letter or certificate in care of the following address: Melinda Manente, 23 Webster Circle, Sudbury, MA 01776. All letters and recognitions will be compiled, placed in a suitable keepsake, and after they are read, displayed during this special occasion.

Thank you very much for taking the time from your extremely busy schedule to help this community and Sudbury Troop 60 recognize Peter for achieving the rank of Eagle Scout. It is a real thrill for our boys to see their name in the Selectman meeting minutes and receive the beautiful certificates.

Sincerely,

Melinda Manente  
Secretary, Sudbury Boy Scout Troop 60  
978-443-7242  
[manentefamily@gmail.com](mailto:manentefamily@gmail.com)



# **AGENDA REQUEST - Item #14**

## **BOARD OF SELECTMEN**

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

**Date of request:** *March 18, 2014*

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

---

**Action requested:** **CONSENT CALENDAR**

*Vote to appoint Venk Gopal, 14 Autumn Street, and George L. Connor, 189 Morse Road, to the Sudbury Celebrates 375/Sudbury Day Committee for a term expiring November 30, 2014.*

---

**Financial impact expected:** *None*

---

**Background information:** *See attached memo from Hal Cutler*

---

**Recommendations/Suggested Motion/Vote:**

*Vote 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.*

---

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

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

**Date of Selectmen's Meeting:** *March 25, 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 ( )**

## Golden, Patricia

---

**From:** hcutlercfpe <hcutlercfpe@verizon.net>  
**Sent:** Tuesday, March 18, 2014 4:27 PM  
**To:** Golden, Patricia  
**Subject:** Sudbury Celebrates 375 Committee Appointments

Patricia,

This memorandum is to transmit to you and, through you, to the Board of Selectmen recommendations for the appointment of Venk Gopal and George Connor to the Sudbury Celebrates 375/Sudbury Day Committee.

The Committee met with Venk Gopal at its regularly scheduled meeting on March 13, discussed with him his potential contributions to the work of the Committee and then voted unanimously to recommend his appointment to the Committee. His appointment to the Committee would be particularly useful as a liaison with the three Boy Scout troops in Town whose members we hope to enlist as volunteers for some of the Committee sponsored events.

George Connor's offer to join the Committee occurred after our March 13 meeting. Although the Committee as a whole has not spoken with George or voted to recommend him, George is well known to Committee members Joe and Jacqui Bausk and to me. George has been the treasurer of Memorial Congregational Church since some date in the 1990's. He is on track to retire from his position as a Senior Tax Manager at EMC Corporation at the end of the month. We hope to have George available to assist the Committee with budgeting and accounting tasks.

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

Hal

Harold R. Cutler, CoChair  
Sudbury Celebrates 375/Sudbury Day Committee

163 Landham Road  
Sudbury, MA 01776

Telephone: 978-443-2525

- Bel  
- Hal  
- Carlo

**TOWN OF SUDBURY**  
**APPLICATION FOR APPOINTMENT**

BOARD OF SELECTMEN  
278 OLD SUDBURY ROAD  
SUDBURY, MA 01776

FAX: (978) 443-0756  
E-MAIL: selectmen@sudbury.ma.us

Board or Committee Name: Sudbury Celebrates 375 / Sudbury Day Committee

Name: Venk Gopal

Address: 14 Autumn St, Sudbury, MA 017

Email Address: vgopalhome@gmail.com

Home phone: 978 440 8363

Work or Cell phone: 617 283 6602

Years lived in Sudbury: 12

Brief resume of background and pertinent experience:

- I have 25 years of Professional experience, serving in High Tech, Automotive, Energy/Utilities, Municipal & Defense industries
- Part of my professional life, I have launched and managed complex projects and business operations
- Managed and participated in several conferences, workshops and trade show events for more than a decade
- Asst. Scout Master with Troop 63 Sudbury and have overseen several outdoor camping and community service events

Municipal experience (if applicable):

Worked on several Information Technology project engagements with City/Municipalities. (Ex: Los Angeles Dept. of Water & Power, Taunton Municipal, Sacramento Municipal Utility Department, San Antonio City Public Services, etc)

Educational background:

Bachelors - Electronics and Telecommunication

Reason for your interest in serving:

- Interested in Community service and Sudbury History
- Son finishing high school next year, getting ready for empty nest days!

Times when you would be available (days, evenings, weekends):

Evenings / weekends

Do you or any member of your family have any business dealings with the Town? If yes, please explain:

NO

ed (Initial here that you have read, understand and agree to the following statement)

I agree that if appointed, I will work toward furtherance of the committee's mission statement; and further, I agree that I will conduct my committee activities in a manner which is compliant with all relevant State and Local laws and regulations, including but not limited to the Open Meeting Law, Public Records Law, Conflict of Interest Law, Email Policy and the Code of Conduct for Town Committees.

I hereby submit my application for consideration for appointment to the Board or Committee listed above.

Signature



Date 03/10/2014

From: hcutlercfpe hcutlercfpe@verizon.net  
Subject: Appointment to the Sudbury Celebrates 375 Committee  
Date: March 15, 2014 at 11:20 AM  
To: George Connor george.connor@emc.com, George Connor ABNER1776@aol.com, GEORGE CONNOR abner1776@me.com  
Cc: Joe and Jacqui Bausk joebausk@verizon.net, Sudbury 375 Celebration Comm. sudbury375@sudbury.ma.us, Patricia Golden GoldenP@sudbury.ma.us

George,

Joe tells me you are willing to sign on to the Celebrate 375 Committee. That is great news because we need the extra hands but more importantly because we will benefit from your accounting skills. A .pdf file for the application that must be submitted to the Board of Selectmen's office (Patty Golden) is attached.

To the Committee, George is a soon (end of the month) to be retired senior tax accountant from EMC and a resident of Sudbury for many years.

Hal

Harold R. Cutler, CoChair  
Sudbury Celebrates 375/Sudbury Day Committee

163 Landham Road Telephone: 978-443-2525  
Sudbury, MA 01776

**TOWN OF SUDBURY**  
**APPLICATION FOR APPOINTMENT TO**  
(Board or Committee Name) **Sudbury Celebrates 375/Sudbury Day Com.**

BOARD OF SELECTMEN  
278 OLD SUDBURY ROAD  
SUDBURY, MA 01776

FAX: (978) 443-0756  
E-MAIL: selectmensoffice@sudbury.ma.us

Name: George L Connor Sr.

Brief resume of background and experience:

see attached

Address: 189 MORSE RD

Home phone:  
Work phone:

Years lived in Sudbury: 36 E-Mail Address: ABNER1776@aol.com

Municipal experience (If applicable):

Educational background:

Bentley College - BSA, MST

Employment and/or other pertinent experience:

EMC Corporation - 18 years

Reason for your interest in serving:

Times when you would be available (days, evenings, weekends):

Do you or any member of your family have any business dealings with the Town? If yes, please explain:

Melinda Connor - Asst Treasurer  
Lynn Connor - Teacher - Noyes



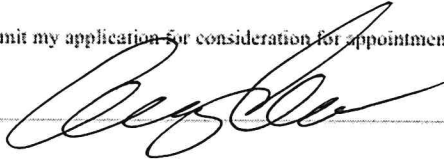


(Initial here that you have read, understand and agree to the following statement)

I agree that if appointed, I will work toward furtherance of the committee's mission statement; and further, I agree that I will conduct my committee activities in a manner which is compliant with all relevant State and Local laws and regulations, including but not limited to the Open Meeting Law, Public Records Law, Conflict of Interest Law, Email Policy and the Code of Conduct for Town Committees.

I hereby submit my application for consideration for appointment to the Board or Committee listed above.

Signature



Date

8/15/14

Board of Selectmen – Town of Sudbury

I, George L Connor Jr., am requesting your approval of my appointment as Treasurer of the Sudbury Celebrates 375 Committee.

My wife and I have been residents of Sudbury for 36 years with the past 30 years at 189 Morse Road. My wife Melinda, is the Asst Treasurer and tax collector for the Town of Sudbury and our oldest daughter Lynn, is a 4<sup>th</sup> grade teacher at Noyes. Our daughters Lynn and Emily were both educated in the Sudbury public schools and graduates of LS.

My background is in accounting as I hold a Bachelors Degree in Accounting and a Masters Degree in Taxation from Bentley University.

At the end of March I will be officially retiring from EMC Corporation where I have worked for the past 18 years as a Senior Manager – State Tax. Prior to EMC I worked at Sheraton Hotels and Prime Computer. In my 36 years in the state tax community I have served on numerous boards and I am a frequent panelist at national state tax conferences and meetings.

Also for the past 23 years I have been the Treasurer of Memorial Congregational Church.

My interest in Sudbury and serving on this Committee comes from my family heritage as I am a direct descendent of one of the two colonists killed at the battle of the North Bridge on April 19, 1775. My mothers' maiden name is Hosmer and I am related to Florence Hosmer of the Hosmer House. We are both descended from James Hosmer who settled in Concord in 1635.

For the past 25 years I have been an active member of the Sudbury Minute Company including participating in Colonial Days at Noyes School each year.

Thank You for your consideration.



George L Connor Jr.

# **AGENDA REQUEST – Item #15**

## **BOARD OF SELECTMEN**

### **Requestor's Section**

**Item Name:** Ti-Sales Site Plan endorsement

**Date of request:** March 19, 2014

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

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

*Vote to endorse approved site plan*

### **CONSENT CALENDAR**

**Financial impact expected:** None

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

*All changes required in the Site Plan decision dated November 5, 2013 have been made on the final plan.*

**Recommendations/Suggested Motion/Vote:**

*(1) Vote to endorse the final site plan for Ti-Sales at 36 Hudson Road, as recommended by the Director of Planning and Community Development.*

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

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

**Date of Selectmen's Meeting:** 3/25/14

**Board's action taken:**

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

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

**Distribution:**

**Town Counsel approval needed?**

**Yes ( )**

**No (X )**



# **AGENDA REQUEST – Item #16**

## **BOARD OF SELECTMEN**

### **Requestor's Section**

**Item Name:** Accept Gift from NSTAR

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

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

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

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 3/19/14, towards the construction of a walkway, including handicap access ramps, along NSTAR's frontage on Boston Post Road. Any funds remaining after completion of the sidewalk construction project will be returned to NSTAR.

#### ***CONSENT CALENDAR***

**Financial impact expected:** none

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

*MOU attached.*

#### **Recommendations/Suggested Motion/Vote:**

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 3/19/14, 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.

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

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

**Date of Selectmen's Meeting:** 3/25/14

**Board's action taken:**

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

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

**Distribution:**

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





# Town of Sudbury

## Town Manager's Office

Townmanager@sudbury.ma.us

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

Maureen G. Valente, Town Manager

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

Date: March 21, 2014  
To: Board of Selectmen  
From: Maureen G. Valente, Town Manager *Maureen*  
Subject: MOU with NSTAR

As I mentioned to you some months ago, the Conservation Commission has been working with NSTAR about their request to upgrade their substation in Sudbury.

As part of the negotiations with NSTAR, a parcel of land has been offered in mitigation and NSTAR has agreed to the attached MOU to provide a walkway on Boston Post Road.

I have asked Debbie Dineen to attend your meeting to provide other information on this agreement and answer any questions you may have.

## MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is entered into as of \_\_\_\_\_, 2014, by and between NSTAR ELECTRIC COMPANY, a Massachusetts corporation and electric company, with an address at One NSTAR Way, Westwood, Massachusetts 02090 ("NSTAR") and THE TOWN OF SUDBURY, a Massachusetts municipal corporation, with an address at 322 Concord Road ("Sudbury" or the "Town"), collectively referred to herein as the "Parties".

### Background:

A. NSTAR is proposing to perform certain construction and equipment installation work between March of 2014 and December of 2016 to upgrade and expand an existing NSTAR electrical substation (the "Substation") located at 163 and 183 Boston Post Road (see description in Exhibit A attached) in Sudbury, Massachusetts (the "Project").

B. NSTAR has proposed certain activities as mitigation for the impacts of the Project on the Town, including mitigation required to meet the performance standards of the Sudbury Wetlands Administration Bylaw, and building permits. NSTAR is offering such mitigation to comply with town bylaws, and obtain the required permits for the Project.

NOW, THEREFORE, in consideration of the foregoing, and the mutual agreements set forth herein, the Town and NSTAR agree as follows:

1.0 Purpose. The purpose of this MOU is to describe the undertakings of the Parties with respect to the Project.

2.0 Description of the Project. The Project is NSTAR's response to a determination by the Independent System Operator in New England (ISO-NE) of a need to address thermal overloads and voltage issues within the existing electrical transmission system in the Sudbury area. To resolve these issues and improve the electric transmission system in the area, NSTAR is proposing improvements at the Substation. These improvements involve installing new equipment within the Substation and will result in expansion of the existing footprint of the Substation. Following are the specific components of the Project, described in greater detail in Exhibit B attached hereto and incorporated herein:

- 2.1 Install voltage regulating devices;
- 2.2 Connect an existing overhead transmission line into the substation;
- 2.3 Replace wooden transmission poles with steel poles;

- 2.4 Install new transformers, switching equipment, and control equipment; and
- 2.5 Construct a pressurizing plant for an existing underground transmission line.

3.0 Project Permitting. The components of the Project listed above are combined for environmental permitting purposes, but two (2) separate building permits will be sought from the Town. One building permit will be submitted for the voltage regulating devices (2.1) and the 4 remaining components (2.2. - 2.5) will be combined under a second building permit application. The Town agrees to cooperate with NSTAR in timely processing of the building permit applications. In addition, NSTAR will require and seek a variety of permits from other state and federal agencies, including without limitation, the Army Corps of Engineers, Sudbury Conservation Commission, Massachusetts Department of Environmental Protection, United States Environmental Protection Agency, Massachusetts Natural Heritage and Endangered Species Program, Massachusetts Historical Commission, Massachusetts Environmental Policy Act, and ISO-NE approvals) as may be necessary, in its sole opinion, to construct, install, operate and maintain the Project. MEPA has already issued a decision that an Environmental Impact Report is not required. In addition, Massachusetts Natural Heritage and Endangered Species Program, and the Massachusetts Historical Commission have already issued "no impact" determinations.

4.0 Mitigation. Upon receipt by NSTAR of all required regulatory approvals from all governmental authorities having jurisdiction, including the Town, with all appeal periods with respect thereto having either expired without any appeal having been taken, or if any such appeal has been taken, such appeal having been resolved to the satisfaction of NSTAR, and in each case without conditions or limitations not acceptable to NSTAR in its sole discretion, NSTAR will provide the following mitigation to the Town:

4.1 NSTAR will purchase a parcel of vacant land located at 79 Lincoln Lane, Sudbury, comprising approximately 1.4 acres, for the sum of \$330,500, and will have such land deeded directly to the Town of Sudbury for conservation purposes only. This land is being offered as off-site mitigation which meets and exceeds the requirement for 2:1 mitigation under the Sudbury Wetlands Administration Bylaw.

4.2 NSTAR will create 1:1 wetland replication and habitat improvements at the substation property per the Wetlands Protection Act. The Town will act to remove the existing Sudbury Wetlands By-Law and WPA Superseding Order of Conditions on the 79 Lincoln Lane property.

4.3 NSTAR will install landscape improvements along Boston Post Road per the landscape plan dated December 8, 2013, provided to the Town on December 8, 2013, which the Town hereby approves and accepts.

4.4 NSTAR will donate to the Town the sum of \$15,225.00 to be applied by the Town towards the cost of installation of a sidewalk, including handicapped

access ramps, along NSTAR's frontage on Boston Post Road, which will be accepted as a gift to the Town for this specific purpose. Any funds remaining after completion of the sidewalk construction project will be returned to NSTAR.

5.0 Schedule. NSTAR proposes to commence the Project in March 2014 and achieve substantial completion in December 2016. NSTAR agrees to complete all required mitigation in subsections 4.1 through 4.3 within one (1) year of Project construction start, with the exception of the deeding of the Lincoln Lane property, which deed transferring title shall be recorded at the Registry of Deeds within 30 days of the issuance of the first building permit for the Project.

6.0 Notice. All notices under this MOU shall be in writing and sent to the following contacts designated by the Parties:

To NSTAR:  
Beverly Schultz  
NSTAR Electric  
One NSTAR Way MS SE3041  
Westwood, MA 02090

To Sudbury:

Paul L. Kenny, Town Counsel  
278 Old Sudbury Road  
Sudbury, MA 01776

7.0 General Provisions.

7.1 Assignment. Neither Party shall assign or transfer this MOU without the consent of the other Party.

7.2 Governing Law. This MOU shall be governed by the law of the Commonwealth of Massachusetts and shall bind and inure to the benefit of the Parties hereto and their respective successors and permitted assigns.

7.3 Recording. Neither this MOU nor any notice or memorandum hereof shall be recorded in any public record.

7.4 Counterparts. This MOU may be executed simultaneously in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

7.5 Exhibits. All Exhibits which are referred to herein and which are attached hereto or bound separately and initialed by the Parties are expressly made and constitute a part of this MOU.



7.6 Entire Agreement; Amendments. This MOU and the Exhibits hereto set forth all of the agreements, conditions and undertakings between the Parties hereto with respect to the subject matter hereof, and supersede all prior and contemporaneous agreements and understandings, express or implied, oral or written, except as contained herein, with the exception of conditions contained in the Order of Conditions issued by the Sudbury Conservation Commission for the Project (DEP File #301-1129). This MOU may not be changed orally, but only by an agreement in writing, duly executed by or on behalf of both Parties.

7.7 Further Assurances. The Parties agree to execute and deliver such further instruments, and take such other actions as may be reasonably required or requested and agreed to by respective counsel for the Parties, in order to fully implement the undertakings of the Parties contemplated hereby.

IN WITNESS WHEREOF, the Parties have caused this MOU to be executed under seal by their respective duly authorized representatives, as of the date first written above.

NSTAR ELECTRIC COMPANY

By: Douglas W. Foley  
Name: Douglas W. Foley  
Title: VP ELECTRIC OPERATIONS

TOWN OF SUDBURY

By: \_\_\_\_\_  
Name: Maureen G. Valente,  
Title: Town Manager

## EXHIBIT A

### PROPERTY DESCRIPTION

The NSTAR property consists of two parcels of land acquired by NSTAR in \_\_\_\_ and \_\_\_\_, respectively. For title reference, see deeds recorded in the Middlesex South District Registry of Deeds in Book \_\_\_\_, Page \_\_\_\_ ("Parcel A"), and Book \_\_\_\_, Page \_\_\_\_ ("Parcel B"), respectively.

Parcel A at 183 Boston Post Road is just south of Boston Post Road (Route 20) and east of Landham Road. This parcel consists of a retired electrical substation with a utility building, fencing, and forested areas. Access to the existing operational Substation traverses through this parcel. This parcel is bordered on the south by an existing NSTAR transmission line right-of-way (ROW) and abandoned railroad grade. The ROW runs generally east to west and terminates at the Substation. The transmission line itself passes over the Substation and connects to another ROW south of the Substation.

Parcel B at 163 Boston Post Road is south of the existing ROW and consists of a large operational Substation with an associated driveway and power lines. The Substation has been in operation since approximately 1957, and is a typical electrical substation with imported gravel substrate. The Substation is surrounded by a chain-link fence and is accessed by a paved driveway off Boston Post Road (through the parcel north of the ROW). This parcel is bordered on the east, west, and south by the U.S. Fish and Wildlife's Great Meadows National Wildlife Refuge. A natural gas transmission line and easement also border the property to the south, running generally in an east-west direction. A second transmission line ROW originates on the south side of the Substation and continues south toward Wayland.

## EXHIBIT B

### PROPOSED WORK

Following is a more detailed description the components of the Project:

1. Install a new transformer and associated equipment, including:
  - a. Expand the Substation yard approximately 150 feet south of the existing fence line to accommodate the new equipment;
  - b. Expand the Substation yard approximately 50 feet west of the existing fence line to accommodate a new control house;
  - c. Construct a new gravel access road (approximately 12–18 feet wide) on the north side of the Substation;
  - d. Install two temporary bypass structures on the east side of the Substation for clearance during construction; and
  - e. Connect the Substation equipment to an existing overhead transmission line;
2. Install two new voltage-regulating shunt reactors and associated equipment in the northeast and southwest corners of the Substation (this will require relocation of an existing transmission line on the southwest side);
3. Construct a new dielectric fluid pump plant in the northwest corner of the Substation (within the existing fence line);
4. Maintain the existing transmission lines, including the replacement of two existing 3-pole wood structures with new steel 3-pole structures on the northeast and southeast sides of the Substation (the northeast structure is currently within the substation yard and will be replaced outside the fence line); and
5. Decommission the existing retired electrical substation on Parcel A. Work at this location will entail removing and properly disposing of the existing concrete equipment foundations, control building, and chain link fence. The surface of the retired substation will be restored with gravel.