

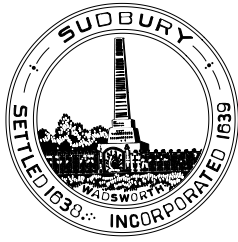
## TOWN OF SUDBURY

*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)

PLEASE NOTE: The following agenda replaces the version posted on 10/24/14.  
The order of some items has changed, therefore, some item numbers may not match.  
However, all backup material is attached.



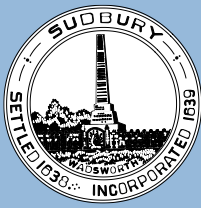
SUDBURY BOARD OF SELECTMEN  
TUESDAY OCTOBER 28, 2014  
7:30 PM, TOWN HALL - LOWER LEVEL

Item #	Time	Action	Item
			Call to Order
1.	7:30 PM		Interview Town Counsel Candidate Miyares and Harrington LLP
2.	8:15 PM		Buddy Dog - Informal Discussion on relocation to Wayside Inn Road
3.	8:35 PM		Dudley Road - Discussion of Removal of No Left Turn Sign
4.	9:00 PM		Interview Town Counsel candidate Blatman, Bobrowski & Mead, LLC
5.			Opening remarks by Chairman
6.			Reports from Town Manager
7.			Reports from Selectmen
<b>MISCELLANEOUS</b>			
8.			Citizen's comments on items not on the agenda
9.		<i>VOTE</i>	Following second Town Counsel interview, vote on selection of Town Counsel
10.		<i>VOTE</i>	Discuss and appoint a volunteer to serve on the Minuteman Building Committee
11.		<i>VOTE</i>	Review potential sources of funding for Mass Central Rail Trail design specifications, and vote to submit a warrant article for the December 2014 STM.
12.		<i>VOTE</i>	Discuss and vote to comply with, or act under the authority of the General laws of the Commonwealth of Massachusetts relative to alleged violations of the Open Meeting Law.
13.		<i>VOTE / SIGN</i>	Discussion and vote whether to approve Kappy's Distributors request to extend Sunday sale Hours of alcoholic beverages
<b>CONSENT CALENDAR</b>			
14.		<i>VOTE</i>	Vote to approve the Executive Session meeting minutes of Sept. 19, 2014, and the Regular Session and Executive Session meeting minutes Of October 14, 2014.

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

<b>Item #</b>	<b>Time</b>	<b>Action</b>	<b>Item</b>
15.		<i>VOTE</i>	Vote to appoint Sudbury registered voters, Michael C. Bennett of 86 Robbins Road and Sandra Johnson of 103 Puritan Lane, as Unenrolled Election Officers for terms to expire on August 14, 2015, as recommended by the Town Clerk.
16.		<i>VOTE</i>	Vote to appoint Joan Carlton (FinCom), 47 Old Coach Road, Michael Lane (CIAC) 493 Dutton Road, Elena Kleifges (LS) 14 Spruce Lane, to the Strategic Financial Planning Committee for Capital Funding, for a term ending June 30, 2015.
17.		<i>VOTE</i>	Appoint William Ray, 29 Cranberry Circle, as an Alternate Member of the Zoning Board of Appeals and member of the Earth Removal Board, for a term ending 5/31/15, as recommended by Benjamin Stevenson, Chairman, Board of Appeals in a memo dated 10/6/14.
18.		<i>VOTE</i>	Appoint John Riordan, 12 Pendleton Road, as an Alternate Member of the Zoning Board of Appeals and member of the Earth Removal Board, for a term ending 5/31/15, as recommended by Benjamin Stevenson, Chairman, Board of Appeals in a memo dated 10/6/14.
19.		<i>VOTE</i>	Vote to accept the FY15 Q1 Town Trust Statements as submitted by the Town Treasurer
20.		<i>VOTE</i>	Vote to approve a one-hour extension of the licensed closing hour and serving of alcoholic beverages for licensees who make application in advance to the Town Manager's Office: No. 29 Sudbury, 29 Hudson Rd, and for Lavender, 519A Boston Post Road, (1AM to 2AM) on Thursday, November 27, 2014, (Thanksgiving Day) on the condition that the kitchen remains open and food is served. Following the close of the full menu, licensees must provide, at a minimum, five (5) assorted items up until thirty (30) minutes before closing.
21.		<i>VOTE / SIGN</i>	Vote to grant a 1-day Wine & Malt license to Goodnow Library Foundation, Inc, to accommodate a Wine & Cheese Reception on Monday, November 17, 2014 from 7:00 PM to 9:00 PM at Goodnow Library, 21 Concord Rd, subject to the use of a TIPS-trained bartender and receipt of a Certificate of Liability.
22.		<i>VOTE</i>	Vote to Grant a Special Permit to Smile Mass, to Hold the "Gobble Wobble" 5K & 10K on Saturday, November 22, 2014, from 10:00 A.M. through approximately 11:30 A.M., Subject to Police Department Safety Requirements, Proof of Insurance Coverage and the Assurance that Any Litter Will be Removed at the Race's Conclusion.
<b>EXECUTIVE SESSION</b>			
23.		<i>VOTE / SIGN</i>	Vote to Enter into Executive Session Regarding Strategy with Respect to Land Negotiations If an Open Meeting May Have a Detrimental Effect on the Bargaining Position of the Public Body and the Chair So Declares. Following Executive Session, vote to return to Regular Session.
<b>MISCELLANEOUS CONTINUED</b>			
24.		<i>VOTE</i>	Vote to call Special Town Meeting/Special Town Election, and discuss and vote on warrant articles and submission to CPC, and discuss ballot questions

*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.*



SUDBURY BOARD OF SELECTMEN  
Tuesday, October 28, 2014

**Timed Item**

**1: Interview Town Counsel Candidate Miyares and Harrington LLP**

REQUESTOR SECTION

Date of request: October 20, 2014

Requested by: Patty Golden

Formal Title: Interview Town Counsel Candidate Miyares and Harrington LLP

Recommendations/Suggested Motion/Vote: Interview Town Counsel Candidate Miyares and Harrington LLP

Background Information:

Financial impact expected:N/A

Approximate agenda time requested: 45 min

Representative(s) expected to attend meeting: Representatives from Miyares and Harrington LLP

Review:

Patty Golden	Completed	10/20/2014 1:26 PM
Maureen G. Valente	Completed	10/20/2014 1:34 PM
Paul Kenny	Pending	
Charles C. Woodard	Pending	
Board of Selectmen	Pending	10/28/2014 7:30 PM

MEETING NOTES SECTION

Board's action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

Future agenda date:



J. Raymond Miyares  
Thomas J. Harrington  
Christopher H. Heep  
Donna M. Brewer

Jennie M. Merrill  
Jonathan E. Simpson  
Magdalena K. Carter  
Lyvia Glass Fried  
Eric Reusle

October 23, 2014

Board of Selectmen  
Town of Sudbury  
278 Old Sudbury Road  
Sudbury, MA 01776

Re: Proposal to Provide Town Counsel Services

Dear Board Members:

Miyares and Harrington LLP is dedicated to the practice of law in the public interest and concentrates its professional work in municipal and related areas of law. We offer exceptional representation to local and regional governments, and are pleased to be a candidate for Town Counsel in the Town of Sudbury.

As described in our December 2013 proposal, our counseling, negotiation, regulatory, litigation and appellate services are focused on municipal, administrative and environmental law, facility siting and land use, water and resource management, real estate, employment, insurance, licensing, municipal finance, and public construction and procurement.

In response to a recent inquiry from Sudbury's Assistant Town Manager, we agreed to stand by the proposed costs contained in that proposal. However, we also asked that we be given an opportunity to submit additional documentation in support of our candidacy that reflect significant changes in our firm since last December.

Specifically, effective July 1, we were appointed Town Counsel in both Wellesley and Reading; and, on September 1, our newest partner, Donna M. Brewer, joined our firm. Ms. Brewer has 30 years of legal practice experience, and has served as lead Town Counsel for the Town of Hamilton for 17 years.

Ms. Brewer has litigated zoning and land use, real estate, business contracts, civil rights, employment, surety and insurance coverage disputes on behalf of her municipal clients, and has experience in all levels of federal and state courts and alternative dispute resolution forums. In addition, she is experienced in the broad range of matters of particular concern to towns and regional school districts, including budget disputes, citizens' petitions, Proposition 2 1/2, local board practice and procedure, *Open Meeting Law*, *Public Record Act*, intermunicipal agreements,

Town of Sudbury  
October 23, 2014  
Page 2 of 2

public works and construction projects, and zoning and non-zoning land use matters. A copy of her résumé is attached for your reference.

With Ms. Brewer bringing her practice and expertise to our firm, we now have nine lawyers serving seven Towns as Town Counsel. On November 1, we will be relocating our offices to larger premises in Wellesley Center to accommodate our recent growth, and thus will be able to serve Sudbury from a more proximate location should we be selected as your new Town Counsel.

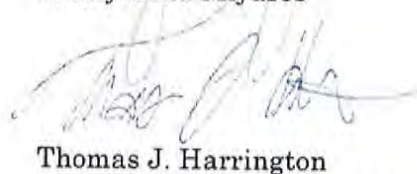
We place great importance on giving individual, direct and responsive legal counsel to our clients. We are committed to the values of democracy, to preservation and enhancement of natural resources and the built environment, to excellence and care in support of our clients' objectives, and to each other. We offer competitive rates, years of legal experience, the personal service of our firm's attorneys, diligent attention to our clients' needs, and good humor.

Thank you for the opportunity to supplement our proposal to Sudbury. We look forward to being able to discuss your legal needs and how we can be of service.

Respectfully submitted,  
MIYARES AND HARRINGTON LLP



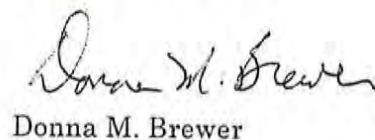
J. Raymond Miyares



Thomas J. Harrington



Christopher H. Heep



Donna M. Brewer

**DONNA M. BREWER, Esq.**

**Academic Background**

***Juris Doctor***

New York University  
School of Law

***Bachelor of Arts,***

Middlebury College

**Member of the Bar**

*Massachusetts*

*New York*

*United States District Court*

*for Massachusetts*

*United States Southern and*

*Eastern Districts of New York*

*United States Court of*

*Appeals, First Circuit*

*Supreme Court of the*

*United States*

**Community Service**

Board Member

*Lawyers' Committee for Civil*

*Rights and Economic Justice*

*2011-present*

Past Contributor

Massachusetts Municipal

Lawyers Association

Past Lecturer

*MCLE*

Municipal law issues

**Honors**

AV®, Martindale-Hubbell®

2012+Massachusetts *Super*

*Lawyers*®

2011 Bar Register of

Preeminent Women

Lawyers™

Inaugural Edition

Our newest partner, Donna M. Brewer, received her A.B. degree, *cum laude*, from Middlebury College and her J.D. from New York University School of Law. Ms. Brewer has litigated zoning and land use, real estate, business contracts, civil rights, consumer protection, professional malpractice, products liability, guardianship and conservatorship, employment, surety and insurance coverage disputes on behalf of individuals, corporations, partnerships, non-profit organizations and municipal clients. She has experience in all levels of regional federal and state courts and alternative dispute resolution forums.

In addition to her background in litigation, Ms. Brewer is experienced in the broad range of matters of particular concern to towns and regional school districts, including budget disputes, citizens' petitions, Proposition 2 1/2, local board practice and procedure, Open Meeting Law, Public Record Act, intermunicipal agreements, public works and construction projects, elections, and zoning and non-zoning land use matters.

Ms. Brewer is a member of the Massachusetts Municipal Lawyers Association, the Boston Bar Association, and the International Municipal Lawyers Association. She is a board member of the Lawyers' Committee for Civil Rights and Economic Justice.

Ms. Brewer is rated AV in Martindale-Hubbell®, assessed by her peers as holding the highest ethical standards and professional ability.

**PROFESSIONAL EXPERIENCE**

Partner, 2014-present

Miyares and Harrington LLP

Partner, 2001-2014

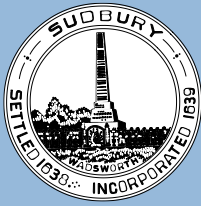
Associate, 1984-2000

*Casner & Edwards LLP*

Associate, 1982-1984

*Hughes Hubbard & Reed*

*New York, NY*



SUDBURY BOARD OF SELECTMEN  
Tuesday, October 28, 2014

**Timed Item**  
**2: Buddy Dog**

REQUESTOR SECTION

Date of request: October 3, 2014

Requested by: Jody Kablack

Formal Title: Buddy Dog - Informal Discussion on relocation to Wayside Inn Road

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:None

Approximate agenda time requested: 15 min

Representative(s) expected to attend meeting: Steve Burt, Buddy Dog, Frank Lyons, Wayside Inn Rd neighbors

Review:

Patty Golden	Pending
Maureen G. Valente	Pending
Paul Kenny	Pending
Charles C. Woodard	Pending
Board of Selectmen	Pending

10/28/2014 7:30 PM

MEETING NOTES SECTION

Board's action taken:

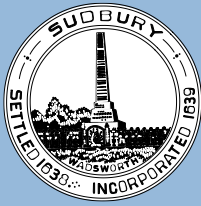
Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

Future agenda date:

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SUDBURY BOARD OF SELECTMEN  
Tuesday, October 28, 2014

**Timed Item**  
**3: Citizen's Comments**

REQUESTOR SECTION

Date of request:

Requested by: Leila S. Frank

Formal Title: Citizen's comments on items not on the agenda

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:N/A

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Maureen G. Valente	Pending
Paul Kenny	Pending
Charles C. Woodard	Pending
Board of Selectmen	Pending

10/28/2014 7:30 PM

MEETING NOTES SECTION

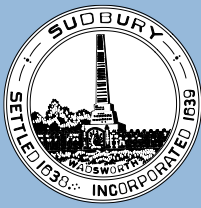
Board's action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

Future agenda date:

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SUDBURY BOARD OF SELECTMEN  
Tuesday, October 28, 2014

**Timed Item**  
**4: Dudley Road**

REQUESTOR SECTION

Date of request: October 3, 2014

Requested by: Jody Kablack

Formal Title: Dudley Road - Discussion of Removal of No Left Turn Sign

Recommendations/Suggested Motion/Vote: N/A

Background Information:

Financial impact expected:None

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Maureen G. Valente	Pending
Paul Kenny	Pending
Charles C. Woodard	Pending
Board of Selectmen	Pending

10/28/2014 7:30 PM

MEETING NOTES SECTION

Board's action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

Future agenda date:



**Kablack, Jody**

---

**From:** Kupfer, James  
**Sent:** Monday, August 04, 2014 8:56 AM  
**To:** Kablack, Jody  
**Subject:** Nobscot/Dudley Rd. Left Turn Sign Survey Results  
**Attachments:** No Left Turn\_Dudley Rd Survey.pdf; results.pdf

Attached are the results of the survey requested for the removal of the “no left turn” sign on Nobscot Rd that prohibits a turn on to Dudley Rd. Also attached is the letter sent to all households along Dudley Rd. and all spur roads between Nobscot and Boston Post Rd.

As you can see **29 households are not in favor of the removal of the sign while 6 are in favor.** Also 5 households did not respond.

Jim Kupfer

James S. Kupfer, MPA  
Planning and Community Development  
Town of Sudbury  
278 Old Sudbury Road  
Sudbury, MA 01776  
978-639-3363

Attachment: Dudley Rd Poll complete (1053 : Dudley Road)

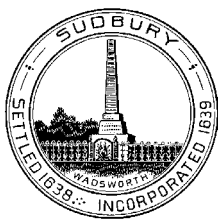
**Dudley No Left Turn Sign**

*I am in favor of the removal of the No Left Turn sign on Nobscot Road.*

Yes		No	
Name	Address	Name	Address
Vimi Verma	20 Adams Rd	Reed and Linda Lowry	25 Dudley Rd
Janet Derby	89 Dudley Rd	Pilar Boorman	5 Tippling Rock Rd
Mary Jane Lorei	30 Adams Rd (rents 21 adams)	Jan and Gail Hardenbergh	7 Tippling Rock Rd
Charlotte Broussard	30 Adams Rd (owner)	Bonnie and Sumner Fredman	92 Dudley Rd
Bryan and Paula Coffey	24 Tippling Rock Rd	Charles Fendrock	23 Tippling Rock Rd
Irene Levitt and Richard Nollman	15 Adams Rd	Richard Lovell	5 Tippling Rock Rd
		John Porter	2 Woodland Rd
		Nancy Clayton	11 Dudley Rd
		Lisa and Norman Freeman	10 Dudley Rd
		Carl Zuckerman	25 Adams Rd
		Waardenberg	9 Tippling Rock Rd
		Heidi Serven	Shady Hill Rd
		Deborah Haberman	31 Woodland Rd
		Chris Robertson	65 Dudley Rd
		Gary Diomede	66 Dudley Rd
		Beth and Michael Palmerino	5 Dudley Rd
		Eric Harvey	15 Woodland Rd
		Arthur and Deborah Haberman	31 Woodland Rd
		Gerard Verweij	10 Pine Hill Lane
		David and Stephanie Hardin	18 Woodland Rd
		John May	84 Dudley Rd
		Richard Vanderslice	96 Dudley Rd
		Heidi Roper	71 Dudley Rd
		Frank and Katey DeTraglia	17 Pine Hill Lane
		John Demos	4 Adams Rd
		Patrick Lam	32 Adams Rd
		Momin Uddin	79 Dudley Rd
		David and Karen Ting	27 Woodland Rd
		Francesca Gori and Thomas Grandprey	78 Dudley Rd

\*5 no response households

Attachment: Dudley Rd Poll complete (1053 : Dudley Road)



# Town of Sudbury

## Planning and Community Development

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

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

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

6/26/2014

Dear Residents,

There has been an inquiry by a resident of Adams Road for the removal of the No Left Turn sign on Nobscot Road. By removing the sign, all traffic would now be allowed to turn left on Dudley Road from Nobscot Road.

This issue has been discussed several times over the years. Alternatives have been reviewed such as a "residents only" turn sign. The Sudbury Police Department has stated that they would have difficulty enforcing this limitation and would not favor this solution.

In light of this new inquiry, **the Board of Selectmen has requested a response from the neighborhood prior to taking action.** You can respond in one of three ways. First, you can complete this form and return it to the Planning and Community Development Office. Secondly, you can email your response to [pcd@sudbury.ma.us](mailto:pcd@sudbury.ma.us) and lastly you may call the Planning and Community Development Office and provide your response over the phone at 978.639.3387. We will collect responses until July 31, 2014.

Thank you.

I am in favor of the removal of the No Left Turn sign on Nobscot Road.

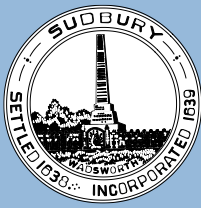
- Yes  
 No

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Please Return to: Planning and Community Development, Flynn Building,  
278 Old Sudbury Road, Sudbury, MA 01776

Attachment: Dudley Rd Poll complete (1053 : Dudley Road)



SUDBURY BOARD OF SELECTMEN  
Tuesday, October 28, 2014

**Timed Item**

**5: Appoint volunteer to Minuteman School Building Committee**

REQUESTOR SECTION

Date of request: October 21, 2014

Requested by: Patty Golden

Formal Title: Discuss and appoint a volunteer to serve on the Minuteman Building Committee

Recommendations/Suggested Motion/Vote: Discussion on two candidates who have volunteered to serve on the Minuteman School Building Committee. Following discussion, vote to appoint \_\_\_\_\_ (name) of \_\_\_\_\_ (address) as a member of this committee.

Background Information:

Both Dave Manjarrez, our Minuteman School rep, and Paul Lynch, our former Minuteman School rep and current member of the Vocational Education Options Committee, have volunteered.

Financial impact expected:N/A

Approximate agenda time requested: 10 min

Representative(s) expected to attend meeting:

Review:

Patty Golden	Completed	10/21/2014 12:01 PM
Maureen G. Valente	Pending	
Paul Kenny	Pending	
Charles C. Woodard	Pending	
Board of Selectmen	Pending	10/28/2014 7:30 PM

MEETING NOTES SECTION

Board's action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

Future agenda date:

Date: October 24, 2014

To: Board of Selectmen

From: Chuck Woodard

Subject: Representation on the Minuteman School Building Committee

We previously received the following message from the Chair of the Minuteman School Committee:

“The Minuteman School Building Committee is requesting that all member towns be represented on the Minuteman School Building Committee going forward. The following towns currently have no representation: Carlisle, Lancaster, Sudbury, Wayland & Weston.

Please submit your nominations within the next 60 days to the Minuteman School Committee to my attention.

The process is:

- 1) The Selectmen nominate a qualified person to the Committee.
- 2) The Minuteman School Committee vote to approve & forward that person’s name to the MSBA.
- 3) The MSBA endorses and appoints that person to the Committee.

The candidate must meet one or more of the criteria listed on the attached document.”

We have two volunteers for the position: current Minuteman School Committee representative Dave Manjarrez and former Minuteman School Committee representative, and current member of the Vocational Education Options Committee, Paul Lynch.

I think all of you know Dave Manjarrez. Paul Lynch was interviewed by us last month for a position on the VoTech committee. His application to that committee is attached.

In light of the fact that both gentlemen are known to the BOS I have not scheduled interviews for the position of School Building Committee member. If there is a preference for doing so we can try to do that at our next meeting. Otherwise, I recommend that we discuss the two candidates at our October 28 meeting and select one.

**Current Minuteman Building Committee Members**

08/08/2014

*Ford Spalding, Dover/ SC / Building Committee Chair, 508.735.3635**Dr. Edward Bouquillon, Minuteman Superintendent, 781.861.6500**Bill Blake, Minuteman Director of CIA**Simon Bunyard, Boxborough**Franklin Cannon, Concord**Maryann Cooley, Needham / Selectman**Alice DeLuca, Stow, SC**David Frizzell, Alumni/ Belmont Fire Chief**Dana Ham, Lexington / Alumni**Ernest F. Houle, Minuteman Principal**Anthony Lionetta, Arlington**Don Lowe, Bolton/ Town Administrator**Kevin Mahoney, Minuteman Assistant Superintendent for Finance**Carmin Reiss, Concord / Selectman**Peter Sugar, Lincoln**Jack Weis, Belmont/ SC*

OPM (Non-voting Member)

Michael McKeon

Designer

Kaestle Boos Associates Inc.

MaryAnn Williams LEED® AP, AVS, MCPPO

Project Executive

Skanska USA Building Consulting

**MSBA Building Committee Criteria for Selection**

- SBC member who is MCPPO certified
- Local Chief Executive
- Administrator or Manager
- School Committee Member
- Superintendent of Schools
- Local Official responsible for Building Maintenance
- Representative of Office authorized by law to construct school buildings
- School Principal
- Member knowledgeable in educational mission and function of facility
- Local budget official or member of local finance committee
- Members of the community with architecture, engineering, and/or construction experience

**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:** Vocational Education Options Committee

**Name:** Paul F. Lynch

**Address:** 20 Dorothy Road, Sudbury

**Email Address:** [REDACTED]

**Home phone:** [REDACTED]

**Work or Cell phone:** [REDACTED]

**Years lived in Sudbury:** 23

**Brief resume of background and pertinent experience:**

I was formerly Sudbury's representative on the Minuteman School Committee (approximately 5 years) and served as Vice Chair of the School Committee for approximately 4 of those years. I am an attorney practicing in Boston and I have lived in Sudbury since 1991. Our foster daughter of 11 years, Shannon Dooling, attended Minuteman and I am familiar with the school both as a School Committee member and as a parent. I understand the workings of Minuteman and the current issues and challenges which will enable me to get up to speed quickly and which will hopefully enable me to provide useful input and analysis regarding these issues and the range of possible solutions.

**Municipal experience:** Former Sudbury Representative on Minuteman School Committee

**Educational background:** B.A., College of the Holy Cross (1978); J.D. University of San Diego (1985); M.B.A., University of San Diego (1986).

**Reason for your interest in serving:**

I am keenly interested in this issue and in vocational education for our children. I have seen first hand the great benefits that a vocational education offers and I strongly believe that this issue deserves significant effort and attention. My goal would be to assist the Committee in looking closely at all viable options.

**Times when you would be available (days, evenings, weekends):** I am flexible. I am self-employed and will work my schedule around the needs of the committee.

**Do you or any member of your family have any business dealings with the Town?** My daughter, Kayla, works as a Camp Counselor at the Sudbury Town Camp.

*PFL*

(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.

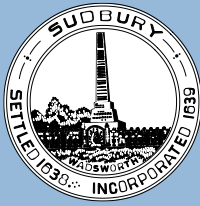
I hereby submit my application for consideration for appointment to the Board or Committee listed above.

Signature

Date

*Paul F. Lynch*  
7/28/14





SUDBURY BOARD OF SELECTMEN  
Tuesday, October 28, 2014

**Timed Item**  
**6: Mass Central Rail Trail Funding**

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Review potential sources of funding for Mass Central Rail Trail design specifications, and vote to submit a warrant article for the December 2014 STM.

Recommendations/Suggested Motion/Vote: Review potential sources of funding for Mass Central Rail Trail design specifications, and vote to submit a warrant article for the December 2014 STM.

Background Information:

Financial impact expected:

Approximate agenda time requested: 5 min

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Maureen G. Valente	Pending
Paul Kenny	Pending
Charles C. Woodard	Pending
Board of Selectmen	Pending

10/28/2014 7:30 PM

MEETING NOTES SECTION

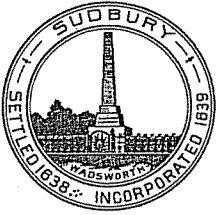
Board's action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

Future agenda date:





# Town of Sudbury

*Planning and Community Development Department*

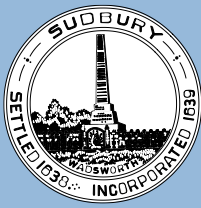
Jody A. Kablack, Director

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

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

TO: Board of Selectmen  
FROM: *JK* Jody Kablack, Director of Planning and Community Development  
RE: Mass Central Rail Trail, Funds for Design Specifications  
DATE: October 24, 2014

The Board has asked staff to investigate potential funding sources for approximately \$15,000 for the preparation of design specifications for the MCRT. While we are looking at several sources, should nothing else come to fruition, we think it is prudent for the Board to vote to submit an article for the Special Town Meeting transferring these funds from free cash. This can be a bookmark article that will be prepared prior to the close of the warrant, and will only be acted on if other funding sources are exhausted.



SUDBURY BOARD OF SELECTMEN  
Tuesday, October 28, 2014

**Timed Item**

**7: Interview Town Counsel candidate Blatman, Bobrowski & Mead, LLC**

REQUESTOR SECTION

Date of request: October 21, 2014

Requested by: Patty Golden

Formal Title: Interview Town Counsel candidate Blatman, Bobrowski & Mead, LLC

Recommendations/Suggested Motion/Vote: Interview Town Counsel candidate Blatman, Bobrowski & Mead, LLC

Background Information:

Financial impact expected:n/a

Approximate agenda time requested: 45 min

Representative(s) expected to attend meeting: Representatives from Blatman, Bobrowski & Mead LLC

Review:

Patty Golden	Completed	10/21/2014 9:24 AM
Maureen G. Valente	Pending	
Paul Kenny	Pending	
Charles C. Woodard	Pending	
Board of Selectmen	Pending	10/28/2014 7:30 PM

MEETING NOTES SECTION

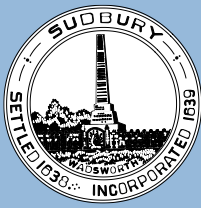
Board's action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

Future agenda date:

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SUDBURY BOARD OF SELECTMEN  
Tuesday, October 28, 2014

**Timed Item**  
**8: Vote on selection of Town Counsel**

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Following second Town Counsel interview, vote on selection of Town Counsel

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:n/a

Approximate agenda time requested: 5 min

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Maureen G. Valente	Pending
Paul Kenny	Pending
Charles C. Woodard	Pending
Board of Selectmen	Pending

10/28/2014 7:30 PM

MEETING NOTES SECTION

Board's action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

Future agenda date:

Christopher J. Petrini  
cpetrini@petrinilaw.com

Barbara J. Saint André  
bsaintandre@petrinilaw.com

Peter L. Mello  
pmello@petrinilaw.com

372 Union Avenue | Framingham, MA 01702  
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Christopher L. Brown  
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Robert D. Smith  
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October 21, 2014

**BY ELECTRONIC TRANSMISSION ONLY**

Charles Woodard, Chairman  
and Members of the Board of Selectmen  
Town of Sudbury  
278 Old Sudbury Road  
Sudbury MA 01776

Re: **Personnel Developments at Petrini & Associates, P.C.**

Dear Chairman Woodard and Members of the Board of Selectmen;

It was a pleasure meeting with you and the Board on October 7, 2014. Barbara and I enjoyed discussing our credentials for this exciting opportunity. As the Board considers its decision, I wanted to follow up on a few developments of interest.

First, I would like to pass along a copy of the attached (**Exhibit A**) press release that we issued this week regarding the selection of three P&A attorneys for honors by *New England Super Lawyers Magazine* ©. *New England Super Lawyers* published this list on October 17, 2014. As the press release indicates, I was selected as a Super Lawyer for the third time, while P&A associates Peter L. Mello and Christopher L. Brown were selected as Rising Stars for the third and sixth times, respectively. Only 2.5% of practicing lawyers are selected for the Rising Star honor, and less than 5% of practicing lawyers are selected as Super Lawyers. Collectively, Mr. Mello, Mr. Brown and I have been selected for these distinctions 12 times since 2009, a truly rare distinction that reflects our status as among the most accomplished municipal lawyers in Massachusetts.

Second, during our interview Selectman Simon inquired about our previous successful cases I handled. I direct your attention to the news articles attached to our proposal as Exhibits 5-9. In addition, as a reflection of the recognition we have gained in the Massachusetts legal community for these and other matters, I attach (**Exhibit B**) an updated list of front page articles in Massachusetts Lawyers Weekly that either covered a case that I handled successfully or

October 21, 2014  
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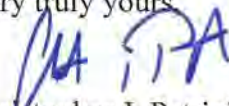
quoted my commentary. Note the most recent entry on the list is to an article in which I was quoted just last month, on September 25, 2014.

Third, as an illustration of our proactive approach to informing our clients about relevant legal developments, I attach as **Exhibit C** a Quarterly Update on Land Use Law update issued by Attorney Saint André last week. As Barbara noted during the interview, P&A provides client advisory updates to our clients free of charge on a regular basis. We have found that our clients rely on these updates to stay informed on developments in land use law, an area that is of critical importance to many municipalities, including Sudbury.

As Barbara and I explained when we met with the Board on October 7<sup>th</sup>, and as recognized by the Sudbury Town Counsel Search Committee, we believe that Petrini & Associates, P.C. is best positioned to provide the Town with personalized, proactive, knowledgeable and efficient legal services to fulfill all of Sudbury's legal needs.

Please do not hesitate to contact Barbara or me with any questions, or should you need any additional information. Thank you.

Very truly yours



Christopher J. Petrini

Enclosures

cc: Maureen Valente, Town Manager (w/encls.)  
Barbara J. Saint André, Esq. (w/encls.)

*2014.10.21 Let to Sudbury re P&A Honors (2700-06)*

Attachment: 2014 10 21 Let to Sudbury re PA Honors (2700-06) (1081 : Vote on selection of Town Counsel)

# Exhibit A

Attachment: 2014 10 21 Let to Sudbury re PA Honors (2700-06) (1081 : Vote on selection of Town Counsel)



### Three P&A Attorneys Named by *Super Lawyers* Magazine for 2014

**CHRISTOPHER J. PETRINI** was recently named by *Super Lawyers* magazine as one of the top attorneys in New England for 2014. Only five percent of the lawyers in the state are named by *Super Lawyers*.

The selections for this esteemed list are made by the research team at *Super Lawyers*, which is a service of Thomson Reuters, Legal Division. Each year, the research team at *Super Lawyers* undertakes a rigorous multi-phase selection process that includes a statewide survey of lawyers, independent evaluation of candidates by the attorney-led research staff, a peer review of candidates by practice area, and a good-standing and disciplinary check. This is the third time Mr. Petrini has been selected as a Super Lawyer, having been previously selected in 2009 and 2010. Mr. Petrini also was previously recognized by *The American Lawyer* magazine as one of the top rated attorneys nationally in construction. Only lawyers who achieve an AV Preeminent® Peer Review Rating by Martindale-Hubbe, the highest lawyer rating offered, are considered for the Top Rated Lawyers list by *The American Lawyer*.

Mr. Petrini founded Petrini & Associates, P.C. (P&A) in 2004 and represents cities and towns as Town Counsel and as Special Counsel in various litigation matters. P&A is currently Town Counsel for the Towns of Framingham, Medway, Sherborn and West Brookfield, and serves as Special Counsel for various other cities, towns and school districts in public construction, infrastructure and labor matters. Mr. Petrini is a graduate of Duke University School of Law with high honors. He is a member and past President of the Massachusetts Municipal Lawyers Association and Regional Vice President of the International Municipal Lawyers Association, representing the First Circuit. In addition, he is a member of the Massachusetts Bar Association, and since 2010 has served as co-chair of the MBA's Construction Law Committee of the Civil Litigation Section Council.

-----

**PETER L. MELLO and CHRISTOPHER L. BROWN** have each been selected for inclusion in the New England *Super Lawyers* Rising Stars Edition for 2014. No more than 2.5% of the lawyers in the state are named by *Super Lawyers* to the Rising Stars list.

The Rising Stars Edition of *Super Lawyers* magazine recognizes the top up-and-coming attorneys in New England. The Rising Stars list is based upon formal and informal nominations by fellow attorneys and evaluation of various background criteria by the research team at *Super Lawyers*.

Mr. Mello focuses his practice on municipal law, construction law, environmental and land use law, school law and general civil litigation. He is a graduate of Boston University School of Law. While at Boston University School of Law, Mr. Mello served as a staff editor of the American Journal of Law and Medicine. He is a member of the Executive Board of the Massachusetts



Municipal Lawyers Association, for which he also serves as a staff editor for the Association's Municipal Law Quarterly publication. This is the third time that Mr. Mello was selected for inclusion in the Massachusetts Rising Star list, having previously been selected in 2012 and 2013.

Mr. Brown joined Petrini & Associates, P.C. in 2010 after practicing civil litigation in Boston. He focuses his practice on general civil litigation, municipal law, labor and employment law. He is a graduate of Northeastern University School of Law. Prior to his legal career, Mr. Brown served in the United States Army as a field artillery officer. He is a member of the Massachusetts Municipal Lawyers Association and the Massachusetts Bar Association. In addition, he is a 2014 graduate of Leadership MetroWest's Leadership Academy. This is the sixth straight time that Mr. Brown was selected for inclusion on the Massachusetts Rising Star list, having previously been selected in 2009, 2010, 2011, 2012 and 2013.

Since 2009, P&A attorneys have been named as a Super Lawyer or as a Rising Star on 12 separate occasions, a remarkable accomplishment for a small firm given the prestigious and highly selective nature of these awards.

# Exhibit B

Attachment: 2014 10 21 Let to Sudbury re PA Honors (2700-06) (1081 : Vote on selection of Town Counsel)

**Listing of Cover Page Massachusetts Lawyers Weekly Articles  
Where Christopher J. Petrini Cases Were Highlighted or Quoted**

**I. Front Page MLW Articles Reporting on CJP Cases:**

1.	5/26/03	John D. Cunningham	“Bylaw Permitting Smoking Trumped by Board of Health”
2.	7/21/03	David E. Frank	“Town Not Required to Supply Public Services to Developer”
3.	3/1/04	John D. Cunningham	“Town Must Split Costs for Sewage Expenses”
4.	7/23/07	John D. Cunningham	“Attorney-Client Privilege Protects DCAM Documents”
5.	9/1/08	Eric T. Berkman	“Police OT Can Be Cut”
6.	3/29/10	Eric T. Berman	Notice on OT Not Required of Municipality”

**II. MLW Front Page Articles with CJP Quoted:**

7.	1/4/10	David E. Frank	“Town board can hire own lawyer”
8.	8/16/10	Phillip Bantz	“Law extending permits received mixed reaction”
9.	8/22/11	Eric T. Berkman	“Insurer’s malpractice suit vs. town counsel allowed”
10.	11/3/11	David E. Frank	“State database will reveal spending by judges, staff”
11.	1/30/12	Al Turco (p. 3)	“Law firms lining up for casino contracts”
12.	6/4/12	David E. Frank	“Land Use Attorneys Split on Impact of ‘Regis’ Ruling”
13.	10/28/13	Eric T. Berkman	“Internal probe docs subject to discovery”
14.	4/3/14	Eric T. Berkman	“Non-party’s support of suit protected by anti-SLAPP law”
15.	9/25/14	Pat Murphy	“Construction manager can’t cut off indemnification rights”

Last Updated: 10/2/14

2012.01.31 List of CJP MLW Articles (2700-07 CJP).docx

Attachment: 2014 10 21 Let to Sudbury re PA Honors (2700-06) (1081 : Vote on selection of Town Counsel)

# Exhibit C

Attachment: 2014 10 21 Let to Sudbury re PA Honors (2700-06) (1081 : Vote on selection of Town Counsel)

P A PETRINI ASSOCIATES, P.C.  
Counselors at Public Law

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cpetrini@petrinilaw.com

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bsaintandre@petrinilaw.com

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To: Board of Selectmen  
Town Manager/Administrator/Executive Secretary  
Planning Board  
Board of Appeals  
Building Commissioner

From: Barbara J. Saint André

Date: October 14, 2014

Re: Petrini & Associates Client Advisory No. 2014-07  
Quarterly Update on Land Use Law

This Quarterly Update on Land Use Law sets forth a brief overview of relevant land use and zoning decisions issued by the Supreme Judicial Court (SJC) and Appeals Court, as well as selected Land Court decisions, in the months of July, August and September of 2014. This memorandum does not include every decision involving land use issued by the Massachusetts appellate courts. Some decisions were omitted if they were purely procedural in nature or did not provide any new substantive analysis.

## ZONING

### Welch-Philippino v. Zoning Board of Appeals of Newburyport, 86 Mass. App. Ct. 258 (2014)

This case discusses the differences between a nonconforming use and a nonconforming structure, and how the two relate. The owner of a nursing home, located in a residential district and a prior, nonconforming use, obtained a special permit to demolish the existing structure, which complied with all dimensional requirements, and build a new structure which would also comply with all dimensional requirements. Plaintiffs, who are abutters, appealed to the Land Court. After trial, the Land Court concluded that the project was not a change or substantial

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Page 2

extension of a nonconforming use, and therefore was permissible as of right. It ruled that the structure was not deemed to be a nonconforming structure, even though it was used for a nonconforming use, because it conformed to all dimensional requirements. Therefore, the owner did not need a special permit to replace the structure with another, dimensionally conforming structure. Plaintiffs appealed, and the Appeals Court affirmed the Land Court.

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Plaintiffs argued that a conforming structure used for a nonconforming use must be treated as a nonconforming structure. Under G.L. c. 40A, §6, this would require a finding by the permit granting or special permit granting authority that the reconstruction of the nonconforming structure would not be substantially more detrimental to the neighborhood. The Appeals Court disagreed, determining that chapter 40A, §6 differentiates between nonconforming uses and structures and affords different grandfather protections to nonconforming uses and structures. Further, there is no language in chapter 40A, §6 that applies to conforming structures. Thus, the Land Court properly focused on whether the project proposed a change or substantial extension of the nonconforming use.

Applying the well-recognized three prong analysis of Powers v. Building Inspector of Barnstable, 363 Mass. 648 (1973), the Appeals Court upheld the Land Court's determination that the project fell within the protection of the first sentence of chapter 40A, §6, and therefore was permissible by right.

**Doherty v. Ashland, 86 Mass. App. Ct. 1112, 2014 WL 4650239 (Unpub. 2014)**

This case illustrates the potential dangers of town officials providing zoning opinions to private parties. D & D Mulch was interested in purchasing a parcel of land in the Commercial A zone in the town. Four months prior to the sale, during a meeting that included plaintiff Doherty of D & D, D & D's real estate broker, and the building inspector, Doherty told the building inspector that he planned to sell, make, grind and color mulch at the site, and that this would involve the use of heavy equipment. The broker asked the building inspector if mulch grinding was considered an industrial manufacturing or saw mill operation, which are prohibited in Commercial A. The building inspector stated that mulch grinding would be allowed on the property since it was ancillary to the retail sale of mulch, which was a permitted use. The building inspector also stated that he had no problem with the proposed use, as it was no different than what had gone on at the site for 20 years. One month prior to purchase, D & D requested confirmation in writing, apparently for a loan application, that its intended use was permitted as of right and did not require site plan review. After receiving signed, written confirmation from the building inspector, D & D purchased the property.

Several weeks after D & D began mulch grinding on the premises, the building inspector issued a cease and desist order, indicating that the mulch grinder was a piece of industrial equipment that was not allowed in that zoning district. D & D appealed to the zoning board of

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appeals, which upheld the order. Rather than appeal the ZBA decision, D & D shut down the mulch grinding operation. More than 2 years later, it brought this action alleging a regulatory taking of its property and negligent misrepresentation with respect to the building inspector's statements that the use was allowed in that district. The Superior Court dismissed the negligent misrepresentation claim under sovereign immunity, and granted summary judgment to the town on the regulatory taking claim. D & D appealed.

The Appeals Court ruled that D & D's regulatory taking claim was barred by its failure to appeal the ZBA decision within 20 days as required by G.L. c. 40A, §17. D & D argued that its regulatory taking claim was not subject to the 20 day appeal period. The Appeals Court, however, found that simply re-characterizing the complaint as a regulatory taking claim did not avoid the 20 day statute of limitations, citing Iodice v. Newton, 397 Mass. 329 (1986).

The negligent misrepresentation claim was brought pursuant to the Tort Claims Act, which waived sovereign immunity and allowed private parties to sue the state and municipalities, but with certain exceptions. The town argued that one of those exceptions, for claims based on failure to inspect or inadequate inspection, should apply to this case, and therefore the claim should be dismissed. The Appeals Court disagreed. It pointed out that the statements made by the building inspector did not involve or derive from an inspection that he performed or failed to perform. Rather, the claim was based on specific representations by the building inspector to D & D.

The Appeals Court also rejected the town's argument that claim should be dismissed based on the so-called public duty rule. In this case, the claim was based on representations made to the prospective purchaser of property, knowing that the prospective purchase was contingent on the representations. Accordingly, the Appeals Court reversed the judgment in favor of the town on the negligent misrepresentation claim and remanded it to the Superior Court for further proceedings. It should be noted that, because the Superior Court was acting on a motion to dismiss, all facts and inferences were taken in the light most favorable to D & D, and the matter has simply been remanded for further proceedings including potential trial. Nevertheless, this case points out the dangers of providing private parties with assurances, particularly in writing, with respect to the zoning by-laws, particularly where it is clear that the party will be relying on those assurances.

### **SUBDIVISION**

#### **Georgetown Planning Board v. Georgetown Planning Board, 2014 WL 3555971 (Land Court 2014)**

That's not a typo, this is a case where the Georgetown Planning Board brought an action against itself, seeking to vacate a constructive endorsement of a plan as not requiring approval under the Subdivision Control Law (ANR). Defendant Tolman submitted an ANR plan on October 17, 2013, and it was agreed that the planning board failed to act on the application

October 14, 2014

Page 4

within 21 days, and thus it was constructively endorsed. The planning board and building inspector brought an action in the nature of certiorari in the Land Court to annul the endorsement, claiming that Pingree Road, which was used for frontage for the lots, was not on the town's Official Map, was not a subdivision way, and was not a way in existence when the subdivision control law went into existence, having suitable width and grades, etc. as provided in G.L. c. 41, §81L.

Tolman argued that the planning board and building inspector lacked standing. The Land Court agreed, finding first that the planning board could not contest the constructive approval, as this would frustrate the statutory scheme. It pointed to the language in G.L. c. 41, §81P with respect to constructive endorsements, which provides that the planning board shall be deemed to have determined that approval is not required, and shall forthwith endorse the plan. With respect to the building inspector, the Land Court ruled that he did not have a role in the ANR process and was not an aggrieved party. The Land Court granted summary judgment to defendant Tolman, dismissing the complaint.

### **ARCHITECTURAL ACCESS BOARD**

#### **J.M. Hollister, LLC v. Architectural Access Board, 469 Mass. 49 (2014)**

In this case, the Supreme Judicial Court (SJC) interpreted the provisions of AAB regulations requiring that each entrance to a facility be accessible to persons with disabilities. Plaintiff is a clothing store at the Independence Mall. It received a permit to replace an accessible entrance with a raised porch design, with two steps leading to a roofed porch with plants, pictures and decorative items, and stairs in the back of the porch leading to the men's and women's departments, respectively. On either side of the porch and in close proximity are two accessible doors at mall grade level. One of the doors leads to the men's department, the other to the women's. In 2008 a wheelchair user filed a complaint with the AAB alleging that the store was in violation of the regulations. Plaintiff applied for a variance while the complaint was being investigated.

The AAB issued a decision that plaintiff was not in compliance with the regulations. It ruled that each doorway constitutes a separate entrance because each side door provided access to only one side of the store, where the central porch provided access to both sides. It also denied the variance because plaintiff created the condition itself and the cost of compliance was not excessive. Hollister appealed, and the Superior Court upheld the AAB decision. Hollister appealed to the Appeals Court, which upheld the Superior Court decision, and the SJC granted further review.

Review of the AAB decision is pursuant to the administrative procedures act, under which the court will not reverse the decision of an administrative board unless it is in excess of the board's authority, unsupported by substantial evidence, arbitrary or an abuse of discretion. The court gives considerable deference to the AAB's interpretation of its enabling statute and its



October 14, 2014  
Page 5

own regulations. Hollister argued that multiple doorways in the same façade must be deemed a single entrance, and since two of the three are accessible, the AAB erred in inquiring into the nature of the third. The SJC sided with the AAB's interpretation of its regulations, that the AAB could consider multiple doors as a single entrance, but was not required to. The key problem for Hollister was that the three entrances did not provide the same use pattern, since each of the three entrances provided access to different areas. Further, the porch design served no functional purpose, and was not necessitated by any unique, pre-existing feature of the site. Thus, the SJC upheld the AAB decision that the porch entrance violated the regulations.

The SJC also upheld the denial of the variance. Under the regulations, an owner may seek a variance if it believes full compliance is impracticable because it is technologically unfeasible or would result in excessive costs without substantial benefit to persons with disabilities. The AAB reasoned that there would be substantial benefit to persons with disabilities to access the store from the central porch, based on testimony that lack of access to both sections from each accessible door made shopping more difficult. The SJC noted that it was not its role to substitute its assessment for that of the AAB, and that the AAB could rely on such testimony to support its decision. Once the AAB determined that there would be a substantial benefit to persons with disabilities by providing access through the central porch, the variance had to be denied. Accordingly, the SJC affirmed the Superior Court judgment in favor of the AAB.

*2014.09.30 Quarterly land use update (2700-07)*

**Valente, Maureen**

**From:** Bilodeau, Maryanne  
**Sent:** Friday, October 24, 2014 3:40 PM  
**To:** Valente, Maureen  
**Cc:** Golden, Patricia  
**Subject:** FW: Town Counsel Candidates Additional Questions

**Importance:** High

Kopelman & Paige Response for BOS Question.  
 Maryanne

**From:** Lauren F. Goldberg [<mailto:LGoldberg@k-plaw.com>]  
**Sent:** Friday, October 24, 2014 2:39 PM  
**To:** Bilodeau, Maryanne  
**Subject:** FW: Town Counsel Candidates Additional Questions

Maryanne,

This is to respond to the questions you forwarded from the Chair of the Board of Selectmen.

- 1. Do you have past experience with legal matters related to the Town of Sudbury?**
  - a. If so what were these legal matters?**

We conducted a review of our records and found that the firm represented the Town of Wayland in 2008 in an action brought by the Town of Sudbury Board of Selectmen against the Town of Wayland Planning Board. The case was captioned John C. Drobinski, et al. v. William Steinberg, et al. (Town of Wayland Planning Board), Middlesex Superior Court, C.A. No. 08-0465. In that matter, the Board of Selectmen had appealed the Wayland Planning Board's grant of a special permit for the Wayland Town Center Development. The Sudbury Board of Selectmen later withdrew the appeal, which the Court treated as a voluntary dismissal under the applicable rules. The matter was closed in the spring of 2008.

- 2. Will this impact your ability to represent the Town of Sudbury?**

No. Further, as noted in our proposal, our firm is dedicated to representing public sector clients. As a standing rule, we do not take private clients with interests adverse to municipalities.

Please let me know if there is any further information that I can provide.

Very truly yours,

Lauren

Lauren F. Goldberg, Esq.  
 Kopelman and Paige, P.C.  
 101 Arch Street, 12th Floor  
 Boston, MA 02110  
 (617) 556-0007 (voice)  
 (617) 654-1735 (fax)  
[lgoldberg@k-plaw.com](mailto:lgoldberg@k-plaw.com)

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dissemination of this communication is strictly prohibited. If you have received this communication in error, please delete all electronic copies of this message and its attachments, if any, and destroy any hard copies you may have created and notify me immediately.

---

**From:** Bilodeau, Maryanne [<mailto:BilodeauM@sudbury.ma.us>]  
**Sent:** Thursday, October 23, 2014 3:50 PM  
**To:** Lauren F. Goldberg  
**Subject:** Re: Town Counsel Candidates Additional Questions  
**Importance:** High

Good afternoon,

The Chairman of the Board of Selectmen has asked me to contact the finalists and ask them to answer the following two questions:

1. Do you have past experience with legal matters related to the Town of Sudbury?
  - a. If so what were these legal matters?
2. Will this impact your ability to represent the Town of Sudbury?

We would like your written responses by 3:00 p.m. tomorrow afternoon so that we may put them in our Selectmen packets.  
Thank you.

Maryanne Bilodeau  
Asst. Town Manager/HR Director  
Town of Sudbury  
278 Old Sudbury Road  
Sudbury MA 01776  
Phone: (978) 639-3386  
Fax: (978) 443-0756

The Secretary of State's office has determined that most e-mails to and from municipal offices and officials are public records. Consequently, confidentiality should not be expected.



**Valente, Maureen**

**From:** Bilodeau, Maryanne  
**Sent:** Friday, October 24, 2014 12:12 PM  
**To:** Valente, Maureen  
**Cc:** Golden, Patricia  
**Subject:** FW: Town Counsel Candidates Additional Questions

Here is the response to the additional question from Petrini and Associates.  
Maryanne

**From:** Christopher J. Petrini [mailto:cpetrini@petrinilaw.com]  
**Sent:** Friday, October 24, 2014 12:02 PM  
**To:** Bilodeau, Maryanne  
**Cc:** Barbara Saint Andre  
**Subject:** RE: Town Counsel Candidates Additional Questions

Maryanne,

Good afternoon. In response to the Chairman's questions:

- Question 1: We have handled no matters or cases relating to the Town of Sudbury or involving the Town of Sudbury as a party.
- Question 2: Not applicable. We are fully able to represent Sudbury in all legal matters if selected as Town Counsel.

Thank you.

Christopher J. Petrini  
Petrini & Associates, P.C.  
372 Union Avenue  
Framingham, MA 01702  
Tel. (508) 665-4310  
Fax (508) 665-4313  
[cpetrini@petrinilaw.com](mailto:cpetrini@petrinilaw.com)  
[www.petrinilaw.com](http://www.petrinilaw.com)



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**From:** Bilodeau, Maryanne [<mailto:BilodeauM@sudbury.ma.us>]  
**Sent:** Thursday, October 23, 2014 3:48 PM  
**To:** Christopher J. Petrini  
**Cc:** Barbara Saint Andre  
**Subject:** Re: Town Counsel Candidates Additional Questions  
**Importance:** High

Good afternoon,  
The Chairman of the Board of Selectmen has asked me to contact the finalists and ask them to answer the following two questions:

1. Do you have past experience with legal matters related to the Town of Sudbury?
  - a. If so what were these legal matters?
2. Will this impact your ability to represent the Town of Sudbury?

We would like your written responses by 3:00 p.m. tomorrow afternoon so that we may put them in our Selectmen packets.  
Thank you.

Maryanne Bilodeau  
Asst. Town Manager/HR Director  
Town of Sudbury  
278 Old Sudbury Road  
Sudbury MA 01776  
Phone: (978) 639-3386  
Fax: (978) 443-0756

The Secretary of State's office has determined that most e-mails to and from municipal offices and officials are public records. Consequently, confidentiality should not be expected.

**From:** Christopher J. Petrini [<mailto:cpetrini@petrinilaw.com>]  
**Sent:** Wednesday, October 22, 2014 2:11 PM  
**To:** Bilodeau, Maryanne  
**Cc:** Barbara Saint Andre  
**Subject:** Letter to Sudbury Board of Selectmen re Personnel Developments at Petrini & Associates, P.C.

Hello Maryanne,

Barbara and I enjoyed meeting with the Board of Selectmen on October 7<sup>th</sup>. Please forward the attached thank you and update letter to the Board and Town Manager Valente in advance of the Board's October 28<sup>th</sup> meeting.

Please also let Barbara and I know if you or the Board have any questions or need additional information.

Thank you,

Christopher J. Petrini  
Petrini & Associates, P.C.

## ARTICLE VII

### LEGAL AFFAIRS

SECTION 1. The Selectmen shall appoint a member of the Bar in good standing to serve as Town Counsel from the date of his appointment and until his successor is appointed and enters upon the performance of his duties. The Selectmen may employ special counsel to assist the said Town Counsel.

SECTION 2. It shall be the duty of the Town Counsel to advise the Town in legal matters and to conduct all of the legal affairs of the Town.

SECTION 3. Except as otherwise specifically provided by the General Laws, the Selectmen shall be the agents of the Town to institute, prosecute and defend in the name of the Town, or otherwise, any and all claims, actions and proceedings to which the Town is a party or in which the interests of the Town are or may be involved.

SECTION 4. The Selectmen shall have the authority to settle at their discretion any action, suit or other proceeding to which the Town is a party or in which the interests of the Town are or may be involved provided funds are available therefor.

#### SECTION 5. SELECTION OF TOWN COUNSEL

- (a) At least every 36 months, the Selectmen shall request proposals from legal service providers for the position of Town Counsel under the terms of Section 1, using the procedure specified herein, to either reappoint the incumbent Town Counsel or appoint a replacement. This means that a person or firm may serve as Town Counsel for a single term or series of continuous terms for more than 36 months only by participating in at least one competitive review procedure. The competitive review procedure for selecting a qualified legal service provider shall be as follows, in the sequence listed, and the Selectmen shall allow at least four months to complete the listed steps:
- i. Step 1. - The Selectmen shall request proposals from a minimum of three legal services providers. The request for proposals shall state the criteria by which candidates will be judged. Criteria shall include, but not limited to, qualifications, experience, and cost for providing services.
  - ii. Step 2. - The Selectmen shall review all proposals in sufficient detail to judge whether they are sufficiently responsive to the selection criteria to merit a subsequent interview.
  - iii. Step 3. - The Selectmen shall invite at least three responsive candidates to make oral



presentations to the Selectmen in open session. Each candidate shall be allotted an equal length of time before the Selectmen.

- iv. Step 4. - After interviewing the responsive candidates and deliberating the merits of each responsive proposal, the Selectmen shall choose by majority vote the most responsive candidate for the succeeding term of Town Counsel and document the basis for the selection.
  - v. If the Selectmen do not approve of any of the candidates for Town Counsel among those interviewed, then the preceding four steps shall be repeated. ....
- (b) If the Selectmen are unable to complete the selection process specified in Paragraph (a) to reappoint or replace Town Counsel by the end of the incumbent Town Counsel's term, the Selectmen may extend the term of the incumbent Town Counsel or appoint a qualified interim Town Counsel, in either case for a period not to exceed 120 calendar days, to allow the Selectmen to complete the selection process. Such an extension or interim appointment may only occur once after an unsuccessful selection process.

Larry  
PAT  
Bob  
Len  
ccw

Town Counsel Interview Questions Final 10/17/13

- 1) How quickly are you able to consult and respond to legal questions?  
*Pat*  
What is your average response time to other municipal clients?  
What if we had something happen at 5:00 p.m. on a Friday night and some quick guidance was needed?
- 2) Do you feel comfortable with giving verbal advice, as opposed to a written opinion?  
*Larry*
- 3) What is the depth of the expertise of your legal staff in regards to paralegals, litigators, secretarial support, etc?  
*Larry*
- 4) Please name three areas that you or your firm is well known for.  
*Larry*
- 5) What familiarity do you have in regards to similar issues facing Sudbury?  
*Bob*
- 6) How much and how long will the primary attorney be available to us? (Case Loads, other commitments?)  
*Pat*
- 7) By taking on Sudbury what changes would you need to make within your firm to take on the additional workload?  
*ccw*
- 8) How does the firm/attorney contribute to public management professional development and knowledge in the area of municipal law by efforts such as newsletter, training at MMA sessions, MMPA, or other means?  
*Len*
- 9) How would you handle this case: (Give a controversial case and see how they would have handled it.)  
*Len*
- 10) Is there a particular case that you handled that you felt had an exceptional outcome for the municipality you represented?  
*Len*
- 11) Were there any that you weren't pleased with the outcome?  
*Len*
- 12) What are three areas of municipal focus where you feel you or your firm could expand in the future?  
*Larry*
- 13) How will you measure your accountability and effectiveness in Sudbury?  
*Bob*
- 14) As the attorney who will represent Sudbury, what are your three greatest personal strengths?  
*Bob*

Attachment: TCounsel\_complete (1029 : Additional Town Counsel Finalist)



- Larry 15) What are three areas you wish to improve in?
- Bob 16) If we were to choose you, what are the first few things you would do to prepare for taking us on as a client?
- Pat 17) What is a reasonable time for returning a call for town?
- Pat 18) What is reasonable time for responding to an email?
- Pat 19) How would you handle calls and emails on weekends/holidays?
- CCW 20) How to transition with existing Town Counsel?
- CCW 21) Knowing that change of Town Counsel can be disruptive to town – What steps would you take to ensure that you would remain Town Counsel for more than 1 or 2 years?
- CCW 22) What would you do if determined there was a conflict while you were representing the town?
- ICW 23) Need to engage outside counsel – if one of your decisions was challenged?
- Bob 24) How many Town Meetings have you attended as Town Counsel?
- 25)

Attachment: TCounsel\_complete (1029 : Additional Town Counsel Finalist)

## ARTICLE VII

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presentations to the Selectmen in open session. Each candidate shall be allotted an equal length of time before the Selectmen.

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① Move to appoint Petrini & Associates as Town Counsel 4-1

② Move to instruct Town Mems. for Petrini & Assoc. based on proposal to Town 5-0.

keep for Leads

Clue —  
1) Petrini  
2) KFP

① Kopelman & Page

(Haarde)

② Blatman, Bobrowski & Mead

① PETRINI + ASSOC

② REPETTOR + PRICE

Len

LOB

#1 Paffiani

#2 Maff

1) Blatman

2) K.P.P

Pat.



J. Raymond Miyares  
Thomas J. Harrington  
Christopher H. Heep  
Donna M. Brewer

Jennie M. Merrill  
Jonathan E. Simpson  
Magdalene K. Carter  
Ivria Glass Fried  
Eric Reustle

October 23, 2014

Board of Selectmen  
Town of Sudbury  
278 Old Sudbury Road  
Sudbury, MA 01776

Re: Proposal to Provide Town Counsel Services

Dear Board Members:

Miyares and Harrington LLP is dedicated to the practice of law in the public interest and concentrates its professional work in municipal and related areas of law. We offer exceptional representation to local and regional governments, and are pleased to be a candidate for Town Counsel in the Town of Sudbury.

As described in our December 2013 proposal, our counseling, negotiation, regulatory, litigation and appellate services are focused on municipal, administrative and environmental law, facility siting and land use, water and resource management, real estate, employment, insurance, licensing, municipal finance, and public construction and procurement.

In response to a recent inquiry from Sudbury's Assistant Town Manager, we agreed to stand by the proposed costs contained in that proposal. However, we also asked that we be given an opportunity to submit additional documentation in support of our candidacy that reflect significant changes in our firm since last December.

Specifically, effective July 1, we were appointed Town Counsel in both Wellesley and Reading; and, on September 1, our newest partner, Donna M. Brewer, joined our firm. Ms. Brewer has 30 years of legal practice experience, and has served as lead Town Counsel for the Town of Hamilton for 17 years.

Ms. Brewer has litigated zoning and land use, real estate, business contracts, civil rights, employment, surety and insurance coverage disputes on behalf of her municipal clients, and has experience in all levels of federal and state courts and alternative dispute resolution forums. In addition, she is experienced in the broad range of matters of particular concern to towns and regional school districts, including budget disputes, citizens' petitions, Proposition 2 1/2, local board practice and procedure, *Open Meeting Law*, *Public Record Act*, intermunicipal agreements,

Town of Sudbury  
October 23, 2014  
Page 2 of 2

public works and construction projects, and zoning and non-zoning land use matters. A copy of her résumé is attached for your reference.

With Ms. Brewer bringing her practice and expertise to our firm, we now have nine lawyers serving seven Towns as Town Counsel. On November 1, we will be relocating our offices to larger premises in Wellesley Center to accommodate our recent growth, and thus will be able to serve Sudbury from a more proximate location should we be selected as your new Town Counsel.

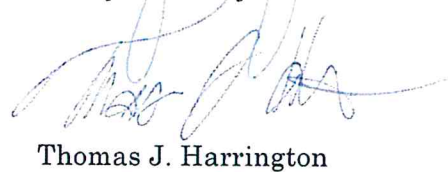
We place great importance on giving individual, direct and responsive legal counsel to our clients. We are committed to the values of democracy, to preservation and enhancement of natural resources and the built environment, to excellence and care in support of our clients' objectives, and to each other. We offer competitive rates, years of legal experience, the personal service of our firm's attorneys, diligent attention to our clients' needs, and good humor.

Thank you for the opportunity to supplement our proposal to Sudbury. We look forward to being able to discuss your legal needs and how we can be of service.

Respectfully submitted,  
MIYARES AND HARRINGTON LLP



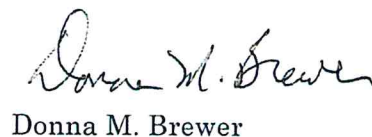
J. Raymond Miyares



Thomas J. Harrington



Christopher H. Heep



Donna M. Brewer

**DONNA M. BREWER, Esq.**

**Academic Background**

***Juris Doctor***

New York University  
School of Law

***Bachelor of Arts,***

Middlebury College

**Member of the Bar**

*Massachusetts  
New York  
United States District Court  
for Massachusetts  
United States Southern and  
Eastern Districts of New York  
United States Court of  
Appeals, First Circuit  
Supreme Court of the  
United States*

**Community Service**

Board Member  
*Lawyers' Committee for Civil  
Rights and Economic Justice  
2011-present*

Past Contributor  
Massachusetts Municipal  
Lawyers Association

Past Lecturer  
*MCLE*  
Municipal law issues

**Honors**

AV®, Martindale-Hubbell®  
2012+Massachusetts *Super  
Lawyers®*  
2011 Bar Register of  
Preeminent Women  
Lawyers™  
Inaugural Edition

Our newest partner, Donna M. Brewer, received her A.B. degree, *cum laude*, from Middlebury College and her J.D. from New York University School of Law. Ms. Brewer has litigated zoning and land use, real estate, business contracts, civil rights, consumer protection, professional malpractice, products liability, guardianship and conservatorship, employment, surety and insurance coverage disputes on behalf of individuals, corporations, partnerships, non-profit organizations and municipal clients. She has experience in all levels of regional federal and state courts and alternative dispute resolution forums.

In addition to her background in litigation, Ms. Brewer is experienced in the broad range of matters of particular concern to towns and regional school districts, including budget disputes, citizens' petitions, Proposition 2 1/2, local board practice and procedure, Open Meeting Law, Public Record Act, intermunicipal agreements, public works and construction projects, elections, and zoning and non-zoning land use matters.

Ms. Brewer is a member of the Massachusetts Municipal Lawyers Association, the Boston Bar Association, and the International Municipal Lawyers Association. She is a board member of the Lawyers' Committee for Civil Rights and Economic Justice.

Ms. Brewer is rated AV in Martindale-Hubbell®, assessed by her peers as holding the highest ethical standards and professional ability.

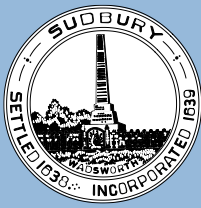
**PROFESSIONAL EXPERIENCE**

Partner, 2014-present  
Miyares and Harrington LLP

Partner, 2001-2014  
Associate, 1984-2000  
*Casner & Edwards LLP*

Associate, 1982-1984  
*Hughes Hubbard & Reed  
New York, NY*





SUDBURY BOARD OF SELECTMEN

Tuesday, October 28, 2014

**Executive Session  
9: OML Complaints**

REQUESTOR SECTION

Date of request: October 23, 2014

Requested by: Patty Golden

Formal Title: Discuss and vote to comply with, or act under the authority of the General laws of the Commonwealth of Massachusetts relative to alleged violations of the Open Meeting Law.

Recommendations/Suggested Motion/Vote: Discuss and vote to comply with, or act under the authority of the General laws of the Commonwealth of Massachusetts relative to alleged violations of the Open Meeting Law.

Background Information:

Financial impact expected:N/A

Approximate agenda time requested: 10 min

Representative(s) expected to attend meeting:

Review:

Patty Golden Completed 10/23/2014 4:06 PM

test

Maureen G. Valente Pending

Paul Kenny Pending

Charles C. Woodard Pending

Board of Selectmen Pending 10/28/2014 7:30 PM

MEETING NOTES SECTION

Board's action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

Future agenda date:



TOWN OF SUDBURY  
*Office of the Town Counsel*

To: Sudbury Board of Selectmen  
From: Town Counsel  
Date: October 22, 2014  
Re: Open Meeting Law Complaint Protocol

As you are all aware, a number of Open Meeting Law Complaints have been submitted to the Town by a small number of residents. Upon receipt the Chairman requested my opinion regarding how they should be handled. I responded by advising him that I would take care of it and respond. It is my understanding that the Chairman reported to the Board, at an open meeting of the Board, that I advised him that I would respond for the Board and they should not discuss the matter in open session as it represented a claim against the Town and open discussion could clearly compromise the Town's interests. The Selectmen did not raise any opposition at the meeting. If any member wished to discuss the matter they should do so in executive session. It is my opinion, which I have confirmed on this date with Assistant Attorney General Kevin Manganaro, Esq., that an executive session is appropriate under the law "[T]o comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements."

As part of the procedure, I asked the staff that a copy of what was filed with the Town be sent to each of the Selectmen, which they did immediately. I am advised that some of the Selectmen did not receive some of the earlier complaints until 10 days after they were filed. I apologize for the short delay in asking they be delivered. As some or all of you know I was hospitalized with pneumonia. I am not offering the hospitalization as an excuse but merely as a fact. I had taken care of other issues for the Town while hospitalized. In any event the time limit applicable is and was fourteen business days, which can encompass 18 to 20 calendar days. In our case the time frame (20 days) was applicable for responding to all the complaints except one and the Attorney General granted an extension for that one.

In accordance with my understanding of the role of Town Counsel and the accepted role of counsel, I sent a response to the complainant by mailing a copy of my submittal to the Attorney General together with a copy of the complaint. The Attorney General advised the individuals involved that they have thirty days to submit the Complaint to the Attorney General if they wish to proceed.<sup>1</sup>

<sup>1</sup> Mr. DePompei is the only one to ask that the AG consider his complaint notwithstanding that his complaint appears to be moot, since the matter was cured even if his complaint was valid. Even so the matter was clearly cured before he or anyone else filed. He is also surreptitiously trying to raise issues by innuendo amounting to a political statement rather than a valid issue.



Sudbury Board of Selectmen

October 22, 2014

Page 2

Rather than filing their complaint with the Attorney General and dealing with the merits of the issue, some of the individuals have taken a new avenue by now complaining that the Town did not follow the proper procedure. This amounts to the complaint in reality being one of form over procedure because the whole Board did not refer the matter to Town Counsel for response.

To cure that issue, it is my advice that the Board read the complaints attached hereto and vote to refer them to Town Counsel for response. I will ask the Attorney General Office for an extension for notification that the Selectmen have so voted and the Town Counsel advised the course taken.<sup>2</sup>

The complainants are urging that the law and regulations promulgated by the Attorney General requires the Selectmen to discuss the complaints with them at an open meeting. No such requirement exists. The law, MGL c 30A § 23(b) provides:

§ (b) At least 30 days prior to the filing of a complaint with the attorney general, the complainant shall file a written complaint with the public body, setting forth the circumstances which constitute the alleged violation and giving the body an opportunity to remedy the alleged violation; provided, however, that such complaint shall be filed within 30 days of the date of the alleged violation. **The public body shall, within 14 business days of receipt of a complaint, send a copy of the complaint to the attorney general and notify the attorney general of any remedial action taken.** Any remedial action taken by the public body in response to a complaint under this subsection shall not be admissible as evidence against the public body that a violation occurred in any later administrative or judicial proceeding relating to such alleged violation. The attorney general may authorize an extension of time to the public body for the purpose of taking remedial action upon the written request of the public body and a showing of good cause to grant the extension. (Emphasis supplied.)

The law simply requires that the Attorney General be provided with a copy of the complaint with notification of any remedial action taken. We have done so with the response filed.

In addition, the Attorney General may promulgate regulations within the authorization provided by the law. These regulations insofar as they do not exceed the authority delegated under the law have equal force under the law. The Attorney General has adopted regulations under the Open Meeting Law, which contain regulations specifically

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<sup>2</sup> Of course the Selectmen can meet and do whatever they wish with the complaints. Town Counsel provides advice, which can be accepted or ignored.

Sudbury Board of Selectmen

October 22, 2014

Page 3

relating to the processing of complaints. The regulation contained in 960 CMR 29:05(3), (4) and (5) are:

(3) For local public bodies, **the complainant shall file the complaint with the chair of the public body, who shall disseminate copies of the complaint to the members of the public body.** The complainant shall also file a copy of the complaint with the municipal clerk, who shall keep such filings in an orderly fashion for public review on request during regular business hours. For all other public bodies, the complainant shall file the complaint with the chair of the relevant public body, or if there is no chair, then with the public body. **The complaint shall be filed within 30 days of the alleged violation of M.G.L. c. 30A, §§ 18 through 25,** or if the alleged violation of M.G.L. c. 30A, §§ 18 through 25, could not reasonably have been known at the time it occurred, then within 30 days of the date it should reasonably have been discovered.

(4) **The public body shall review timely complaints to ascertain the time, date, place and circumstances which constitute the alleged violation.** If the public body needs additional information to resolve the complaint, then the chair may request it from the complainant within seven business days of receiving the complaint. The complainant shall respond within ten business days after he or she receives the request. The public body will then have an additional ten business days after receiving the complainant's response to review the complaint and take any remedial action pursuant to 940 CMR 29.05(5).

(5) Within 14 business days after receiving the complaint, unless an extension has been granted by the Attorney General as provided in 940 CMR 29.05(5)(a) and (b), **the public body shall review the complaint's allegations; take remedial action, if appropriate; and send to the Attorney General a copy of the complaint and a description of any remedial action taken. The public body shall simultaneously notify the complainant that it has sent such materials to the Attorney General and shall provide the complainant with a copy of the description of any remedial action taken.**

(Emphasis supplied.)

The regulations differ somewhat from the requirements of the law to the extent that the Attorney General interprets the regulations to mean that the whole Board must take action to refer them to counsel for response. I strongly disagree. Nothing in the statute requires the Selectmen to meet to authorize counsel to respond on behalf of any Board.

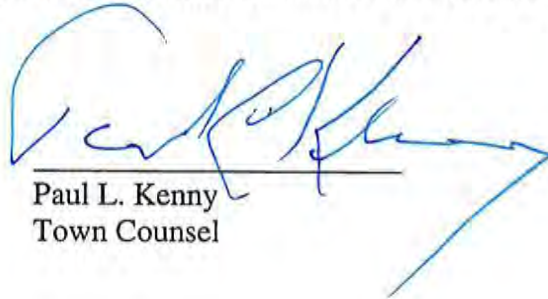


Sudbury Board of Selectmen  
October 22, 2014  
Page 4

That is the purpose for Town Counsel. In order for a regulation to be valid, the underlying statute must delegate that power to the regulatory body. The statute here does not do so. However, the regulation is valid until challenged. Accordingly, it is my opinion that this is a matter of form over substance and is immaterial.

I note that some of the complaints are time barred and therefore need not be addressed by the Board according to 960 CMR 29:05 (4) which provides: **“The public body shall review timely complaints to ascertain the time, date, place and circumstances which constitute the alleged violation . . . .”** I advise the Selectmen not to make this distinction at this time. If you take action to refer these matters to Town Counsel, which is all the Attorney General requires, I shall provide the notification.<sup>3</sup>

I, therefore, recommend that the Board vote to refer all these matters to Town Counsel for response. I further advise the Board to conduct such a vote in open session. If the Board wishes to discuss the Open Meeting Law Complaints themselves it should do so in executive session.



Paul L. Kenny  
Town Counsel

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<sup>3</sup> The public body shall simultaneously notify the complainant that it has sent such materials to the Attorney General and shall provide the complainant with a copy of the description of any remedial action taken.



### OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

#### Your Contact Information:

First Name: Stephen Last Name: Lanzendorf

Address: 43 Hawes Road

City: Sudbury State: MA Zip Code: 01776

Phone Number: +1 (617) 733-0134 Ext. \_\_\_\_\_

Email: s.lanzendorf@comcast.net

Organization or Media Affiliation (if any): \_\_\_\_\_

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual     Organization     Media

#### Public Body that is the subject of this complaint:

City/Town     County     Regional/District     State

Name of Public Body (including city/town, county or region, if applicable): Sudbury Board of Selectmen

Specific person(s), if any, you allege committed the violation: Leonard Simon

Date of alleged violation: Aug 4, 2014

RECEIVED  
BOARD OF SELECTMEN  
SUDBURY, MA  
2014 AUG 25 P 12: 26

**Description of alleged violation:**

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Selectman Leonard Simon sent a letter to a quorum of the Board and the Town Manager on August 4, 2014, (re: Bruce Freeman Rail Trail). I became aware of the letter after it had been posted on the Town web site as part of the agenda for the August 19th Board of Selectmen meeting. This letter, in which Mr. Simon offers his opinions on a matter before the Board, meets the definition of a deliberation by the Board under the Open Meeting Law. Since there was a period of approximately two weeks between the time that Mr. Simon sent the letter and when it was posted on the Town of Sudbury web site, this deliberation was not open to the public as required by the Open Meeting Law, M.G.L. c. 30A, section 20.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

The Board should reprimand Mr. Simon for his violation of the law and request that he receive training on compliance with the law. Mr. Charles Woodard, as Chairman of the Board, should also receive appropriate training since he opined that this was not a violation when it was raised by a citizen at the August 19th meeting. Furthermore, the Board should nullify any actions taken at the meeting based on this communication.

**Review, sign, and submit your complaint**

**I. Disclosure of Your Complaint.**

**Public Record.** Under most circumstances, your complaint, and any documents submitted with your complaint, will be considered a public record and available to any member of the public upon request. In response to such a request, the AGO generally will not disclose your contact information.

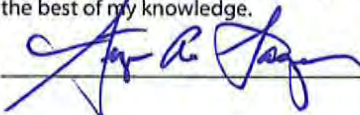
**II. Consulting With a Private Attorney.**

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

**III. Submit Your Complaint to the Public Body.**

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: 

Date: Aug. 22, 2014

For Use By Public Body      For Use By AGO  
Date Received by Public Body:      Date Received by AGO:



MEMO

TO: Board of Selectmen, Maureen Valente  
FROM: Len Simon  
DATE: August 4, 2014  
RE: Bruce Freeman Rail Trail

At the conclusion of the BOS meeting on July 22, 2014, I was concerned about the way the discussion on the Bruce Freeman Rail Trail unfolded and concluded. Something just did not seem right to me. After thinking about it, the reasons became clear.

On July 22, the Planning and Community Development office brought three issues before the Board. First, the scope of the work to be done in the 25% design plan. Second, whether to appoint an advisory committee. Third, whether to do an RFP or award the 25% design plan directly to GPI.

Looking back at Article 32 at 2014 Town Meeting, it reads:

To see if the Town will vote to appropriate an amount not to exceed \$150,000 in Community Preservation Act Funds from FY15 Revenue, as recommended by the Community Preservation Committee, for the purpose of preparing the 25% design plan for the full 4.4 mile Bruce Freeman Rail Trail in Sudbury to MA DOT standards, and to redirect remaining funds in the amount of \$27,684.56 from Article 24 of the 2007 Annual Town Meeting (BFRT Base Map) and \$25,000 from Article 27 of the 2009 Annual Town Meeting (BFRT Concept Plan) to be used for this purpose, or to act on anything relative thereto. All appropriations will be allocated to the Recreation Category and funded from FY15 Revenue or unrestricted reserves.

The vote at Town Meeting in support of this article was overwhelming.



A cursory reading of this article also shows the Bruce Freeman Rail Trail has received financial support and has been viewed favorably by Town Meeting for seven years, since 2007.

### SCOPE OF WORK

By expanding the scope of the normal 25% design plan, as stated by Ms. Kablack and Mr. Kupfer, to include items other than the standard items required by MA DOT in the 25% design plan, the Planning and Community Development Office has gone beyond the permissible use of funds and scope of work voted in Article 32. This expansion of scope of work has two consequences. First, funds were not allocated at Town Meeting for anything beyond the 25% design study requirements. Second, the expanded scope of work will exceed the plain clear language and intent of Article 32, which was to do only the 25% design plan. An expansion of scope of work will require additional time and will further delay the BFRT project, neither of which was anticipated in Article 32.

In addition, by expanding the scope of the engineering work beyond the 25% design plan, which normally takes 24 months, the town will fall further behind in obtaining construction funding because such funding is contingent upon completion of the 25% design plan.

At least equally important, MA DOT has a protocol for its rail trail design studies, and Sudbury should follow those protocols, even if the town thinks it should do things in a different order, or that by doing so it may save time later. In other words, we do not have the option of doing various parts of the design studies in any order we wish, or combining parts of one design plan with another, without prior approval. To do so could place the project in jeopardy.

The town, acting through its staff and the various boards and committees, and particularly the Board of Selectmen because it was the Board that requested funding from the Community Preservation Committee and it was the Board that presented Article 32 at Town Meeting, is obliged to implement the clear language and intent of Article 32 as the will of the town.

Conservation Commission issues that may come up after the 25% design study is complete will be addressed in the order anticipated by MA DOT protocol, that is, after the 25% design plan is complete.

#### ADVISORY COMMITTEE

Regarding an advisory committee, the Planning and Development Department made clear in its July 17 memo, it does not feel an advisory committee is necessary at this point. "Due to the additional time demands of upholding the public meeting law, it is our strong recommendation that the Selectmen oversee and advise on this project directly."

By now, 3 months after approval of Article 32, the Planning and Community Development office should have the Bruce Freeman Rail Trail project moving forward through its own efforts. As discussed at the Board meeting last night, an advisory committee is a topic that can be revisited down the road if it becomes necessary.

#### RFP VS RFQ WITH GPI

The Planning and Community Development office correctly pointed out the 25% design plan for the BFRT does NOT need to go through the RFP process, as this is an exempt activity to be performed by professional engineers.

Mr. Kupfer reported his office had done its due diligence and GPI received "glowing recommendations" from Acton and Concord about GPI's work. In addition, the July 17 memo noted, "GPI is a known entity to MA DOT and is familiar with the state and federal funding of this project." At our April 2014 meeting with MA DOT in Worcester, their officials spoke highly of the work done by GPI on the BFRT in Acton and Concord, the two towns to our north that are soon to begin construction. There was also discussion about delays and waste of resources if the engineering work is not done correctly and has to be re-done. The July 17 memo from Ms. Kablack noted there could be a delay of "at least three months" if an RFP were done.



With all of these facts known to Planning and Community Development, it is obvious that GPI is, by far, the best choice to do the 25% design plan. This is particularly relevant if Sudbury is to have the northernmost half-mile connect with Concord in two years, as MA DOT said could be done at our April meeting, if Sudbury approved funding for the 25% design plan at our May 2014 Town Meeting.

For these reasons, Planning and Community Development has the authority to award the 25% design plan contract to GPI, and it should do so without further delay.

### CONCLUSIONS

The Planning and Community Development office and the Town Manager have an obligation to carry out the votes of Town Meeting in a prompt and reasonably efficient manner. The present course is not consistent with those obligations.

Keeping the Selectmen informed of progress on the BFRT should be done through a liaison from the Board and/or periodic reports. If the Board of Selectmen is needed to make specific decisions along the way, it can do so.

For these reasons, I believe the correct and preferred approach is to engage GPI immediately, work with GPI to develop the scope of work, and have GPI begin work on the 25% design plan.

The Planning and Community Development Director can update the BOS as warranted and the BOS consider an advisory committee in the future, if the need arises.



### OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

*7 pages total  
including this cover*

Please note that all fields are required unless otherwise noted.

#### Your Contact Information:

First Name: Daniel Last Name: DePompei

Address: 35 Haynes Road

City: Sudbury State: MA Zip Code: 01776

Phone Number: 9784436390 Ext. \_\_\_\_\_

Email: ddepompei@verizon.net

Organization or Media Affiliation (if any): \_\_\_\_\_

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual       Organization       Media

#### Public Body that is the subject of this complaint:

City/Town       County       Regional/District       State

Name of Public Body (including city/ town, county or region, if applicable): Board of Selectmen  
Sudbury, MA

Specific person(s), if any, you allege committed the violation: Selectman Leonard Simon

Date of alleged violation: August 4, 2014

RECEIVED  
BOARD OF SELECTMEN  
SUDBURY, MA  
2014 SEP - 2 A 11: 11



**Description of alleged violation:**

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

On August 4, 2014 Selectman Simon sent a letter/memo to the Board of Selectmen specifically delineating his arguments/opinions for a discussion and vote that was scheduled for a future (August 19, 2014) BoS meeting. A copy of that memo and a copy of the August 19, 2014 BoS agenda are attached. When confronted with his actions at the August 19 BoS, Selectman Simon commented his memo did not constitute a violation of the OML because it was public information as soon as he sent it to the BoS. It should be noted, however, the agenda for the August 19 meeting was not available to the public until August 14 and a copy of his memo was not made public until August 18 when support data for the BoS scheduled discussions was made public. Some residents have stated "the memo was not a deliberation because no one answered". It should be noted, however, deliberation is defined in the Open Meeting Law as an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction. G.L. c. 30A, § 18. Expression of an opinion on matters within a body's jurisdiction to a quorum of a public body is a deliberation, even if no other public body member responds. OML 2014-2; OML 2013-29.1. It is both rational and reasonable to conclude Selectman Simon's August 4 memo was written to prejudice his fellow selectmen and influence their votes on the scheduled August 19 discussion for scope of services and vendor selection for proposed Town contracts.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

I have several additional letters, memos and e-Mails generated by Selectman Simon from June 2013 to the present date. These communications document a consistent, repetitive, inappropriate effort to prejudice discussions and influence votes of public matters (primarily Rail Trails). I recommend the BoS censure/recuse Selectman Simon from any discussions/ votes related to Rail Trails (and other topics as appropriate) in Sudbury. These additional communications can/will be provided upon request.

**Review, sign, and submit your complaint****I. Disclosure of Your Complaint.**

**Public Record.** Under most circumstances, your complaint, and any documents submitted with your complaint, will be considered a public record and available to any member of the public upon request. In response to such a request, the AGO generally will not disclose your contact information.

**II. Consulting With a Private Attorney.**

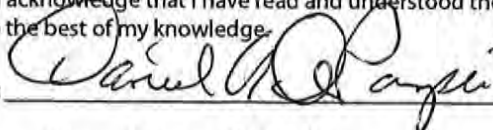
The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

**III. Submit Your Complaint to the Public Body.**

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: \_\_\_\_\_


C<sub>2</sub> Town Clerk

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

8/29/2014

For Use By Public Body

For Use By AGO

Date Received by Public Body: \_\_\_\_\_ Date Received by AGO: \_\_\_\_\_



MEMO

TO: Board of Selectmen, Maureen Valente  
FROM: Len Simon  
DATE: August 4, 2014  
RE: Bruce Freeman Rail Trail

At the conclusion of the BOS meeting on July 22, 2014, I was concerned about the way the discussion on the Bruce Freeman Rail Trail unfolded and concluded. Something just did not seem right to me. After thinking about it, the reasons became clear.

On July 22, the Planning and Community Development office brought three issues before the Board. First, the scope of the work to be done in the 25% design plan. Second, whether to appoint an advisory committee. Third, whether to do an RFP or award the 25% design plan directly to GPI.

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SUDBURY BOARD OF SELECTMEN  
AGENDA - TUESDAY, AUGUST 19, 2014  
7:30 PM, LOWER TOWN HALL, 322 CONCORD ROAD



1.	7:00 PM	<b>Vote</b>	<b>Executive Session:</b> Open meeting in Open Session in Flynn Building, Silva Room, and immediately vote to go into Executive Session by roll call wherein having an open session on these issues will be detrimental effect on the Town's bargaining position. <i>If necessary, the Executive Session will be suspended at 7:25 p.m. and resumed at the end of the Regular Session.</i>
2.		<b>Vote</b>	Vote to end Executive Session and reconvene in Open Session at Lower Town Hall, 322 Concord Road.
3.	7:30 PM		Opening remarks by Chairman
4.	7:35 PM		Reports from Town Manager
5.	7:45 PM		Reports from Selectmen
6.	7:55 PM		Citizen's comments on items not on agenda
7.	8:00 PM		Report from DPW Director on projects the DPW is working on, including an update on Town Center, Nixon Elementary School, walkway construction, and other projects. <i>(DPW Director Bill Place to present)</i>
8.	8:15 PM	<b>Vote</b>	Discussion and update on: (1) Vote to accept FY14 year-end statement for Pooled Town Trusts and authorize spending requests for FY15; (2) Sudbury Trust Program; (3) Discussion and vote to accept a tax deferral interest rate for taxes levied for FY14. <i>(Finance Director/Treasurer Collector Andrea Terkelsen to present)</i>
9.	8:35 PM		Update on Police Station project <i>(Police Chief Scott Nix, Facilities Director Jim Kelly, and PBC Chair Mike Melnick to present)</i>
10.	8:45 PM	<b>Vote</b>	Update on Bruce Freeman Rail Trail: (1) Discussion of draft scope of services; (2) BOS guidance on whether to proceed with an RFP for consulting services related to the 25% MA DOT design plan; negotiate a contract with Greenman-Pedersen, Inc. directly for such; or contact several engineering firms for pricing on the scope of services. <i>(Jody Kablack, Planning and Community Development Director, and Jim Kupfer, Assistant Planner to present)</i>
11.	9:05 PM	<b>Vote</b>	Vote to approve the Mission Statement for the Melone Property Redevelopment Advisory Committee and direct staff to advertise for two at-large members to be interviewed by the Board of Selectmen at the Sept. 23, 2014 meeting, as requested by Jody Kablack, Director of Planning and Community Development.
12.	9:25 PM		Meet with Andrew Sullivan to discuss Mass Central Rail Trail
13.	9:40 PM		Town Forum Discussion <i>(Vice-Chairman Pat Brown to present)</i>

*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.*





The Commonwealth of Massachusetts  
Office of the Attorney General  
One Ashburton Place  
Boston, Massachusetts 02108

RECEIVED  
BOARD OF SELECTMEN  
SUDBURY, MA

2014 SEP -2 A 8: 58

### OPEN MEETING LAW COMPLAINT FORM

#### Instructions for completing the Open Meeting Law Complaint Form

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Please complete the entire form, providing as much information as possible, to assist the public body in responding to your complaint. The Division of Open Government will not, and public bodies are not required to, investigate anonymous complaints. You may attach additional materials to your complaint if necessary. The public body may request additional information if necessary.

For complaints alleging a violation of the Open Meeting Law by a local public body, you must file with the public body and file a copy with the clerk of the city or town where the alleged violation occurred. For complaints alleging a violation by a county, regional or state public body, you must file with the chair of the public body.

If you are not satisfied with the action taken by the public body in response to your complaint, you may file a copy of your complaint with the Attorney General's Office 30 days after filing your complaint with the public body. The Attorney General's Office may decline to investigate a complaint that is filed with the Attorney General's Office more than 90 days after the alleged OML violation, unless an extension was granted to the public body or the complainant demonstrates good cause for the delay.

The complaint must include this form and any documents relevant to the alleged violation. A complaint may be filed either by mail or by hand:

Office of the Attorney General  
Division of Open Government  
One Ashburton Place  
Boston, MA 02108



# OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

**Your Contact Information:**

First Name: Scott Last Name: Nassa

Address: 36 Clark Lane

City: Sudbury State: MA Zip Code: 01776

Phone Number: +1 (978) 270-2734 Ext. \_\_\_\_\_

Email: scottnassa@hotmail.com

Organization or Media Affiliation (if any): \_\_\_\_\_

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?  
(For statistical purposes only)

Individual       Organization       Media

**Public Body that is the subject of this complaint:**

City/Town       County       Regional/District       State

Name of Public Body (including city/town, county or region, if applicable): Board of Selectman Sudbury, MA

Specific person(s), if any, you allege committed the violation: Leonard Simon

Date of alleged violation: Aug 19, 2014



**Description of alleged violation:**

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Based on the e-mail which I have attached here dated August 19, 2014, Sudbury, MA Selectman Leonard Simon clearly violates the open meeting law by sending the entire board a clear recommendation attempting to influence their vote later that evening during their regularly scheduled open meeting.

Thank you for your consideration,

Scott Nassa  
36 Clark Lane  
Sudbury, MA 01776

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

[Empty text box for response to complaint]

**Review, sign, and submit your complaint**

**I. Disclosure of Your Complaint.**

**Public Record.** Under most circumstances, your complaint, and any documents submitted with your complaint, will be considered a public record and available to any member of the public upon request. In response to such a request, the AGO generally will not disclose your contact information.

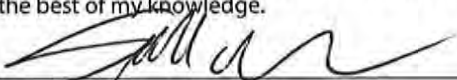
**II. Consulting With a Private Attorney.**

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

**III. Submit Your Complaint to the Public Body.**

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: 

Date: 9/1/2014

For Use By Public Body      For Use By AGO  
Date Received by Public Body:      Date Received by AGO:



**From:** Leonard Simon <lensimon@comcast.net>  
**Date:** August 19, 2014 at 10:53:51 AM EDT  
**To:** "Brown, Pat" <patbrownian@me.com>  
**Cc:** "Woodard, Chuck" <woodardcc@gmail.com>, <selectmen@sudbury.ma.us>  
**Subject:** Re: Bistro 20/Conrad's

Hi everyone,

This is the first complaint I have received from the public regarding a restaurant that wants to move into town.

I think we need to be careful not to alienate or prejudge an individual who wants to make a go of restaurant here in town, especially before it opens its doors.

I understand the restaurant business is particularly fickle. If this proprietor has been successful in other communities, and he has two other similar restaurants, Norwood and Walpole, I think we should be try to be a good host, and wish him well.

Len

On Aug 19, 2014, at 7:47 AM, Ben Grimmatt <Ben.Grimmett@brcap.com> wrote:

I read an article how something called Conrad's will be taking the place of Bistro 20. Does Sudbury really need another generic family restaurant? There's a very distinct reason why the Local in Wayland is taking all the business from Sudbury – it's good.

Sudbury needs more gastropubs and real bistros. Not generic and likely terrible places like Conrad's. There's demand for it in town. I'm a 33 year old father and all my friends in town and I lament on the lack of good restaurants. It's gotten better of late with No 29 Sudbury, but it's a terrible mistake to give this license to another vanilla restaurant that will close in 2 years.

All the other towns around us are drawing good options. Why can't we do the same?

Regards,

Benjamin Grimmatt, CFA  
Bracebridge Capital  
500 Boylston Street  
Suite 1700  
Boston, MA 02116



# The Commonwealth of Massachusetts

Office of the Attorney General

One Ashburton Place

Boston, Massachusetts 02108

RECEIVED  
BOARD OF SELECTMEN  
SUDBURY, MA

2014 SEP -2 A 8:58

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**Description of alleged violation:**

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

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Based on the letter which I have attached here dated August 4, 2014, Sudbury, MA Selectman Leonard Simon clearly violates the open meeting law by sending the entire board a clear recommendation attempting to influence their vote to take place at a later regularly scheduled open meeting on August 19, 2014. This letter was addressed by a fellow Sudbury citizen at that meeting on August 19, 2014 and Selectman Simon responded that he had sent the letter just a couple days earlier than August 19, 2014 and it was intended to be included in the meeting packet. I believe proper protocol would have been to e-mail the letter directly to the Chairperson or Town Manager directly and not to send it to the entire board. Furthermore it has come to my attention that Selectman Simon's letter was sent to the entire board on August 4, 2014 at 1-:05:15 AM, over 2 weeks before the open meeting and made available to the public..

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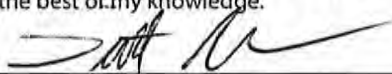
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Date: 9/1/2014

For Use By Public Body      For Use By AGO  
Date Received by Public Body:      Date Received by AGO:



Meat-j  
8/19/2014

MEMO

TO: Board of Selectmen, Maureen Valente  
FROM: Len Simon  
DATE: August 4, 2014  
RE: Bruce Freeman Rail Trail

Emailed to  
Selectmen  
8/4/2014 @ 10:05:15 AM

At the conclusion of the BOS meeting on July 22, 2014, I was concerned about the way the discussion on the Bruce Freeman Rail Trail unfolded and concluded. Something just did not seem right to me. After thinking about it, the reasons became clear.

On July 22, the Planning and Community Development office brought three issues before the Board. First, the scope of the work to be done in the 25% design plan. Second, whether to appoint an advisory committee. Third, whether to do an RFP or award the 25% design plan directly to GPI.

Looking back at Article 32 at 2014 Town Meeting, it reads:

To see if the Town will vote to appropriate an amount not to exceed \$150,000 in Community Preservation Act Funds from FY15 Revenue, as recommended by the Community Preservation Committee, for the purpose of preparing the 25% design plan for the full 4.4 mile Bruce freeman Rail Trail in Sudbury to MA DOT standards, and to redirect remaining funds in the amount of \$27,684.56 from Article 24 of the 2007 Annual Town Meeting (BFRT Base Map) and \$25,000 from Article 27 of the 2009 Annual Town Meeting (BFRT Concept Plan) to be used for this purpose, or to act on anything relative thereto. All appropriations will be allocated to the Recreation Category and funded from FY15 Revenue or unrestricted reserves.

The vote at Town Meeting in support of this article was overwhelming.



A cursory reading of this article also shows the Bruce Freeman Rail Trail has received financial support and has been viewed favorably by Town Meeting for seven years, since 2007.

### SCOPE OF WORK

By expanding the scope of the normal 25% design plan, as stated by Ms. Kablack and Mr. Kupfer, to include items other than the standard items required by MA DOT in the 25% design plan, the Planning and Community Development Office has gone beyond the permissible use of funds and scope of work voted in Article 32. This expansion of scope of work has two consequences. First, funds were not allocated at Town Meeting for anything beyond the 25% design study requirements. Second, the expanded scope of work will exceed the plain clear language and intent of Article 32, which was to do only the 25% design plan. An expansion of scope of work will require additional time and will further delay the BFRT project, neither of which was anticipated in Article 32.

In addition, by expanding the scope of the engineering work beyond the 25% design plan, which normally takes 24 months, the town will fall further behind in obtaining construction funding because such funding is contingent upon completion of the 25% design plan.

At least equally important, MA DOT has a protocol for its rail trail design studies, and Sudbury should follow those protocols, even if the town thinks it should do things in a different order, or that by doing so it may save time later. In other words, we do not have the option of doing various parts of the design studies in any order we wish, or combining parts of one design plan with another, without prior approval. To do so could place the project in jeopardy.

The town, acting through its staff and the various boards and committees, and particularly the Board of Selectmen because it was the Board that requested funding from the Community Preservation Committee and it was the Board that presented Article 32 at Town Meeting, is obliged to implement the clear language and intent of Article 32 as the will of the town.

Conservation Commission issues that may come up after the 25% design study is complete will be addressed in the order anticipated by MA DOT protocol, that is, after the 25% design plan is complete.

#### ADVISORY COMMITTEE

Regarding an advisory committee, the Planning and Development Department made clear in its July 17 memo, it does not feel an advisory committee is necessary at this point. "Due to the additional time demands of upholding the public meeting law, it is our strong recommendation that the Selectmen oversee and advise on this project directly."

By now, 3 months after approval of Article 32, the Planning and Community Development office should have the Bruce Freeman Rail Trail project moving forward through its own efforts. As discussed at the Board meeting last night, an advisory committee is a topic that can be revisited down the road if it becomes necessary.

#### RFP VS RFQ WITH GPI

The Planning and Community Development office correctly pointed out the 25% design plan for the BFRT does NOT need to go through the RFP process, as this is an exempt activity to be performed by professional engineers.

Mr. Kupfer reported his office had done its due diligence and GPI received "glowing recommendations" from Acton and Concord about GPI's work. In addition, the July 17 memo noted, "GPI is a known entity to MA DOT and is familiar with the state and federal funding of this project." At our April 2014 meeting with MA DOT in Worcester, their officials spoke highly of the work done by GPI on the BFRT in Acton and Concord, the two towns to our north that are soon to begin construction. There was also discussion about delays and waste of resources if the engineering work is not done correctly and has to be re-done. The July 17 memo from Ms. Kablack noted there could be a delay of "at least three months" if an RFP were done.



With all of these facts known to Planning and Community Development, it is obvious that GPI is, by far, the best choice to do the 25% design plan. This is particularly relevant if Sudbury is to have the northernmost half-mile connect with Concord in two years, as MA DOT said could be done at our April meeting, if Sudbury approved funding for the 25% design plan at our May 2014 Town Meeting.

For these reasons, Planning and Community Development has the authority to award the 25% design plan contract to GPI, and it should do so without further delay.

### CONCLUSIONS

The Planning and Community Development office and the Town Manager have an obligation to carry out the votes of Town Meeting in a prompt and reasonably efficient manner. The present course is not consistent with those obligations.

Keeping the Selectmen informed of progress on the BFRT should be done through a liaison from the Board and/or periodic reports. If the Board of Selectmen is needed to make specific decisions along the way, it can do so.

For these reasons, I believe the correct and preferred approach is to engage GPI immediately, work with GPI to develop the scope of work, and have GPI begin work on the 25% design plan.

The Planning and Community Development Director can update the BOS as warranted and the BOS consider an advisory committee in the future, if the need arises.



# The Commonwealth of Massachusetts

Office of the Attorney General

One Ashburton Place

Boston, Massachusetts 02108

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BOARD OF SELECTMEN  
SUDBURY, MA

2014 SEP -2 A 8:57

## OPEN MEETING LAW COMPLAINT FORM

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Boston, MA 02108





# OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

### Your Contact Information:

First Name: Scott Last Name: Nassa

Address: 36 Clark Lane

City: Sudbury State: MA Zip Code: 01776

Phone Number: +1 (978) 270-2734 Ext. \_\_\_\_\_

Email: scottnassa@hotmail.com

Organization or Media Affiliation (if any): \_\_\_\_\_

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual       Organization       Media

### Public Body that is the subject of this complaint:

City/Town       County       Regional/District       State

Name of Public Body (including city/town, county or region, if applicable): Board of Selectman Sudbury, MA

Specific person(s), if any, you allege committed the violation: Leonard Simon

Date of alleged violation: Jan 16, 2014

**Description of alleged violation:**

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Based on the e-mail which I have attached here dated January 16, 2014 it is clear to me that Sudbury MA Selectman Leonard Simon has violated the open meeting law. As you can see in this e-mail Selectman Simon clearly outlines his positions and also insinuates how he will vote in regard to this issue. Selectman has not only copied the entire board on this e-mail but also the entire Sudbury MA Community Preservation Committee. To my knowledge this letter to this day has not been posted on the town website or anywhere for the public to openly view. Please consider my complaint despite the fact that it is well beyond the 30 complaint period as this e-mail was just made available to me on August 20, 2014.

Thank you for your consideration,

Scott Nassa  
36 Clark Lane  
Sudbury, MA 01776

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

[Empty text box for response to complaint]

**Review, sign, and submit your complaint**

**I. Disclosure of Your Complaint.**

**Public Record.** Under most circumstances, your complaint, and any documents submitted with your complaint, will be considered a public record and available to any member of the public upon request. In response to such a request, the AGO generally will not disclose your contact information.

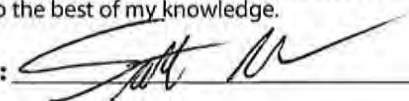
**II. Consulting With a Private Attorney.**

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

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By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: 

Date: 9/1/2014

For Use By Public Body      For Use By AGO  
Date Received by Public Body:      Date Received by AGO:



**Resent-From:** <BoardofSelectmen@sudbury.ma.us>  
**From:** Leonard Simon <lensimon@comcast.net>  
**Date:** January 16, 2014 at 1:21:26 PM EST  
**To:** <CPC@sudbury.ma.us>  
**Cc:** <Selectmen@sudbury.ma.us>  
**Subject:** Rail trail design sutdy funding request

Dear Members of the Community Preservation Committee,

I am writing in response to Ms. Kablack's email raising the question about reducing the level of funding requests to the CPC.

This note pertains only to the Board of Selectmen's request for funding of the initial design study for the Bruce Freeman Rail Trail that I presented on behalf of the Board on December 4, 2013.

I understand your dilemma, and appreciate that you would like to fund all requests in full, but I am also aware there is simply not sufficient funds available to meet all requests in full.

If I could reduce the amount of the Board of Selectmen's request for funding for the initial design study for the rail trail I would do so out of respect for other worthy projects, and in the spirit of accommodation with so many others who have worked equally hard.

However, I cannot reduce the funding request for several reasons. First, it is an all-or-nothing project. If we cannot fund the expected cost of the initial design study it cannot be done at all.

Second, I received a good faith estimate of the cost of the design study from a vendor who is in the business of doing these studies, and has actually done work on the Bruce Freeman Rail Trail. That estimate, I believe, has neither fat nor waste. I hope the proposal comes in under the anticipated cost, but, if it does it will not be by much. I would not want to put the entire project in jeopardy by underestimating the cost of the initial design study.

Third, the Bruce Freeman Rail Trail has been the subject of discussion in town for at least 10 years, and residents have repeatedly asked for action on it.

Fourth, the offer from the Friends of the Bruce Freeman Rail Trail to contribute over \$58,000 toward the cost of the initial design study (close to a quarter of the cost) could be withdrawn if not accepted this year, in which case the entire burden would fall to the town.

Fifth, the residents voted overwhelmingly at the ballot box in March 2012, and again at town meeting, in favor of bringing the Bruce Freeman Rail Trail to Sudbury, and for acceptance of the offer of funding for the design study from the friends of the BFRT.

Thank you all for your time and hard work on behalf of the Town, and I wish you well as you tackle the difficult decisions you are facing.

Thank you also for having me at your meeting last night and for the opportunity to address you.

Len Simon

Selectman





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Phone Number: +1 (978) 270-2734 Ext. \_\_\_\_\_

Email: scottnassa@hotmail.com

Organization or Media Affiliation (if any): \_\_\_\_\_

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?  
(For statistical purposes only)

Individual       Organization       Media

**Public Body that is the subject of this complaint:**

City/Town       County       Regional/District       State

Name of Public Body (including city/town, county or region, if applicable): Board of Selectman Sudbury, MA

Specific person(s), if any, you allege committed the violation: Leonard Simon

Date of alleged violation: Oct 12, 2013



**Description of alleged violation:**

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Based on the e-mail which I have attached here dated October 12, 2013 it is clear to me that Sudbury MA Selectman Leonard Simon has violated the open meeting law. It is my opinion that these violations took place on both October 12, 2013 and October 10, 2013 based on the e-mail chain I have included. The correct protocol in this case would have been for either 1. each member of the board to communicate through one on one emails with the Chief of Police any changes that they may have. The Chief could then collaborate all changes and send an updated proposal out to the Board for additional edits. or 2. Use the same exact strategy except run it through the Chairperson of the Board only. Going back and forth on policy to be voted at a future meeting and copying the entire board is a clear violation of the open meeting law. To my knowledge this letter to this day has not been posted on the town website or anywhere for the public to openly view. Please consider my complaint despite the fact that it is well beyond the 30 complaint period as this e-mail was just made available to me on August 20, 2014.

Thank you for your consideration,

Scott Nassa  
36 Clark Lane  
Sudbury, MA 01776

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

**Review, sign, and submit your complaint**

**I. Disclosure of Your Complaint.**

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The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: Scott Nassa

Date: 9/1/2014

For Use By Public Body	For Use By AGO
Date Received by Public Body:	Date Received by AGO:

**Resent-From:** <BoardofSelectmen@sudbury.ma.us>  
**From:** Leonard Simon <lensimon@comcast.net>  
**Date:** October 12, 2013 at 11:38:12 AM EDT  
**To:** Scott Nix <NixS@sudbury.ma.us>  
**Cc:** Selectmen <Selectmen@sudbury.ma.us>, Patricia Golden <GoldenP@sudbury.ma.us>  
**Subject:** Re: Draft copy Alcohol Rules & Regulations

Hi Chief,

Thank you for your considered response.

I do feel the 60 month look back would be a better policy to deter subsequent violations and demonstrate the seriousness with which the Board views violations.

From my perspective, if a licensee serves two underage persons, even if it is at one event, it is two violations. That could be made clear in the revised rules and regulations as they are issued. Also, it would encourage ID checks, even if one patron is of age and one underage.

Best regards,

Len Simon

---

**From:** "Scott Nix" <NixS@sudbury.ma.us>  
**To:** lensimon@comcast.net  
**Cc:** "Selectmen" <Selectmen@sudbury.ma.us>, "Patricia Golden" <GoldenP@sudbury.ma.us>  
**Sent:** Friday, October 11, 2013 12:22:12 PM  
**Subject:** RE: Draft copy Alcohol Rules & Regulations

Mr. Simon,

Thank you for your comments. In regards to the Soul of India violation I understand your perspective but, in my opinion would possibly be unfair. We could have, and have done so in the past, sent one operative into the establishments. Although we monitor their interaction in the establishment via a covert listening device it is a safer protocol to have two operatives for safety and/or support reasons. Therefore I believe it should remain as one violation but fully respect the Board's decision to treat it as two.

I originally said a five year look back would be appropriate but I was just calling on that time frame with no basis. In reviewing a number of policies they tended to lean towards a two year look back and in some cases a three year look back. I do not have a problem at all with a five year look back if you feel that is more appropriate.

Your additional recommendations are great as well. Thank you!



Scott

**Respectfully,**

**Scott Nix**

**Chief of Police**

Sudbury Police Department

415 Boston Post Road

Sudbury, MA 01776

(978) 443-1042

nixs@sudbury.ma.us

**From:** Leonard Simon [mailto:lensimon@comcast.net]

**Sent:** Thursday, October 10, 2013 12:53 PM

**To:** Nix, Scott

**Cc:** Selectmen; Golden, Patricia

**Subject:** Re: Draft copy Alcohol Rules & Regulations

Hello Chief Nix,

I am writing in regard to the draft Alcohol Rules and Regulations. I have just a few comments and suggestions.

First, I think the term 'violation' should be defined in the Rules and Regulations.

In the case of the recent violations at Soul of India, if my memory is accurate, there were two underage operatives who were served an alcoholic beverage. I feel this should be considered two violations, not one. Going forward, a violation should be defined as service to an underage individual, and not one violation no matter how many individuals were served. In that regard, as you may have future alcohol compliance checks, one individual could be of legal age and the other under legal age.

Second, I would add some sort of consequence for the failure of a licensee to have its employees trained in accordance with the Employee Training as set forth in that portion of the draft Rules and regulations. It might be worthwhile to consider such a failure as a 'violation', for the sake of consistency, clarity, and importance.

Failure to have the requisite license posting could be defined as a 'violation', for the reasons cited above.

In the section titled 'Disciplinary Remedies/General Approach' I feel the time window of 36 months is simply too short. I would extend it 60 months, at least.

Finally, in the event of a violation, I would add a paragraph (either in Violations or Disciplinary Remedies/General Approach) requiring a licensee to submit a written explanation of how and why the violation occurred, and its plan to ensure future compliance. I believe this would go a long way toward enhanced compliance going forward.

I appreciate the opportunity to offer comments and suggestions.

Len Simon

---

**From:** "Patricia Golden" <GoldenP@sudbury.ma.us>  
**To:** "Selectmen" <Selectmen@sudbury.ma.us>  
**Cc:** "Scott Nix" <NixS@sudbury.ma.us>  
**Sent:** Wednesday, October 2, 2013 11:26:19 AM  
**Subject:** Draft copy Alcohol Rules & Regulations

Good morning Board,

Attached is a draft copy of the Alcohol Rules & Regulations provided by Chief Scott Nix at last night's meeting. Would you please carefully review this document and provide your edits/input to Chief Nix by Tuesday, 10/15. Hopefully this will allow sufficient time to have the document ready for your vote at the 10/22 meeting. The annual license renewal process begins in late October, so the sooner this document is finalized, the better.

Thank you very much for your cooperation.

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*





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Email: scottnassa@hotmail.com

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City/Town       County       Regional/District       State

Name of Public Body (including city/town, county or region, if applicable): Board of Selectman Sudbury, MA

Specific person(s), if any, you allege committed the violation: Leonard Simon

Date of alleged violation: Aug 20, 2013

**Description of alleged violation:**

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Based on the e-mail which I have attached here dated August 20, 2013 it is clear to me that Sudbury MA Selectman Leonard Simon has violated the open meeting law. As you can see Selectman Simon sent out an e-mail to his fellow Selectman 3 hours prior to an open meeting in which he also proposes motions to the entire board. Had Selectman Simon wanted this information and motions included in the meeting packet and discussed at the open meeting it should have been sent to the BOS Chair and/or Vice Chair 48 hours prior to the open meetings. To my knowledge this letter to this day has not been posted on the town website or anywhere for the public to openly view. Please consider my complaint despite the fact that it is well beyond the 30 complaint period as this e-mail was just made available to me on August 20, 2014.

Thank you for your consideration,

Scott Nassa  
36 Clark Lane  
Sudbury, MA 01776

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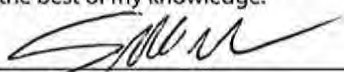
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Signed: 

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**Resent-From:** <BoardofSelectmen@sudbury.ma.us>  
**From:** Leonard Simon <lensimon@comcast.net>  
**Date:** August 20, 2013 at 4:49:02 PM EDT  
**To:** <Selectmen@sudbury.ma.us>, <valentem@sudbury.ma.us>  
**Subject: Bruce Freeman Rail Trail**

Fellow selectmen and Maureen,

FYI, attached is my assessment of the rail trial issue. I will bring hard copies and referenced attachments for you this evening.  
Len Simon



## MEMO

TO: SUDBURY BOARD OF SELECTMEN, TOWN MANAGER  
FROM: LEN SIMON  
DATE: AUGUST 20, 2013  
RE: THE BRUCE FREEMAN RAIL TRAIL IN SUDBURY

## HISTORY AND BACKGROUND

A north-south railroad line has been in place in Sudbury since the 1870's. The railroad line ran from Lowell to Framingham, through the communities of Lowell, Chelmsford, Westford, Carlisle, Acton, Concord, Sudbury, and Framingham.

A small section of the railroad line was in use until about 20 years ago, when its use was discontinued. When this last section railroad line was no longer used, the state took possession of the rail bed from the Lowell/Chelmsford line south to the crossing of the former Boston to Northampton line just north of Route 20.

The state determined the rail corridor land could be transformed into a multi-use path, and provided most of the funding to make that a reality, if designed and built to state standards. However, the state permitted the residents of the towns along the rail corridor to determine the specifics of how the rail corridor would be developed. If the rail corridor path was not designed to MassDOT standards it would not be eligible for construction funding, typically 90% of the total design and construction costs.

In the 1990's, a state Department of Transportation study determined that the transformation of the rail corridor into a rail trail was feasible. In 2003, the Sudbury Board of Selectmen appointed a committee, the Rail Trail Conversion Advisory Committee, to study options for a rail trail in Sudbury.

Each and every one of the communities along the rail corridor north of Sudbury has taken the steps needed to turn the abandoned, dormant rail corridor into a standard rail trail. A standard rail trail means the trail has been designed and constructed to Massachusetts Department of Transportation (MassDOT)

standards. These incorporate recommendations developed by the American Association of State Highway and Transportation Officials (AASHTO). The three points of paramount importance in AASHTO standards are: SAFETY, HANDICAP ACCESSIBILITY, and MAINTAINABILITY. These standards have been, and continue to be, used nationwide for roads, bridges, and railroad beds converted to rail trails. A standard rail trail allows for multiple uses, including transportation and recreation. A standard rail trail takes functionality, maintenance, and safety into account.

When designed and constructed to MassDOT standards, a rail trail is eligible for construction funding from the state and federal government. The town pays for the design, typically 10% of the total cost of the rail trail, and the state and federal government pays for construction, which is generally 90% of the total cost. This is a bargain by any measure. The town gets a great functional amenity, and leverages its money 9 to 1 with state and federal funds. It makes good economic sense. For Phase 2 of the trail in Acton, Carlisle, Concord, and Westford, additional state money was made available for design that end will probably increase this ratio even higher than 9 to 1.

6.8 miles of the Bruce Freeman Rail Trail (BFRT), designed to MassDOT standards, and 90% funded by state and federal funds have been built in Lowell, Chelmsford, and Westford. Further sections of the BFRT, designed to MassDOT standards are slated to begin construction in 2014 in Acton and Carlisle. Concord has approved its section of the BFRT, again designed to MassDOT standards, and construction will begin in 2016. A bridge over Route 2 for the BFRT is being designed and construction will begin in 2017.

All 18 miles of the BFRT from Lowell to the Concord/Sudbury border have been designed to MassDOT standards, and all construction to date and planned construction complies with MassDOT standards.

The environmental concerns of each town have been taken into account and addressed along every inch of the BFRT. In fact, state environmental regulations



themselves protect wildlife and wetlands, and do not run roughshod over them. Where necessary, mitigation is used to protect the environment. Sudbury itself has done the same thing when it has built a road or walkways.

Abutters to the rail trail can request screening or fencing, paid for as part of construction costs, if the trail runs adjacent to their property.

### 2012 ANNUAL TOWN ELECTION

On March 26, 2012, after 10 years of meetings, study, reports, debate, and discussion, the town voted on two questions regarding the rail trail. First, the town voted 2288 to 1040, i.e., a margin more than 2 to 1, to bring the Bruce Freeman Rail Trail to Sudbury. The argument in the official warrant in support of bringing the BFRT to Sudbury states:

The trail will not be just a bike path, but also a facility for walking, running, inline skating and cross country skiing and snowshoeing in winter.....State and federal funds will cover the entire cost of construction.

Second, on March 26, 2012, the town voted 2261 to 1056, again by a margin of greater than 2 to 1, to “move forward” with designing the portion of the BFRT from the Concord/Sudbury border to Rt. 117 at Davis Field. The summary of this question, as well as the argument in support of this question, made it clear that portion of the BFRT would be designed to MassDOT standards:

The Friends of the Bruce Freeman Rail Trail have offered to donate approximately \$50,000.00 to pay for a preliminary design study adhering to Massachusetts Department of Transportation (MassDOT) guidelines for this segment of the larger trail.

(See attached 2012 Official Warrant, March 26, 2012 Annual Town Election, and election results.)

### 2012 ANNUAL TOWN MEETING

On May 8, 2012, residents stayed to the very end of Annual Town Meeting to restate their solid support for the same two questions that had been on the March 2012 ballot, even though such questions were not binding. Article 34,



bringing the Bruce Freeman Rail Trail from the Concord line to Union Avenue passed “overwhelmingly”. Article 35, moving forward with the design of the half mile from the Concord border to Route 117, passed by “more than a majority”.

The minutes of 2012 Annual Town Meeting note that Dick Williamson spoke on behalf of the over 2000 town residents who voted in support of a rail trail and stated that other towns have built the rail trail according to Massachusetts Department of Transportation standards in order to qualify for state funding. He also noted Sudbury residents were sensitive to environmental concerns and a parking issue. (See attached minutes of May 8, 2012, Annual Town Meeting, pp. 66-68)

#### DISCUSSION

In light of the written information available to the residents when they voted on March 26, 2012, and the minutes of 2012 Annual Town Meeting reflecting the oral presentations, it cannot be said the Sudbury residents did not understand the issues before them. To the contrary, it appears the voters were well informed and their votes were consistent.

The Board of Selectmen asked the residents what they wanted. The residents, twice, answered they wanted the BFRT, built to MassDOT standards, brought to Sudbury, and that they wanted to proceed with the design of the northernmost half mile from the Concord/Sudbury line to Route 117. The citizen legislators of Sudbury provided the Board of Selectmen with clear direction and instructions. It is our duty, as Selectmen, to carry out those instructions.

On July 29, 2013, the concept committee presented its findings to this board for their consideration, and four options were discussed.

- Expansion of current walkway system

- Segmented / Bypass Trail

- So-called green way – 5-8 feet wide

- Full build – to MassDOT standards (AASHTO)

I have reviewed and studied each of the four options, and the pros and cons of each.

I have weighed each of the four options, taking into account three major considerations:

Usability and functionality - for the greatest number of residents in different weather conditions.

Cost – cost to build and cost to maintain

Safety – taking into account: 1) the width and quality surface of the rail trail bed, 2) the ability to pass other users traveling in the same or opposite direction, and 3) accessibility for emergency vehicles. To build a rail trail that is unsafe, such as a 5 to 8 foot wide greenway, would be the height of irresponsibility.

The so-called greenway option and full build/standard option both follow the rail bed/corridor, and pass the same streams and wetlands, so environmental concerns would not be significantly less for a so-called greenway.

Environmental concerns have been satisfactorily addressed and mitigated throughout the course of BFRT where it has been built, and where the design studies have been done. I know of no instance, on any rail trail built in Massachusetts, or New England, where environmental concerns cannot be mitigated. Accurate assessment of environmental impact can only be determined by conducting the 25% design study.

An additional environmental benefit of a non-porous (e.g. asphalt) surface on a railroad bed is that it caps contamination/hazardous substances that may have accumulated from decades of use by the railroads.

The Massachusetts Chapter of the Sierra Club, the leading environmental organization, has endorsed construction of the entire BFRT.

After reviewing the concept committee's report presented to the BOS on July 29, 2013, my conclusions mirror the town's votes. That is, that a standard rail trail is,



- by far, the best option for Sudbury, taking into account cost, safety, accessibility, maintainability, and functionality.

### CONCLUSIONS

In recognition of the town's desires and express directions, and my own evidence – based decisions, I can support the following motions:

First motion:

That the Board of Selectmen accept the offer of the Friends of the Bruce Freeman Rail Trail to raise sufficient funds (\$58,700.00) to conduct the so-called 25% design study, to MassDOT standards, for the northernmost half mile of the Bruce Freeman Rail Trail, from the Concord/Sudbury border to Rt. 117.

Second motion:

That all further design and planning for the Bruce Freeman Rail Trail in Sudbury proceed in accordance with MassDOT standards, and that staff work with state officials, departments and agencies to accomplish such design and planning.





### OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

*Johnson*

Please note that all fields are required unless otherwise noted.

#### Your Contact Information:

First Name: Richard Last Name: Johnson

Address: 38 Bent Road

City: Sudbury State: MA Zip Code: 01776

Phone Number: +1 (978) 265-0785 Ext. \_\_\_\_\_

Email: rick\_johnson@amat.com

Organization or Media Affiliation (if any): \_\_\_\_\_

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual     Organization     Media

#### Public Body that is the subject of this complaint:

City/Town     County     Regional/District     State

Name of Public Body (including city/town, county or region, if applicable): Sudbury Board of Selectmen, Sudbury, MA

Specific person(s), if any, you allege committed the violation: Chairman Chuck Woodard

Date of alleged violation: Sep 10, 2014

2014 SEP 17 A 8:28

RECEIVED  
BOARD OF SELECTMEN  
SUDBURY, MA

**Description of alleged violation:**

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Based on statements made at the September 10, 2014 Sudbury Board of Selectmen meeting by Chairman Chuck Woodard and member Len Simon I believe Open Meeting Law was violated. The agenda (attached) for the September 10, 2014 meeting was posted. Items 1-5 were completed on time. Before he got to item 6 (Citizen's comments on items not on the agenda) the chairman, Chuck Woodard, addressed the board and the audience about his thoughts on Citizen's comments. This turned into a lecture scolding a citizen and then another member read from a prepared statement. This subject was not posted as an agenda item and is clearly a violation of Open Meeting Law. In addition, the chairman unilaterally, without public comment or a vote of the board, made a change to the posted (attached and put in place October 7, 2013) Citizen's Comments Procedure that a certain citizen (Robert Stein) would not be allowed to comment during Citizen's Comment: "Before you speak to the board again in the citizen's comment period you and I need to sit down and have a private meeting and agree on some rules of behavior because I cannot accept what's happened at these last five meetings." "You heard what I said. Until you and I have have a private meeting to talk about some basic rules of behavior at the citizen's comment period I will not be recognizing you after tonight. So your choice." After Chairman Woodard made those comments BOS member Bob Haarde commented on the matter for several minutes. Then BOS member Len Simon read from a prepared statement. At that point I called for a "point of order" where I asked Chairman Woodard to make this an agenda item at a later date. Chairman Woodard told me it was perfectly fine for BOS member Simon to have a prepared statement on this subject. I objected and was told by Chairman Woodard "I don't think a prepared statement has to be on the agenda." There was no public discussion allowed.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

First and foremost Mr. Stein cannot be barred from speaking at these meetings because the Chairman isn't happy with the topics being discussed by Mr. Stein during Citizen's comment time. At a date in the very near future this subject (Citizen's Comments) must be put on the agenda for public discussion and if changes to the Citizen's Comment Procedure are discussed and changes suggested those changes must be put to a vote by the board. A unilateral decision by the Chairman is not allowed.

**Review, sign, and submit your complaint****I. Disclosure of Your Complaint.**

**Public Record.** Under most circumstances, your complaint, and any documents submitted with your complaint, will be considered a public record and available to any member of the public upon request. In response to such a request, the AGO generally will not disclose your contact information.

**II. Consulting With a Private Attorney.**

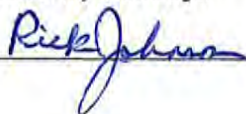
The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

**III. Submit Your Complaint to the Public Body.**

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: \_\_\_\_\_



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



For Use By Public Body

For Use By AGO

Date Received by Public Body: \_\_\_\_\_ Date Received by AGO: \_\_\_\_\_





SUDBURY BOARD OF SELECTMEN  
AGENDA – WEDNESDAY, SEPTEMBER 10, 2014  
7:30 PM, LOWER TOWN HALL, 322 CONCORD ROAD

1.	7:00 PM	Vote	<b>Executive Session:</b> Open meeting in Open Session in Flynn Building, Silva Room, and immediately vote to enter into Executive Session regarding strategy with respect to land negotiations if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares. <i>If necessary, the Executive Session will be suspended at 7:25 p.m. and resumed at the end of the Regular Session.</i>
2.	7:25 PM	Vote	Vote to end Executive Session and reconvene in Open Session at Lower Town Hall, 322 Concord Road.
3.	7:30 PM		Opening remarks by Chairman
4.	7:35 PM		Reports from Town Manager
5.	7:40 PM		Reports from Selectmen
6.	7:50 PM		Citizen's comments on items not on agenda
7.	8:00 PM	Vote/ Sign	Joint meeting with Planning Board to interview two applicants: Steven Garvin, 26 Bowditch Rd, and Dylan Remley, 1 Red Oak Drive, for a vacant position on the Planning Board, on the occasion of the election of Patricia Brown to the Board of Selectmen, pursuant to MGL c.41, s.81A. Following interview, question of appointing Town Manager as clerk for the election, and then electing one applicant to become a member of the Planning Board for a term to expire at the conclusion of the 2015 Annual Town Meeting. <i>(Planning Board members Craig Lizotte, Christopher Morely, Peter Abair, and Martin Long to attend)</i>
8.	8:15 PM	Vote	Interview three applicants for two available seats on the Capital Improvement Advisory Committee: Susan Abrams, 24 Hudson Rd; Michael Lane, 493 Dutton Rd; Robin Berman, 11 Brookside Farm Lane. Following interviews, vote two appointments, one for a term ending 5/31/17, and one for a term ending 5/31/15.
9.	8:35 PM	Vote	Interview six applicants for two at-large seats on the Vocational Education Options Committee: Allison Scheff, 33 Harness Lane, David Levington, 155 Nobscot Rd; Joel Bauman, 62 Goodman's Hill Rd; John Baranowsky, 103 Belcher Drive; Paul Lynch, 20 Dorothy Rd; Risa Burns, 46 Cider Mill Rd. Following interviews, question of making appointments for terms ending 5/31/15, and take any other actions related to activating this new committee.
10.	9:05 PM		Continue discussion on Mass Central Rail Trail <i>(Jim Kupfer, Assistant Town Planner to attend)</i>
<b>MISCELLANEOUS</b>			
11.			Report from Town Manager on announced intention of Raytheon to close the Sudbury facility.

*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.*



12.		<b>Vote</b>	Determination of date and topics for the 2014 Town Forum
13.		<b>Vote</b>	Discussion and vote on process to engage New Town Counsel services by December 31, 2014, occasioned by the retirement of Town Counsel Paul Kenny.
14.		<b>Vote</b>	Discussion and vote regarding granting a one-day expanded liquor license to 29 Sudbury Restaurant and Bar, 29 Hudson Road, Unit #150, for a 1-year anniversary event on September 17, 2014, from 4:00 PM to 9:00 PM.
15.		<b>Vote</b>	Question of approving spending limit requests for Town Trust Funds for FY15 as requested in a memo dated 9/2/14 by Andrea Terkelsen, Town Treasurer.
<b>CONSENT CALENDAR</b>			
16.		<b>Vote</b>	Vote to approve the regular session and executive session meeting minutes of August 19, 2014.
17.		<b>Vote</b>	Vote to approve the appointment of Patrick Collins, LS Interim Director of Finance and Operations, to Strategic Financial Planning for OPEB Committee and Strategic Financial Planning for Capital Funding Committee for a term ending 5/31/15.
18.		<b>Vote</b>	Vote to approve the appointment of Stephen Lambert, Principal of Curtis Middle School and Ivar Henningson, School Counselor at Curtis Middle School to the Vocational Education Options Committee for a term ending 5/31/15.
19.		<b>Vote</b>	Vote to accept the resignation of Town Counsel Paul L. Kenny, due to retirement, effective 12/31/14.
20.		<b>Vote</b>	Vote to grant a special permit to Adam Benoit, Event Coordinator, to hold a "Jingle all the Way 5K" walk/run on Saturday, December 6, 2014, from 10:00 a.m. through approximately 11:00 a.m., subject to Police Dept. safety requirements, proof of insurance coverage and the assurance that any litter will be removed at the race's conclusion.
21.		<b>Vote</b>	Vote to approve a special permit to Harold Cutler for the Colonial Fair and Muster of Fifes and Drums to be held on the Wayside Inn grounds from 10:00 a.m. to 5:00 p.m. on Saturday, September 27, 2014, subject to conditions and permits required by the Fire and Police Departments and the Board of Health.
22.		<b>Vote</b>	Vote to accept, on behalf of the Town, donations from Getlocalma.com; Memorial Congregational Church; Salem Five; Bruce & Gail Wright; Francis & Ursula Lyons; George & Melinda Connor totaling \$8,616.03 to be used by the Town of Sudbury for the purpose of the Sudbury Celebrates 375/Sudbury Day Committee celebration, and may be used for another similar purpose as authorized by the Board of Selectmen in the event that all funds are not expended at the conclusion of the aforementioned celebration.
23.		<b>Vote</b>	Vote to accept, on behalf of the Town, a donation from TJX Companies totaling \$1,000 to the 3rd annual Halloween 5K and Fun Run Revolving Fund Account, as requested by Nancy McShea, Park & Recreation Director, in a memo dated August 26, 2014, said funds to be expended under the direction of the Park and Recreation Director.
24.		<b>Vote</b>	Vote to approve award of contract by the Town Manager to the lowest responsible and eligible bidder for Fairbank Roof repair project upon receipt of bids and approval by Town Counsel, as requested by Jim Kelly, Facilities Director

*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.*



### Sudbury Board of Selectmen Citizen's Comment Procedure

The Chair will schedule a "Citizen's Comment" timed agenda item for each meeting. The Chair of the Board has the discretion as to when to schedule this item on an agenda.

1. In order to facilitate the process, at the beginning of each meeting the Recording Secretary for the Board will place a sign-up sheet at the rear of the meeting room. Residents are asked to write their names on the sign-up sheet and note the topic on which they wish to address the Board. Residents will be called to speak in the order of sign-up.
2. Upon being called up, the citizen shall approach a microphone and introduce him/herself clearly by name and address. This is intended to ensure that citizen input is fully audible to attendees of the meeting and people viewing the meeting via SudburyTV.
3. As the topic of a "Citizen's Comment" may not be on the agenda as required by the 48 hour Open Meeting Law, the Board members may not be able to deliberate or take votes on the topic and may only listen, comment and ask questions during the "Citizen's Comment" time. The Board may, at the Chair's discretion, schedule the topic for a later Board meeting as an agenda item. The citizen who made the comment or suggestion shall be notified of the date of such meeting.
4. The Chair shall be sensitive to the subject matter under discussion and if it involves the performance of an official of the Town who has not previously been advised that a matter may be discussed, the citizen's comments will be noted but further discussion may be curtailed. The Board may, at the Chair's discretion, ask follow up questions and/or schedule the topic for a later Board meeting as an agenda item. The citizen who raised the performance issue shall be notified of the date of such meeting.
5. If the citizen has comments about a Town employee's performance, the citizen's comments will be curtailed and the citizen will be directed to discuss this topic with the Town Manager outside of a Selectmen's meeting.
6. The Chair may, at his/her discretion, because of the lateness of the hour or time spent on a single item, close the Citizen's Comment in order to finish the Board's business meeting.
7. Any citizen may also petition the Board to be given time on a future agenda to discuss a particular issue. Whether the citizen will be given such time and, if given, what information or material will be required to be submitted in advance, shall be at the discretion of the Chair.
8. Citizens have the option of emailing the Board with their questions and comments. The Board's email address is [Selectmen@sudbury.ma.us](mailto:Selectmen@sudbury.ma.us). Please note that the Chair of the Board will endeavor to answer all emails sent to this address within 48 hours of receipt, but may not always be able to do so.
9. Citizens have the option of attending one of the Board's monthly "Office Hours" to discuss items with members of the Board. Please check the Board's Sudbury webpage to see the next scheduled Office Hours session – <http://sudbury.ma.us/departments/BoardOfSelectmen>

10.14.14



The Commonwealth of Massachusetts  
Office of the Attorney General  
One Ashburton Place  
Boston, Massachusetts 02108

**OPEN MEETING LAW COMPLAINT FORM**

**Instructions for completing the Open Meeting Law Complaint Form**

The Office of the Attorney General's Division of Open Government is responsible for interpreting and enforcing the Open Meeting Law. Pursuant to G.L. c. 30A, §23, the Open Meeting Law requires that complaints must first be filed with the public body that is alleged to have committed the violation, prior to filing a complaint with the Attorney General.

The complaint must be filed with the public body within 30 days of the alleged violation, or if the alleged Open Meeting Law violation could not reasonably have been known at the time it occurred, then within 30 days of the date it should reasonably have been discovered. The complaint must set forth the circumstances which constitute the alleged violation, giving the public body an opportunity to remedy the alleged violation.

Please complete the entire form, providing as much information as possible, to assist the public body in responding to your complaint. The Division of Open Government will not, and public bodies are not required to, investigate anonymous complaints. You may attach additional materials to your complaint if necessary. The public body may request additional information if necessary.

For complaints alleging a violation of the Open Meeting Law by a local public body, you must file with the public body and file a copy with the clerk of the city or town where the alleged violation occurred. For complaints alleging a violation by a county, regional or state public body, you must file with the chair of the public body.

If you are not satisfied with the action taken by the public body in response to your complaint, you may file a copy of your complaint with the Attorney General's Office 30 days after filing your complaint with the public body. The Attorney General's Office may decline to investigate a complaint that is filed with the Attorney General's Office more than 90 days after the alleged OML violation, unless an extension was granted to the public body or the complainant demonstrates good cause for the delay.

The complaint must include this form and any documents relevant to the alleged violation. A complaint may be filed either by mail or by hand:

Office of the Attorney General  
Division of Open Government  
One Ashburton Place  
Boston, MA 02108





### OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

#### Your Contact Information:

First Name: Scott Last Name: Nassa

Address: 36 Clark Lane

City: Sudbury State: MA Zip Code: 01776

Phone Number: +1 (978) 270-2734 Ext. \_\_\_\_\_

Email: scottnassa@hotmail.com

Organization or Media Affiliation (if any): \_\_\_\_\_

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual     Organization     Media

#### Public Body that is the subject of this complaint:

City/Town     County     Regional/District     State

Name of Public Body (including city/town, county or region, if applicable): Board of Selectman Sudbury, MA

Specific person(s), if any, you allege committed the violation: Chairman Chuck Woodard

Date of alleged violation: 9/15/2014

**Description of alleged violation:**

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

According to the Open Meeting Law: 940 CMR 29.00: Open Meetings: Under 29.05: Complaints:

(3) For local public bodies, the complainant shall file the complaint with the chair of the public body, who shall disseminate copies of the complaint to the members of the public body.

Please see the attached e-mail dated 9/15/2014. As you can see the five Open Meeting Law complaints that I filed on Tuesday September 2, 2014 were provided to one member of the Board of Selectman (the "public body" for which my complaints were filed against) Leonard Simon on Wednesday September 3, 2014. As it turns out my complaints were not provided to the remainder of the Board until twelve days later on Monday morning September 15, 2014. The Open Meeting law does not read that the chair shall "disseminate copies of the complaint to one member of the public body the next day, however disseminate copies of the complaint to the remaining board members 12 days later" as you can see above. As a result I am filing this Open Meeting Law complaint in correspondence to how my previous five Open Meeting Law complaints filed September 2, 2014 were handled. Please note that I have attached an e-mail exchange as evidence that the actions leading to this complaint, did indeed take place. I am using the date I was made aware of these actions as the "date of alleged violation" as noted above.

Thank you for your consideration,

Scott Nassa  
36 Clark Lane  
Sudbury, MA 01776

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

**Review, sign, and submit your complaint**

**I. Disclosure of Your Complaint.**

**Public Record.** Under most circumstances, your complaint, and any documents submitted with your complaint, will be considered a public record and available to any member of the public upon request. In response to such a request, the AGO generally will not disclose your contact information.

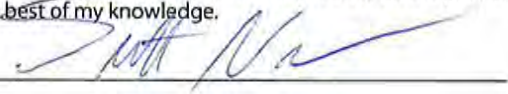
**II. Consulting With a Private Attorney.**

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

**III. Submit Your Complaint to the Public Body.**

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: 

Date: 10/14/2014

For Use By Public Body	For Use By AGO
Date Received by Public Body:	Date Received by AGO:



From: **Chuck Woodard** (woodardcc@gmail.com)  
Sent: Mon 9/15/14 1:35 PM  
To: scott nassa (scottnassa@hotmail.com)  
Cc: mailto:boardofselectmen@sudbury.ma.us (boardofselectmen@sudbury.ma.us)

probably as a result of my sending a copy of the complaint to Mr Simon as a courtesy so that he knew of the allegations against him. I did not at the time think about the process for general dissemination to the board which I now understand should have happened after the complaint came in. The next step is the filing of a response by town counsel with the state, which will happen by this Friday. I have asked but do not yet have an answer to the question "when might we expect a response from the state".

On Mon, Sep 15, 2014 at 1:22 PM, scott nassa <scottnassa@hotmail.com> wrote:

Thanks Chuck. If that is the case then why did I receive the below e-mail from Selectman Simon on September 3, 2014 containing exact specifics of my complaints? Was he made aware of my complaints before the entire or rest of the BOS was? Could you forward me an exact protocol as to how these complaints are to be handled by the BOS. Thanks...Scott

From: **Leonard Simon** (lensimon@comcast.net)  
Sent: Wed 9/03/14 11:25 AM  
To: nassa, scott (scottnassa@hotmail.com)

Hello Mr. Nassa,

I am aware that you have filed five Open Meeting Law Complaints against me.

Please advise me:

1. Who provided you, and when, with an email from me to the CPC dated January 16, 2014 (Rail trail design study funding request).
2. Who provided you, and when, with an email from me to the Board of Selectmen and Maureen Valente dated August 20, 2013, and the memo dated August 20, 2013 (Bruce Freeman Rail Trail).
3. Who provided you, and when, with the email chain between Ms. Golden, Chief Nix, the Board of Selectmen, and myself, ending with the date October 12, 2013 (Draft copy Alcohol Rules and Regulations).
4. Who provided you, and when, with the email from me to the Board of Selectmen dated August 19, 2014 (Bistro 20/Conrad's).
5. Who provided you, and when, with my memo dated August 4, 2014 (Bruce Freeman Rail Trail).

I look forward to your response.

Len Simon



Confidentiality Notice: This E-mail message and any files transmitted with it are for the sole use of the intended recipient(s). The information contained in this E-mail may be private and/or confidential. Any unauthorized review, use, disclosure and/or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply E-mail and destroy all copies of the original message.

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Date: Mon, 15 Sep 2014 13:15:00 -0400  
Subject: Re: OML Violations  
From: woodardcc@gmail.com  
To: scottnassa@hotmail.com  
CC: boardofselectmen@sudbury.ma.us

They were sent out to the entire board this morning.

Chuck

On Sep 15, 2014 11:13 AM, "scott nassa" <scottnassa@hotmail.com> wrote:  
Dear Board of Selectman,

As you may know I submitted five Open Meeting Law complaints on September 2, 2014 against your board for emails/letters sent out by Selectman Lenny Simon. I would like to know if these complaints have been sent/made available to the entire board as of yet and if so exactly what day they were made available.

Thank you,

Scott Nassa  
36 Clark Lane

Sent from my iPhone

10.14.14



The Commonwealth of Massachusetts  
Office of the Attorney General  
One Ashburton Place  
Boston, Massachusetts 02108

**OPEN MEETING LAW COMPLAINT FORM**

Instructions for completing the Open Meeting Law Complaint Form

The Office of the Attorney General's Division of Open Government is responsible for interpreting and enforcing the Open Meeting Law. Pursuant to G.L. c. 30A, §23, the Open Meeting Law requires that complaints must first be filed with the public body that is alleged to have committed the violation, prior to filing a complaint with the Attorney General.

The complaint must be filed with the public body within 30 days of the alleged violation, or if the alleged Open Meeting Law violation could not reasonably have been known at the time it occurred, then within 30 days of the date it should reasonably have been discovered. The complaint must set forth the circumstances which constitute the alleged violation, giving the public body an opportunity to remedy the alleged violation.

Please complete the entire form, providing as much information as possible, to assist the public body in responding to your complaint. The Division of Open Government will not, and public bodies are not required to, investigate anonymous complaints. You may attach additional materials to your complaint if necessary. The public body may request additional information if necessary.

For complaints alleging a violation of the Open Meeting Law by a local public body, you must file with the public body and file a copy with the clerk of the city or town where the alleged violation occurred. For complaints alleging a violation by a county, regional or state public body, you must file with the chair of the public body.

If you are not satisfied with the action taken by the public body in response to your complaint, you may file a copy of your complaint with the Attorney General's Office 30 days after filing your complaint with the public body. The Attorney General's Office may decline to investigate a complaint that is filed with the Attorney General's Office more than 90 days after the alleged OML violation, unless an extension was granted to the public body or the complainant demonstrates good cause for the delay.

The complaint must include this form and any documents relevant to the alleged violation. A complaint may be filed either by mail or by hand:

Office of the Attorney General  
Division of Open Government  
One Ashburton Place  
Boston, MA 02108



### OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

**Your Contact Information:**

First Name: Scott Last Name: Nassa

Address: 36 Clark Lane

City: Sudbury State: MA Zip Code: 01776

Phone Number: +1 (978) 270-2734 Ext. \_\_\_\_\_

Email: scottnassa@hotmail.com

Organization or Media Affiliation (if any): \_\_\_\_\_

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?  
(For statistical purposes only)

Individual     Organization     Media

**Public Body that is the subject of this complaint:**

City/Town     County     Regional/District     State

Name of Public Body (including city/town, county or region, if applicable): Board of Selectman Sudbury, MA

Specific person(s), if any, you allege committed the violation: Chairman Chuck Woodard

Date of alleged violation: 9/18/2014



**Description of alleged violation:**

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

According to the Open Meeting Law: 940 CMR 29.00: Open Meetings: Under 29.05: Complaints:

(4) The public body shall review timely complaints to ascertain the time, date, place and circumstances which constitute the alleged violation. If the public body needs additional information to resolve the complaint, then the chair may request it from the complainant within seven business days of receiving the complaint. The complainant shall respond within 10 business days after he or she receives the request. The public body will then have an additional 10 business days after receiving the complainant's response to review the complaint and take any remedial action pursuant to 940 CMR 29.05(5)..

(5) Within 14 business days after receiving the complaint, unless an extension has been granted by the Attorney General as provided in 940 CMR 29.05(5)(a) and (b), the public body shall review the complaint's allegations; take remedial action, if appropriate; and send to the Attorney General a copy of the complaint and a description of any remedial action taken. The public body shall simultaneously notify the complainant that it has sent such materials to the Attorney General and shall provide the complainant with a copy of the description of any remedial action taken.

Please note the words "public body" which includes the entire (or majority quorum of the board). I can find no public (or executive session) agenda or minutes where the five open meeting law complaints that I filed on Tuesday September 2, 2014 were discussed by the Board of Selectman (public body) to determine next steps. It appears that my complaints were referred to Town Counsel by the Board of Selectman Chairman Chuck Woodard to be dealt with and were not taken up by the entire Board to determine next steps as required law. Please note that a complaint filed against a public body in regard to the Open Meeting Law is not a complaint against an individual of the board but against the entire board. Therefore the next steps and action plan of the complaint should not be determined by one member (in this case the Chair of the Board) but all of the board's members, which does not appear to have happened here. This protocol is clearly outlined in the law as stated above. As a result I am filing this Open Meeting Law complaint in correspondence to how my previous Open Meeting Law complaints filed September 2, 2014 were handled. I am using the date of Town Counsel Paul Kenny's final letter's of response (September 18, 2014) as my "date of alleged violation" as noted above. All five of Town Counsel Paul Kenny's responses are attached here as reference.

Thank you for your consideration,

Scott Nassa  
36 Clark Lane  
Sudbury, MA 01776

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

[Empty text box for response]

**Review, sign, and submit your complaint**

**I. Disclosure of Your Complaint.**

**Public Record.** Under most circumstances, your complaint, and any documents submitted with your complaint, will be considered a public record and available to any member of the public upon request. In response to such a request, the AGO generally will not disclose your contact information.

**II. Consulting With a Private Attorney.**

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

**III. Submit Your Complaint to the Public Body.**

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: Scott Nassa

Date: 10/14/2014

For Use By Public Body	For Use By AGO
Date Received by Public Body:	Date Received by AGO:



# Town of Sudbury

Office of Town Counsel

Flynn Building  
278 Old Sudbury Rd  
Sudbury, MA 01776-1843  
978-639-3384  
Fax: 978-443-0756

September 18, 2014

Amy L. Nable, Esq.  
Assistant Attorney General  
Director, Division of Open Government  
One Ashburton Place  
Boston, MA 02108

Re: Open Meeting Complaint  
Stephen Lanzendorf, Daniel DePompei, Scott Nassa

Dear Ms. Nable:

Please be advised that I file this opposition to the attached Open Meeting Law Complaints on behalf of the Town of Sudbury and Board of Selectmen.

I have attached hereto the Open Meeting Complaints received from Stephen Lanzendorf, Daniel DePompei, and Scott Nassa and filed with the Town Clerk. All three complaints address the same factual matter and this response is intended to address all three.

The attached are three of eight complaints filed against Selectman Leonard Simon, three of which are untimely, three are repetitive, one deals with a matter best described as a social issue, and one filed against Mr. Simon on pure speculation regarding a procedural rule or ruling from the chairman. The Nassa complaints together with three filed by others, all directed at Mr. Simon are questionable at best.

Mr. DePompei's email refers to other "letters, memos and e-mails generated by Selectman Simon from June 2013 to the present date." If the documents referred to exist, including such a reference is an obvious intent to circumvent the open meeting law complaint process by inappropriately making reference to documents at best precluded by virtue of the Open meeting Law 30-day limitation (MGL c. 30A § 23). The remedy sought by Mr. DePompei, to wit: "I recommend the BOS censure/recuse Selectman Simon from any discussions/ votes related to Rail Trails (and other topics as appropriate) in Sudbury." Considered with the flurry of complaints, a pattern seems to be developing to silence Mr. Simon with regard to issues arising before the Selectmen and in particular the Rail Trail. I submit that the Open Meeting Law is being used as a sword to "inappropriate[ly] prejudice



Amy L. Nable, Esq.  
 Assistant Attorney General  
 Director, Division of Open Government  
 Page Two

September 18, 2014

discussions and influence votes of public matters (primarily Rail Trails).” Additionally, the remedy sought by Mr. DePompeii is clearly outside the scope of the statute and blatantly political in nature.

Noteworthy and significant by its absence was the email accompanying the document attached to each of the three complaints. The email sent was never intended to circumvent the open meeting law but to be included for discussion at the meeting. The missing emails printed below, describe the intent and compliance with the Open Meeting Law.

---

**From:** Leonard Simon <lensimon@comcast.net>  
**Sent:** Monday, August 04, 2014 10:05 AM  
**To:** Board of Selectmen  
**Subject:** BFRT  
**Attachments:** MEMO TO SELECTMEN.1.docx

Fellow Selectmen,  
 Attached please find a memo I have asked to be included in the packets for our August 19, 2014, meeting. Len

-----  
**From:** Leonard Simon [mailto:lensimon@comcast.net]  
**Sent:** Monday, August 04, 2014 10:24 AM  
**To:** Frank, Leila  
**Subject:** For August 19 BOS meeting

Good morning Leila.  
 Would you be kind enough to enclose a hard copy of the attached memo in the packets for the August 19 BOS meeting?  
 I sent an electronic copy to the Board today.  
 Thanks, Len

The memorandum referred to in the complaint was clearly intended to be a public record and submitted for discussion at the August 19, 2014 properly posted meeting. Quoting from OML 2014-2. “The Open Meeting Law's purpose is ‘to eliminate much of the secrecy surrounding deliberations and decisions on which public policy is based.’ *Ghiglione v. School Committee of Southbridge*, 376 Mass. 70, 72 (1978).” The foregoing has been accepted universally.

To accept the complainants’ view would require that everything be done at the meeting. To do so would require reading every document at the meeting, which is unproductive and outside the spirit of the Open Meeting Law.



Amy L. Nable, Esq.  
Assistant Attorney General  
Director, Division of Open Government  
Page Three

September 18, 2014

The law defines "deliberation" as "an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction; provided, however, that 'deliberation' shall not include the distribution of a meeting agenda, scheduling information or distribution of other procedural meeting or the distribution of reports or documents that may be discussed at a meeting, provided that no opinion of a member is expressed." G.L. c. 30A, § 18.  
(Emphasis supplied.)

The Town submits that the document was not an improper deliberation for the following reasons:

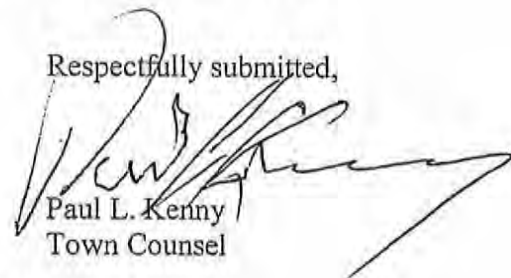
1. At the time sent it was intended to be and was a public document.
2. The document was posted on the Town web site before the meeting.
3. A hard copy was handed out at the meeting.
4. The emails did not contain an opinion.

Even assuming arguendo that the document was a deliberation, it was clearly rectified by posting, discussing at a public meeting, and handing out hard copies at the meeting. Handing out hard copies is significantly preferable to reading the whole document at the meeting. Accordingly, any real or imagined violation was completely cured.

Finally, the document is nothing but a description of ten years of actions and votes by various entities including Town Meeting. All the material contained therein has been discussed and voted on as some say *ad nauseum*.

Accordingly, on behalf of the Town of Sudbury and its Board of Selectmen I respectfully request that this complaint be dismissed.

Respectfully submitted,



Paul L. Kenny  
Town Counsel

CC: S. Lanzendorf, D. DePompeii, S. Nassa, Board of Selectmen



# Town of Sudbury

Office of Town Counsel

Flynn Building  
278 Old Sudbury Rd  
Sudbury, MA 01776-1843  
978-639-3384  
Fax: 978-443-0756

September 18, 2014

Amy L. Nable, Esq.  
Assistant Attorney General  
Director, Division of Open Government  
One Ashburton Place  
Boston, MA 02108

Re: Open Meeting Complaint  
Scott Nassa  
Bistro 20/Conrad's

Dear Ms. Nable:

Please be advised that I file this opposition to the attached Open Meeting Law Complaint on behalf of the Town of Sudbury and Board of Selectmen.

I have attached hereto the Open Meeting Complaint received from Mr. Scott Nassa and filed with the Town Clerk. Mr. Nassa's complaint was one of five sent by Mr. Nassa on the same date.

The Town submits its opposition to this Complaint for the following reasons:

The complaint as filed has two significant omissions. The attachment to the complaint omitted the caption on Mr. Grimmatt's email which shows the sender as Mr. Grimmatt and the recipients of the email as the entire Board of Selectmen.

**From:** "Ben Grimmatt" <Ben.Grimmett@brcap.com>  
**To:** "selectmen@sudbury.ma.us" <selectmen@sudbury.ma.us>  
**Sent:** Tuesday, August 19, 2014 7:47:59 AM  
**Subject:** Bistro 20/Conrad's  
(A copy of the email is attached.)

Mr. Nassa substituted, "On Aug 19, 2014, at 7:47 AM, Ben Grimmatt <[Ben.Grimmett@brcap.com](mailto:Ben.Grimmett@brcap.com)> wrote:", for the above.

Mr. Nassa also redacted an entire email sent to the Board as part of the email chain from Patricia Brown, a fellow Selectman, as follows:

Amy L. Nable, Esq.  
Assistant Attorney General  
Director, Division of Open Government  
Page Two

September 18, 2014

**From:** "Brown, Pat" <patbrownian@me.com>  
**To:** "Woodard, Chuck" <woodardcc@gmail.com>  
**Cc:** selectmen@sudbury.ma.us  
**Sent:** Tuesday, August 19, 2014 10:11:56 AM  
**Subject:** Re: Bistro 20/Conrad's

Hi, Chuck, everyone.

We do get a reasonable number of letters from residents like this one.

How are they handled? Are they recorded anywhere? Is there an official response? I'd assume we'd be CC'ed on anything official.

Whatever the process is on this, please let me know.

Thanks.

Pat

(Note that I'm not sure what power the BOS has in this particular instance; I'm just trying to figure out how we handle requests/complaints/communications from the public.)

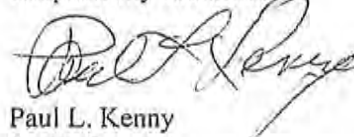
(Copy is attached hereto.)

Both Selectmen here were addressing a social issue raised by Mr. Grimmatt that could not be acted on by the Selectmen for legal and arguably constitutional reasons. The request was highly unusual causing both Selectmen to make procedural/administrative comments clearly not intending to influence the vote. No vote could be taken, or even contemplated to accommodate the suggestions made by Mr. Grimmatt.

The attached is one of five complaints filed by Mr. Scott Nassa against Selectman Leonard Simon, three of which are untimely and two are essentially repetitive. These complaints together with three filed by others, all directed at Mr. Simon, are questionable at best.

Accordingly, on behalf of the Town of Sudbury and its Board of Selectmen I respectfully request that this complaint be dismissed.

Respectfully submitted,



Paul L. Kenny  
Town Counsel

cc: Mr. Scott Nassa  
Board of Selectmen





# Town of Sudbury

Office of Town Counsel

Flynn Building  
278 Old Sudbury Rd  
Sudbury, MA 01776-1843  
978-639-3384  
Fax: 978-443-0756

September 17, 2014

Amy L. Nable, Esq.  
Assistant Attorney General  
Director, Division of Open Government  
One Ashburton Place  
Boston, MA 02108

Re: Open Meeting Complaint  
Scott Nassa  
Email to Police Chief

Dear Ms. Nable:


Please be advised that I file this opposition to the attached Open Meeting Law Complaint on behalf of the Town of Sudbury and Board of Selectman.

I have attached hereto the Open Meeting Law Complaints received from Mr. Scott Nassa and filed with the Town Clerk. Mr. Nassa's complaint was one of five sent by Mr. Nassa on the same date.

The Town submits its opposition to this Complaint for the following reasons:

1. The complaint was not filed within 30 days pursuant to MGL c. 30A § 23 which provides "such complaint shall be filed within 30 days of the date of the alleged violation." In the instant case, the alleged violation occurred October 12, 2013.
2. The document was directed and sent to the Police Chief as a public record in response to questions from the Chief. Simply because Mr. Nassa did not see it before is of no consequence.
3. The attached is one of five complaints filed by Mr. Nassa against Leonard Simon, three of which are untimely and two are essentially repetitive. These complaints together with three filed by others, all directed at Selectman Leonard Simon are questionable at best.

Accordingly, on behalf of the Town of Sudbury and its Board of Selectmen I respectfully request that this complaint be dismissed.

Respectfully submitted,  
  
Paul L. Kenny  
Town Counsel

Cc: Mr. Scott Nassa  
Board of Selectmen



### OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

**Your Contact Information:**

First Name: Scott Last Name: Nassa

Address: 36 Clark Lane

City: Sudbury State: MA Zip Code: 01776

Phone Number: +1 (978) 270-2734 Ext. \_\_\_\_\_

Email: scottnassa@hotmail.com

Organization or Media Affiliation (if any): \_\_\_\_\_

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?  
(For statistical purposes only)

Individual       Organization       Media

**Public Body that is the subject of this complaint:**

City/Town       County       Regional/District       State

Name of Public Body (including city/town, county or region, if applicable): Board of Selectman Sudbury, MA

Specific person(s), if any, you allege committed the violation: Leonard Simon

Date of alleged violation: Oct 12, 2013



# Town of Sudbury

Office of Town Counsel

Flynn Building  
278 Old Sudbury Rd  
Sudbury, MA 01776-1843  
978-639-3384  
Fax: 978-443-0756

September 17, 2014

Amy L. Nable, Esq.  
Assistant Attorney General  
Director, Division of Open Government  
One Ashburton Place  
Boston, MA 02108

Re: Open Meeting Complaint  
Scott Nassa  
Letter to Conservation Preservation Committee

Dear Ms. Nable:

Please be advised that I file this opposition to the attached Open Meeting Law Complaint on behalf of the Town of Sudbury and Board of Selectman.

I have attached hereto the Open Meeting Law Complaints received from Mr. Scott Nassa and filed with the Town Clerk. Mr. Nassa's complaint was one of five sent by Mr. Nassa on the same date.

The Town submits its opposition to this Complaint for the following reasons:

1. The complaint was not filed within 30 days pursuant to MGL c. 30A § 23 which provides "such complaint shall be filed within 30 days of the date of the alleged violation." In the instant case, the alleged violation occurred January 16, 2014.
2. The document was directed and sent to the Community Preservation Committee as a public record. Simply because Mr. Nassa did not see it before is of no consequence.
3. The attached is one of five complaints filed by Mr. Nassa against Selectman Leonard Simon, three of which are untimely and two are essentially repetitive. These complaints together with three filed by others, all directed at Selectman Leonard Simon are questionable at best.

Accordingly, on behalf of the Town of Sudbury and its Board of Selectmen I respectfully request that this complaint be dismissed.

Respectfully submitted,

Paul L. Kenny  
Town Counsel

cc: Mr. Scott Nassa  
Board of Selectmen





### OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

#### Your Contact Information:

First Name: Scott Last Name: Nassa

Address: 36 Clark Lane

City: Sudbury State: MA Zip Code: 01776

Phone Number: +1 (978) 270-2734 Ext. \_\_\_\_\_

Email: scottnassa@hotmail.com

Organization or Media Affiliation (if any): \_\_\_\_\_

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual       Organization       Media

#### Public Body that is the subject of this complaint:

City/Town       County       Regional/District       State

Name of Public Body (including city/town, county or region, if applicable): Board of Selectman Sudbury, MA

Specific person(s), if any, you allege committed the violation: Leonard Simon

Date of alleged violation: Jan 16, 2014



# Town of Sudbury

Office of Town Counsel

Flynn Building  
278 Old Sudbury Rd  
Sudbury, MA 01776-1843  
978-639-3384  
Fax: 978-443-0756

September 17, 2014

Amy L. Nable, Esq.  
Assistant Attorney General  
Director, Division of Open Government  
One Ashburton Place  
Boston, MA 02108

Re: Open Meeting Complaint  
Scott Nassa  
Email to Selectmen August 20, 2013

Dear Ms. Nable:

Please be advised that I file this opposition to the attached Open Meeting Law Complaint on behalf of the Town of Sudbury and Board of Selectmen.

I have attached hereto the Open Meeting Law Complaints received from Mr. Scott Nassa and filed with the Town Clerk. Mr. Nassa's complaint was one of five sent by Mr. Nassa on the same date.

The Town submits its opposition to this Complaint for the following reasons:

1. The complaint was not filed within 30 days pursuant to MGL c. 30A § 23 which provides "such complaint shall be filed within 30 days of the date of the alleged violation." In the instant case, the alleged violation occurred August 20, 2013.
2. The document was prepared and delivered at the meeting on the same date as a public record. Simply because Mr. Nassa did not see it before is of no consequence.
3. The attached is one of five complaints filed by Mr. Nassa against Selectman Leonard Simon, three of which are untimely and two are essentially repetitive. These complaints together with three filed by others, all directed at Selectman Leonard Simon are questionable at best.

Accordingly, on behalf of the Town of Sudbury and its Board of Selectmen I respectfully request that this complaint be dismissed.

Respectfully submitted,

Paul L. Kenny  
Town Counsel

cc: Mr. Scott Nassa  
Board of Selectmen



October 15, 2014

Sudbury Board of Selectmen

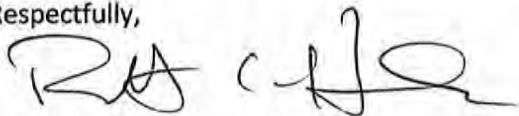
I am a member of the Sudbury Board of Selectmen which has recently received a number of Open Meeting Law Complaints. My reading of the Open Meeting Law is the Public Body shall(must) review the complaint and send to the AG a description of any action taken to resolve the issue. The Public Body, in this case the Sudbury Board of Selectmen, has not reviewed the complaint. As a member of the Board of Selectmen I did not receive copies of the complaints until after the 10 day period and after Board of Selectman Chairman Chuck Woodard and Sudbury Town Counsel Paul Kenny had taken action. Our public body did not discuss what action to take in any public meeting or executive session meeting at any time.

Scott Nassa, one of the complainants, came to our Selectmen meeting on 10/14/2014 to ask why the Board of Selectmen has not yet addressed his complaints and provided him with a description of the action to resolve the issue. Our Chairman, Chuck Woodard, explained that he asked Paul Kenny our Town Counsel to address the complaints as he sees fit. As a public body we did not vote to give our Chairman authority to act on our behalf on this matter. We did not vote to authorize Town Counsel Paul Kenny to act on our behalf in this matter. Our Board of Selectmen has not reviewed, discussed or developed any action plans to resolve the issues whatsoever at any time.

The complaints involve a series of emails sent from Selectman Len Simon to the rest of our board. Mr. Simon has been sending us emails arguing in opposition of a Rail Trail Greenway in Sudbury which recently passed Town Meeting with a unanimous vote. Mr. Simon recently announced that he has resigned and stopped all his financial dealings with the Board of the Bruce Freeman Rail Trail which has a relationship with a design firm called GPI. Selectman Simon sent us an email arguing to award GPI a town contract as a single source bidder without any competitive bid process. Despite Selectman Simon's arguments the board did agree to a competitive bid process and after that process, GPI was not chosen as the most appropriate vendor to serve our interests.

Selectman Simon has sent our Board emails arguing against the Rail Trail Greenway which he is in staunch opposition and other topics he feels strongly about for about a year now. When this was brought to Chairman Woodard's attention he stated in public meeting that "as long as no one responds, Lenny can send those emails." Chairman Woodard allowed the emails to continue. When complaints from citizens who support the Rail Trail Greenway were sent to our Public Body, Chairman Woodard asked Paul Kenny to address those complaints without asking the rest of our Board our opinion or gaining the proper authority (quorum majority vote) to do so.

Respectfully,



Robert C. Haarde  
Sudbury Board of Selectmen  
37 Belcher Drive, Sudbury MA 01776  
rhaarde@comcast.net  
617-909-7477

CC: Town Clerk  
Attorney General

RECEIVED  
BOARD OF SELECTMEN  
SUDBURY, MA  
2014 OCT 21 P 1:06





The Commonwealth of Massachusetts  
Office of the Attorney General  
One Ashburton Place  
Boston, Massachusetts 02108

## OPEN MEETING LAW COMPLAINT FORM

### Instructions for completing the Open Meeting Law Complaint Form

The Office of the Attorney General's Division of Open Government is responsible for interpreting and enforcing the Open Meeting Law. Pursuant to G.L. c. 30A, §23, the Open Meeting Law requires that complaints must first be filed with the public body that is alleged to have committed the violation, prior to filing a complaint with the Attorney General.

The complaint must be filed with the public body within 30 days of the alleged violation, or if the alleged Open Meeting Law violation could not reasonably have been known at the time it occurred, then within 30 days of the date it should reasonably have been discovered. The complaint must set forth the circumstances which constitute the alleged violation, giving the public body an opportunity to remedy the alleged violation.

Please complete the entire form, providing as much information as possible, to assist the public body in responding to your complaint. The Division of Open Government will not, and public bodies are not required to, investigate anonymous complaints. You may attach additional materials to your complaint if necessary. The public body may request additional information if necessary.

For complaints alleging a violation of the Open Meeting Law by a local public body, you must file with the public body and file a copy with the clerk of the city or town where the alleged violation occurred. For complaints alleging a violation by a county, regional or state public body, you must file with the chair of the public body.

If you are not satisfied with the action taken by the public body in response to your complaint, you may file a copy of your complaint with the Attorney General's Office 30 days after filing your complaint with the public body. The Attorney General's Office may decline to investigate a complaint that is filed with the Attorney General's Office more than 90 days after the alleged OML violation, unless an extension was granted to the public body or the complainant demonstrates good cause for the delay.

The complaint must include this form and any documents relevant to the alleged violation. A complaint may be filed either by mail or by hand:

Office of the Attorney General  
Division of Open Government  
One Ashburton Place  
Boston, MA 02108



### OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

#### Your Contact Information:

First Name: Robert Last Name: Haarde

Address: 37 Belcher Drive

City: Sudbury State: MA Zip Code: 01776

Phone Number: +1 (617) 909-7477 Ext. \_\_\_\_\_

Email: rhaarde@comcast.net

Organization or Media Affiliation (if any): Sudbury Board of Selectmen

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual  Organization  Media

#### Public Body that is the subject of this complaint:

City/Town  County  Regional/District  State

Name of Public Body (including city/town, county or region, if applicable): Sudbury Board of Selectmen

Specific person(s), if any, you allege committed the violation: Selectman Chairman Chuck Woodard

Date of alleged violation: Oct 14, 2014



**Description of alleged violation:**

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

I am a member of the Sudbury Board of Selectmen which has recently received a number of Open Meeting Law Complaints. My reading of the Open Meeting Law is the Public Body shall(must) review the complaint and send to the AG a description of any action taken to resolve the issue. The Public Body, in this case the Sudbury Board of Selectmen, has not reviewed the complaint. As a member of the Board of Selectmen I did not receive copies of the complaints until after the 10 day period and after Board of Selectman Chairman Chuck Woodard and Sudbury Town Counsel Paul Kenny had taken action. Our public body did not discuss what action to take in any public meeting or executive session meeting at any time.

Scott Nassa, one of the complainants, came to our Selectmen meeting last night on 10/14/2014 to ask why the Board of Selectmen has not yet addressed his complaints and provided him with a description of the action to resolve the issue. Our Chairman, Chuck Woodard, explained that he asked Paul Kenny our Town Counsel to address the complaints as he sees fit. As a public body we did not vote to give our Chairman authority to act on our behalf on this matter. We did not vote to authorize Town Counsel Paul Kenny to act on our behalf in this matter. Our Board of Selectmen has not reviewed, discussed or developed any action plans to resolve the issues whatsoever at any time.

The complaints involve a series of emails sent from Selectman Len Simon to the rest of our board. Mr. Simon has been sending us emails arguing in opposition of a Rail Trail Greenway in Sudbury which recently passed Town Meeting with a unanimous vote. Mr. Simon recently announced that he has resigned and stopped all his financial dealings with the Board of the Bruce Freeman Rail Trail which has a relationship with a design firm called GPI. Selectman Simon sent us an email arguing to award GPI a town contract as a single source bidder without any competitive bid process. Despite Selectman Simon's arguments the board did agree to a competitive bid process and after that process, GPI was not chosen as the most appropriate vendor to serve our interests.

Selectman Simon has sent our Board emails arguing against the Rail Trail Greenway which he is in staunch opposition and other topics he feels strongly about for about a year now. When this was brought to Chairman Woodard's attention he stated in public meeting that "as long as no one responds, Lenny can send those emails." Chairman Woodard allowed the emails to continue. When complaints from citizens who support the Rail Trail Greenway were sent to our Public Body, Chairman Woodard asked Paul Kenny to address those complaints without asking the rest of our Board our opinion or gaining the proper authority (quorum majority vote) to do so.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

The Board of Selectmen should review these complaints in open session and discuss under what circumstances members of the board should send emails to the rest of the board. The Board of Selectmen should also discuss the Open Meeting Law and make sure that all members understand the law and understand what constitutes a violation.

**Review, sign, and submit your complaint****I. Disclosure of Your Complaint.**

**Public Record.** Under most circumstances, your complaint, and any documents submitted with your complaint, will be considered a public record and available to any member of the public upon request. In response to such a request, the AGO generally will not disclose your contact information.

**II. Consulting With a Private Attorney.**

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

**III. Submit Your Complaint to the Public Body.**

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: RA [Signature]

Date: 10-15-14

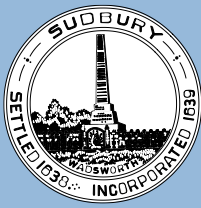
For Use By Public Body

For Use By AGO

Date Received by Public Body: Date Received by AGO:



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SUDBURY BOARD OF SELECTMEN  
Tuesday, October 28, 2014

**Discussion Item**

**10: Discussion of additional Sunday sale hours - Kappy's Distributors**

REQUESTOR SECTION

Date of request: October 10, 2014

Requested by: Leila S. Frank

Formal Title: Discussion and vote whether to approve Kappy's Distributors request to extend Sunday sale Hours of alcoholic beverages

Recommendations/Suggested Motion/Vote: Discussion and vote whether to approve the application of Kappy's Distributors to extend the Sunday sale hours of alcoholic beverages from 12:00 Noon - 6:00 PM to 10:00 AM - 6:00 PM

Background Information:

See attached application. Effective 9/8/14, the ABCC has permitted package stores to sell alcoholic beverages beginning at 10:00 AM on Sundays. Licensees are required to notify the LLA of this change of hours to request approval.

Financial impact expected:N/A

Approximate agenda time requested: 5 min

Representative(s) expected to attend meeting:

Review:

Patty Golden	Completed	10/10/2014 1:44 PM
Maureen G. Valente	Pending	
Paul Kenny	Pending	
Charles C. Woodard	Pending	
Board of Selectmen	Pending	10/28/2014 7:30 PM

MEETING NOTES SECTION

Board's action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

Print Form

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

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION  
MONETARY TRANSMITTAL FORM

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

REVENUE CODE: RETA

CHECK PAYABLE TO ABCC OR COMMONWEALTH OF MA:

NO FEE

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

1875

LICENSEE NAME:

YBF, Inc. dba. Kappy's Distributors

ADDRESS:

474 Boston Post Post Rd.

CITY/TOWN:

Sudbury

STATE

MA

ZIP CODE

01776

TRANSACTION TYPE (Please check all relevant transactions):

- Change of Hours
- Change of DBA
- Charity Wine License

RECEIVED  
BOARD OF SELECTMEN  
SUDBURY, MA  
2014 OCT 10 A 11:47

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

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

Attachment: Kappy's Liquors Change of Hours vs.pdf (1064 : Discussion of additional Sunday sale hours - Kappy's Distributors)



## Change of Hours Checklist

**This application will be returned if the following documentation is not submitted:**

- Vote of Corporate Board or LLC

Note: No fee is required for this transaction as formal ABCC approval is not necessary

October 7, 2014

YBF, Inc.  
Kappy's Distributors  
474 Boston Post Road  
Sudbury, MA 01776

TO: Sudbury Board of Selectmen  
RE: Request to Extend Sunday Hours

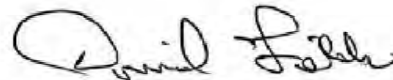
Sirs,

Please extend our request to change our Sunday store hours to 10 a.m. to 6 p.m. in accordance with state regulations. Effective 10/26/14.

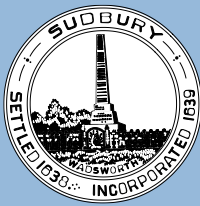
Sincerely,  
Board of Directors, YBF, Inc.



Michael Young, President & Secretary



David Fields, Vice President & Treasurer



SUDBURY BOARD OF SELECTMEN

Tuesday, October 28, 2014

**Consent Calendar Item  
11: Minutes Approval**

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Vote to approve the Executive Session meeting minutes of Sept. 19, 2014, and the Regular Session and Executive Session meeting minutes Of October 14, 2014.

Recommendations/Suggested Motion/Vote: Vote to approve the Executive Session meeting minutes of Sept. 19, 2014, and the Regular Session and Executive Session meeting minutes Of October 14, 2014.

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Maureen G. Valente	Pending
Paul Kenny	Pending
Charles C. Woodard	Pending
Board of Selectmen	Pending

10/28/2014 7:30 PM

MEETING NOTES SECTION

Board's action taken:

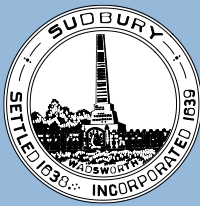
Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

Future agenda date:



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SUDBURY BOARD OF SELECTMEN  
Tuesday, October 28, 2014

**Consent Calendar Item**  
**12: Election Officers appointments**

REQUESTOR SECTION

Date of request: October 21, 2014

Requested by: Patty Golden

Formal Title: Vote to appoint Sudbury registered voters, Michael C. Bennett of 86 Robbins Road and Sandra Johnson of 103 Puritan Lane, as Unenrolled Election Officers for terms to expire on August 14, 2015, as recommended by the Town Clerk.

Recommendations/Suggested Motion/Vote: *Vote to appoint Sudbury registered voters, Michael C. Bennett of 86 Robbins Road and Sandra Johnson of 103 Puritan Lane, as Unenrolled Election Officers for terms to expire on August 14, 2015, as recommended by the Town Clerk.*

Background Information:  
See attached applications

Financial impact expected:n/a

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Completed	10/21/2014 11:04 AM
Maureen G. Valente	Pending	
Paul Kenny	Pending	
Charles C. Woodard	Pending	
Board of Selectmen	Pending	10/28/2014 7:30 PM

MEETING NOTES SECTION

Board's action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

Future agenda date:



# Town of Sudbury

Town Clerk's Office

Town Hall  
322 Concord Road  
Sudbury, MA 01776-1843  
978-639-3351  
Fax: 978-443-0264  
clerk@sudbury.ma.us

## Application for Appointment as Election Official

I hereby apply for a position as Election Official in the Town of Sudbury for a one year term effective from the date of appointment through August 14. I understand that I will be responsible to work at the polling location and in the position as assigned by the Board of Registrars of Voters for each Election Day during this period. I swear that I am a resident of the Commonwealth, a registered voter in the Commonwealth, a citizen of the United States and at least 18 years of age.

Name: SANDRA JOHNSON

Address: 103 PURITAN LANE

Telephone:   
Email Address: 

I swear that the above statements are true: Sandra N. Johnson  
Signature

Precinct 4

Party Not Unenrolled 9/16/14  
Date

### PREFERRED SHIFTS

- 6:30a.m. - 2p.m. OR TOWN HALL (4)
- 2p.m. - End OR
- Teller: 8:00 p.m. until Completion of Tallying

**PLEASE NOTE:** Election officials are appointed by the Selectmen and assigned by the Board of Registrars.

14 SEP 16 PM 1:15  
TOWN CLERK'S OFFICE

You must attend a training session before you can work.

Attachment: Sandra Johnson 9.16.2014 (1072 : Election Officers appointments)





# Town of Sudbury

Town Clerk's Office

Town Hall  
322 Concord Road  
Sudbury, MA 01776-1843  
978-639-3351  
Fax: 978-443-0264  
clerk@sudbury.ma.us

## Application for Appointment as Election Official

I hereby apply for a position as Election Official in the Town of Sudbury for a one year term effective from the date of appointment through August 14. I understand that I will be responsible to work at the polling location and in the position as assigned by the Board of Registrars of Voters for each Election Day during this period. I swear that I am a resident of the Commonwealth, a registered voter in the Commonwealth, a citizen of the United States and at least 18 years of age.

Name: MICHAEL C. BENNETT

Address: 56 ROBBINS ROAD  
SUDBURY, MA 01776

Telephone: [REDACTED]  
Email Address: [REDACTED]

I swear that the above statements are true. [Signature]  
Signature

Precinct \_\_\_\_\_

Party J

9/2/17  
Date

- PREFERRED SHIFTS**
- 6:30a.m. - 2p.m.      OR
  - 2p.m. - End      OR
  - Teller: 8:00 p.m. until Completion of Tallying

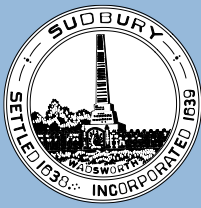
**PLEASE NOTE:** Election officials are appointed by the Selectmen and assigned by the Board of Registrars.

14 SEP -2 AM 10:33

You must attend a training session before you can work.

Attachment: Bennett, Michael\_Application (1072 : Election Officers appointments)

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SUDBURY BOARD OF SELECTMEN  
Tuesday, October 28, 2014

**Consent Calendar Item**

**13: Appointments to Strategic Financial Planning Committee for Capital Funding**

REQUESTOR SECTION

Date of request: October 23, 2014

Requested by: Patty Golden

Formal Title: Vote to appoint Joan Carlton (FinCom), 47 Old Coach Road, Michael Lane (CIAC) 493 Dutton Road, Elena Kleifges (LS) 14 Spruce Lane, to the Strategic Financial Planning Committee for Capital Funding, for a term ending June 30, 2015.

Recommendations/Suggested Motion/Vote: Vote to appoint Joan Carlton (FinCom), 47 Old Coach Road, Michael Lane (CIAC) 493 Dutton Road, Elena Kleifges (LS) 14 Spruce Lane, to the Strategic Financial Planning Committee for Capital Funding, for a term ending June 30, 2015.

Background Information:

Financial impact expected:N/A

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Maureen G. Valente	Pending
Paul Kenny	Pending
Charles C. Woodard	Pending
Board of Selectmen	Pending

10/28/2014 7:30 PM

MEETING NOTES SECTION

Board's action taken:

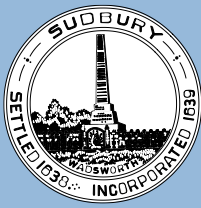
Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

Future agenda date:



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SUDBURY BOARD OF SELECTMEN

Tuesday, October 28, 2014

**Consent Calendar Item**

**14: Appointment of William Ray as alternate member of ZBA**

REQUESTOR SECTION

Date of request: October 20, 2014

Requested by: Patty Golden

Formal Title: Appoint William Ray, 29 Cranberry Circle, as an Alternate Member of the Zoning Board of Appeals and member of the Earth Removal Board, for a term ending 5/31/15, as recommended by Benjamin Stevenson, Chairman, Board of Appeals in a memo dated 10/6/14.

Recommendations/Suggested Motion/Vote: Vote to appoint William Ray, 29 Cranberry Circle, as an alternate member of the Zoning Board of Appeals and member of the Earth Removal Board, for a term ending 5/31/15, as recommended by Benjamin Stevenson, Chairman, Board of Appeals in a memo dated 10/6/14.

Background Information:  
See attached application

Financial impact expected:N/A

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Maureen G. Valente	Pending
Paul Kenny	Pending
Charles C. Woodard	Pending
Board of Selectmen	Pending

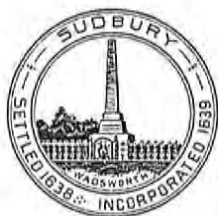
10/28/2014 7:30 PM

MEETING NOTES SECTION

Board's action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:



# Town of Sudbury

## Board of Appeals

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

appeals@sudbury.ma.us

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

October 6, 2014

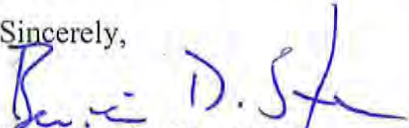
Mr. Chuck Woodard, Chairman  
Board of Selectmen  
Flynn Building  
278 Old Sudbury Road  
Sudbury, MA01776

Dear Chuck,

I am writing to recommend to the Board of Selectmen the appointment of William Ray as an alternate member of the Zoning Board of Appeals and member of the Earth Removal Board.

Mr. Ray, a relatively new resident of Sudbury, will bring fresh enthusiasm and a desire to serve his community. Mr. Ray's professional experience is in Corporate Development and Sales. He has had extensive interactions with the Zoning Boards of Maynard and Concord from dealings with past projects near his home on Cranberry Circle which will translate well to Sudbury's Zoning activities.

Please feel free to contact me if you have any questions about Mr. Ray as a candidate. I can be reached at 978/443-4791.

Sincerely,  
  
Benjamin D. Stevenson  
Chairman



### 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: Zoning Board of Appeals

Name: William Ray  
Address: 29 Cranberry Circle, Sudbury, MA 01776 Email Address: [REDACTED]  
Home phone: [REDACTED] Work or Cell phone: [REDACTED]

Years lived in Sudbury: 10 years  
Brief resume of background and pertinent experience:

I currently serve as Vice President, Corporate Development and Federal Sales at Basis Technology located in Cambridge, MA. Previous positions in marketing and business development were held at FlashPoint Technology, the National Basketball Association and the Ivy League Athletic Conference Office.

Municipal experience (if applicable):

Educational background:

B.A. Economics, Wake Forest University  
M.A. Athletic Administration, University of Richmond

Reason for your interest in serving:

I have been interested in serving the town for a couple of years now and recently discovered that the ZBA had openings. I believe that serving on the ZBA suits my strengths and corporate experience. Additionally, I have interacted with the Zoning Boards of Maynard and Concord from past projects near Cranberry Circle and will bring that experience to the Sudbury ZBA if selected to serve.

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

Evenings and weekends

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

No

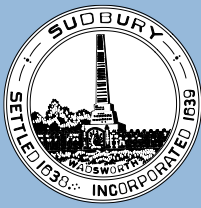
WWR (Initial here that you have read, understand and agree to the following statement)

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 William Ray Digital signed by William Ray  
DN: cn=William Ray, ou=ZBA, o=Sudbury, ou=selectmen@selectmen.ma.us  
Date: 2014.03.22.05:44:43.07 Date 3/24/14

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SUDBURY BOARD OF SELECTMEN

Tuesday, October 28, 2014

**Consent Calendar Item**

**15: Appointment of John Riordan as alternate member of ZBA**

REQUESTOR SECTION

Date of request: October 20, 2014

Requested by: Patty Golden

Formal Title: Appoint John Riordan, 12 Pendleton Road, as an Alternate Member of the Zoning Board of Appeals and member of the Earth Removal Board, for a term ending 5/31/15, as recommended by Benjamin Stevenson, Chairman, Board of Appeals in a memo dated 10/6/14.

Recommendations/Suggested Motion/Vote: Vote to appoint John Riordan, 12 Pendleton Road, as an alternate member of the Zoning Board of Appeals and member of the Earth Removal Board, for a term ending 5/31/15, as recommended by Benjamin Stevenson, Chairman, Board of Appeals in a memo dated 10/6/14.

Background Information:  
See attached application

Financial impact expected:N/A

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Completed	10/20/2014 12:23 PM
Maureen G. Valente	Pending	
Paul Kenny	Pending	
Charles C. Woodard	Pending	
Board of Selectmen	Pending	10/28/2014 7:30 PM

MEETING NOTES SECTION

Board's action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:





# Town of Sudbury

## Board of Appeals

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

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

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

October 6, 2014

Mr. Chuck Woodard, Chairman  
Board of Selectmen  
Flynn Building  
278 Old Sudbury Road  
Sudbury, MA01776

Dear Chuck,

I am writing to recommend to the Board of Selectmen the appointment of John Riordan as an alternate member of the Zoning Board of Appeals and member of the Earth Removal Board.

Mr. Riordan has lived in Sudbury for twenty-eight years and he brings a welcome willingness to serve his town. He currently works as a Deputy General Counsel and litigator for a Commonwealth of Massachusetts state agency and has past experience in economic development and urban planning. His familiarity with 40B and other state housing incentive and development programs will be particularly helpful to the Board when reviewing Comprehensive Permits.

Please feel free to contact me if you have any questions about Mr. Riordan as a candidate. I can be reached at 978/443-4791.

Sincerely,

Benjamin D. Stevenson  
Chairman

### 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: Zoning Board of Appeals

Name: John Riordan  
Address: 12 Pendleton Road Email Address: [REDACTED]  
Home phone: [REDACTED] Work or Cell ph: [REDACTED]

Years lived in Sudbury: 28

Brief resume of background and pertinent experience:  
Attorney currently working as a Deputy General Counsel and litigator for a Commonwealth of Massachusetts state agency, with past experience in economic development and urban planning. Also, extensive background in taxation and legislation. Familiar with MGL ch. 40B and other state housing incentive and development programs.

Municipal experience (if applicable):  
Economic development director for City of Marlborough economic development corporation 2006-2008. No prior service on a Sudbury board or committee.

Educational background:  
Boston College, B.A. 1973, Boston College Law School, J.D. 1976, Georgetown University Extension Program, post-graduate course work in Economics.

Reason for your interest in serving:  
Service to my community where my legal experience and extensive knowledge of statutory and regulatory law would be a good fit and value added to a town committee or board.

Times when you would be available (days, evenings, weekends):  
Available most weekday evenings, except for third Thursday of month (serving on charitable board).

Do you or any member of your family have any business dealings with the Town? If yes, please explain:  
No.

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

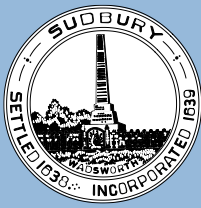
I agree that if appointed, I will work toward furtherance of the committee's mission statement; and further, I agree that I will conduct my committee activities in a manner which is compliant with all relevant State and Local laws and regulations, including but not limited to the Open Meeting Law, Public 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 John D. Riordan Date July 7, 2014

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SUDBURY BOARD OF SELECTMEN  
Tuesday, October 28, 2014

**Consent Calendar Item**  
**16: FY15 Q1 Town Trust Statements**

REQUESTOR SECTION

Date of request: October 21, 2014

Requested by: Andrea Terkelsen

Formal Title: Vote to accept the FY15 Q1 Town Trust Statements as submitted by the Town Treasurer

Recommendations/Suggested Motion/Vote: Vote to accept the FY15 Q1 Statements for the Pooled Town Trusts as submitted by the Town Treasurer.

Background Information:

This is the normal quarterly statement package to be provided to the Board. No further action by the Board is needed.

Financial impact expected:None

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Completed	10/21/2014 2:16 PM
Maureen G. Valente	Completed	10/21/2014 2:17 PM
Paul Kenny	Pending	
Charles C. Woodard	Pending	
Board of Selectmen	Pending	10/28/2014 7:30 PM

MEETING NOTES SECTION

Board's action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

Future agenda date:

1060

The attached cover memo will be updated and included with the trust statements going forward. Please contact Andrea Terkelsen for further details.

Attachment: Cover Memo (1073 : FY15 Q1 Town Trust Statements)

## MEMORANDUM

Date: October 21, 2014  
 To: Board of Selectmen  
 From: Andrea L. Terkelsen, Treasurer/Collector  
 Subject: FY15 Q1 Town Trust Statement

---

**To be Voted:** Move that the Board of Selectmen, as co-trustees of all town trust donations, accept receipt of the latest quarterly statement for fiscal year 2015, as submitted by the Town Treasurer.

**Background:** Beginning more than 300 years ago, various trust funds have been established according to the wishes of the donors. Since these trusts represent long-term, often perpetual assets, the Board of Selectmen decided a number of years ago to establish the trustees of town trust donations to oversee these funds. Trustee membership consists of the Board of Selectmen and the Town Treasurer. The Town Treasurer is responsible for making investment decisions, monitoring portfolio performance, reconciling all account activities and providing the Board with recommendations for spending limits on a fiscal year basis. Statements are also provided to the Board on an interim basis. These statements are provided for informational purposes only. No further action is required by the Board at this time.

**Statement Content and Comments:**

The Board is provided a statement on a quarterly basis. This statement includes the following:

Page 1: Investments. This statement shows the pooled trust investment results and year-end balances. All investment positions are currently with Charles Schwab & Company, Inc. All investments are directly managed and controlled by the Town Treasurer. However, as Treasurer, I do consult periodically with Fred Prior, David Pettit and Dan Flanagan, all of whom are Sudbury residents with extensive professional investment advisory credentials. The outlook for FY15 remains cautiously optimistic.

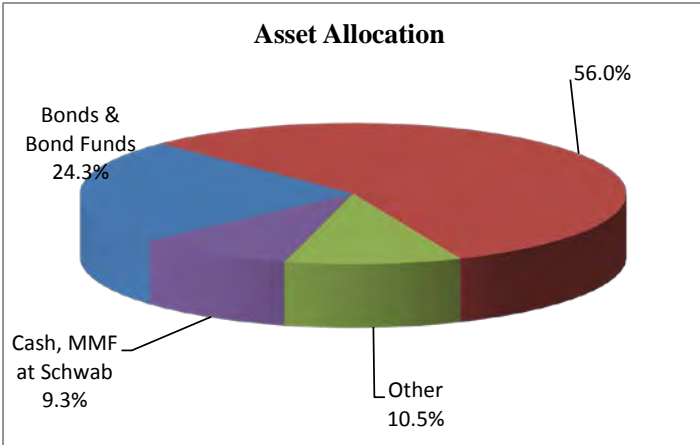
Page 2: Disbursements. Disbursements are authorized by trustees to pay for a variety expenses throughout the fiscal year, not to exceed the spending limits set by the Board of Selectmen. As co-trustees of this fund group you are asked to set maximum spending limits. Actual payment authorization resides with other Boards, Committees and/or designated Town staff. The limits set by the Board of Selectmen and Town Treasurer may be changed during the year, if necessary by following the same approval process as being considered by you this evening. Any spending authorization remaining at the end of a fiscal year simply ends without any financial or budgetary impact to the trusts.

Page 3: Balances. This page provides a summary of each trust as of the end of the current quarter. As the year progresses, I may provide the Board with additional comments explaining significant events. Otherwise, I look forward to presenting the Q4/year-end statements to the Board along with my spending recommendations for FY16.



**Town of Sudbury  
Town Trust Investments  
as of September 30, 2014**

	Market Value	Unrealized Gain/(Loss)	% Gain/(Loss)
<b>Portfolio Composite:</b>			
Bonds & Bond Funds	\$ 474,025	\$ (11,045)	-2.3%
	\$ 1,094,259	\$ 180,906	16.5%
Other	\$ 204,358	\$ 60,783	29.7%
Cash, MMF at Schwab	\$ 182,046	\$ -	0.0%
	<u>\$ 1,954,688</u>	<u>\$ 230,644</u>	<u>11.8%</u>
	-	-	-
FY Income/Earnings	\$ 9,286		
FY Market Value Changes	\$ (27,120)		
FY changes excld. Deposits/transfers	<u>\$ (17,834)</u>		



**Investment Portfolio  
as of September 30, 2014**

	% of Portfolio	Shares	Price Current	Market Value	Average Cost Basis	Unrealized Market Gain/(Loss)
<b>Investments - Bonds &amp; Bond Funds</b>						
Vanguard GNMA Fund	11.27%	20,586.11	\$ 10.70	220,271.38	226,523.21	(6,251.83)
Vanguard Inter Term	5.67%	11,239.77	\$ 9.86	110,824.09	113,446.90	(2,622.81)
Vanguard Short-Term Treasury	7.31%	13,382.93	\$ 10.68	142,929.72	145,099.90	(2,170.18)
<b>Total:</b>	<b>24.25%</b>	<b>45,208.81</b>		<b>474,025.19</b>	<b>485,070.01</b>	<b>(11,044.82)</b>
<b>Investments - Equities &amp; Equity Funds</b>						
<b>Fidelity Contra Fund</b>	13.65%	2,639.71	\$ 101.10	266,874.68	176,976.20	89,898.48
<b>Harbor International Fund Inst CL</b>	10.96%	3,106.74	\$ 68.97	214,271.65	174,974.75	39,296.90
<b>PIMCO All Asset Instl Cl</b>	10.15%	16,155.09	\$ 12.28	198,384.49	200,076.00	(1,691.51)
<b>Vanguard Emerging Mkts Stock Index Fund</b>	7.44%	5,505.62	\$ 26.41	145,403.37	153,354.06	(7,950.69)
<b>Vanguard Div Appreciation</b>	13.78%	3,500.00	\$ 76.95	269,325.00	207,971.95	61,353.05
<b>Total:</b>	<b>55.98%</b>	<b>30,907.15</b>		<b>1,094,259.19</b>	<b>913,352.96</b>	<b>180,906.23</b>
<b>Investments - Other</b>						
<b>JP Morgan Exch Traded NT Alerian MLP</b>	10.45%	3,850.00	\$ 53.08	204,358.00	143,575.45	60,782.55
<b>Total:</b>	<b>10.45%</b>	<b>3,850.00</b>		<b>204,358.00</b>	<b>143,575.45</b>	<b>60,782.55</b>
<b>Investments - Cash &amp; MMF</b>						
<b>Cash &amp; MMF- at Charles Schwab</b>	9.31%	182,045.63	\$ 1.00	182,045.63	182,045.63	-
<b>TOTAL TRUST INVESTMENTS</b>				<u>1,954,688.01</u>	<u>1,724,044.05</u>	<u>230,643.96</u>

Attachment: Pooled Town Trusts FY15 Q1 Statement (1073 : FY15 Q1 Town Trust Statements)

**Town of Sudbury  
Town Trust Disbursements  
as of September 30, 2014**

Fund	Approved		Distribution
	Distributions FY15	Expenses FY15	Balance FY15
Forrest Bradshaw	0.00		0.00
Goodnow Library	25,000.00		25,000.00
Lydia Raymond	0.00		0.00
Rhoades Memorial	0.00		0.00
<b>Total: Goodnow Library</b>	<b>25,000.00</b>	<b>0.00</b>	<b>25,000.00</b>
Annie Thorpe			0.00
Cheri-Anne Cavanaugh	2,000.00		2,000.00
Discretionary/Charity	2,500.00		2,500.00
Raymond Mausoleum	0.00		0.00
Raymond Scholarship*	1,000.00		1,000.00
Tercentenary Fund	0.00		0.00
School Fund	0.00		0.00
Sept. 11 Memorial Fund	7,500.00	307.00	7,193.00
Perpetual Care	40,000.00	4,320.00	35,680.00
Garfield Trust	0.00		0.00
Haskell Field Loop Trail	0.00		0.00
Boundless Playgrd Maint	0.00		0.00
Wood-Davison House	0.00		0.00
Harry C Rice	0.00		0.00
<b>Total: Other</b>	<b>53,000.00</b>	<b>4,627.00</b>	<b>48,373.00</b>
<b>Total: Town Trust Funds</b>	<b>78,000.00</b>	<b>4,627.00</b>	<b>73,373.00</b>

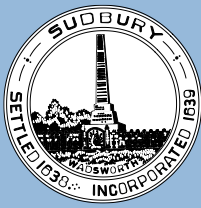
\*Approval occurs in May/June. FY14 actuals includes late disbursement for FY13 recipient and FY14.

**Town of Sudbury  
Town Trust Fund Balances  
as of September 30, 2014**

	Curr % of Total in Trust	NON EXPENDABLE PORTION			EXPENDABLE PORTION						Total FY15 YTD Balance	*Allocate Available C Balance
		7/1/2014 Balance	New Principal	FY14 YTD Balance	7/1/2014 Balance	Investment Income	Market Value Changes	New Expendable Principal	Distributions	FY15 YTD Balance		
Forest Bradshaw	0.06%	600.00		600.00	638.54	5.86	(17.11)		0.00	627.29	1,227.29	143
Goodnow Library	19.81%	254,386.30		254,386.30	133,852.90	1,836.86	(5,364.56)		0.00	130,325.20	384,711.50	29,844
Lydia Raymond	0.11%	854.79		854.79	1,390.75	10.62	(31.03)		0.00	1,370.34	2,225.13	313
Rhoades Memorial	0.42%	3,793.46		3,793.46	4,511.56	39.30	(114.76)		0.00	4,436.10	8,229.56	1,015
<b>Sub-Total: Goodnow Library</b>	<b>20.41%</b>	<b>259,634.55</b>	<b>-</b>	<b>259,634.55</b>	<b>140,393.75</b>	<b>1,892.64</b>	<b>(5,527.46)</b>	<b>-</b>	<b>-</b>	<b>136,758.93</b>	<b>396,393.48</b>	<b>31,318</b>
Annie Thorpe Fund	1.68%	6,222.27		6,222.27	26,747.95	155.99	(455.58)		0.00	26,448.36	32,670.63	6,056
Cheri-Anne Cavanaugh Fund	0.66%	1,045.04		1,045.04	11,968.95	61.57	(179.83)		0.00	11,850.69	12,895.73	2,713
Discretionary/Charity	3.49%	51,370.67		51,370.67	16,935.38	323.18	(943.85)		0.00	16,314.71	67,685.38	3,736
Ramond Mausoleum	0.29%	1,020.10		1,020.10	4,748.99	27.29	(79.73)		0.00	4,696.55	5,716.65	1,075
Raymond Scholarship	0.77%	13,879.50		13,879.50	1,130.21	71.01	(207.40)		0.00	993.82	14,873.32	227
Tercentenary Fund (Yr 2075)	0.04%	-		0.00	771.05	3.65	(10.66)		0.00	764.04	764.04	174
School Fund	0.21%	276.11		276.11	3,904.39	19.78	(57.76)		0.00	3,866.41	4,142.52	885
Sept 11 Memorial	1.82%	-		0.00	36,051.94	170.57	(498.16)		307.00	35,417.35	35,417.35	8,110
Perpetual Care	53.81%	827,327.28	1,475.00	828,802.28	229,999.73	5,002.50	(14,609.92)		4,320.00	216,072.31	1,044,874.59	49,481
Garfield Trust	2.69%	41,136.86		41,136.86	11,620.75	249.61	(729.00)		0.00	11,141.36	52,278.22	2,551
Haskell Field Loop Trail	0.43%	-		0.00	8,507.44	40.25	(117.56)		0.00	8,430.13	8,430.13	1,930
Boundless Playgrd Maint Trust	0.92%	-		0.00	18,004.52	85.19	(248.78)		0.00	17,840.93	17,840.93	4,085
Wood-Davison House	3.93%	-		0.00	77,012.40	364.37	(1,064.15)		0.00	76,312.62	76,312.62	17,475
Harry C Rice	8.83%	0.00		0.00	172,999.12	818.51	(2,390.47)		0.00	171,427.16	171,427.16	39,257
<b>Sub-Total: Other</b>	<b>79.59%</b>	<b>942,277.83</b>	<b>1,475.00</b>	<b>943,752.83</b>	<b>620,402.82</b>	<b>7,393.47</b>	<b>(21,592.85)</b>	<b>-</b>	<b>4,627.00</b>	<b>601,576.44</b>	<b>1,545,329.27</b>	<b>137,762</b>
<b>Total: Pooled Trust Funds</b>	<b>100.00%</b>	<b>1,201,912.38</b>	<b>1,475.00</b>	<b>1,203,387.38</b>	<b>760,796.57</b>	<b>9,286.11</b>	<b>(27,120.31)</b>	<b>-</b>	<b>4,627.00</b>	<b>738,335.37</b>	<b>1,941,722.75</b>	<b>169,080</b>

\*Allocated cash balance equals money market position(s) less funds still owed to Town for disbursements.





SUDBURY BOARD OF SELECTMEN  
Tuesday, October 28, 2014

**Consent Calendar Item**  
**17: Thanksgiving Serving Extension**

REQUESTOR SECTION

Date of request: October 21, 2014

Requested by: Leila S. Frank

Formal Title: Vote to approve a one-hour extension of the licensed closing hour and serving of alcoholic beverages for licensees who make application in advance to the Town Manager’s Office: No. 29 Sudbury, 29 Hudson Rd, and for Lavender, 519A Boston Post Road, (1AM to 2AM) on Thursday, November 27, 2014, (Thanksgiving Day) on the condition that the kitchen remains open and food is served. Following the close of the full menu, licensees must provide, at a minimum, five (5) assorted items up until thirty (30) minutes before closing.

Recommendations/Suggested Motion/Vote: Vote to approve a one-hour extension of the licensed closing hour and serving of alcoholic beverages for licensees who make application in advance to the Town Manager’s Office: No. 29 Sudbury, 29 Hudson Rd, and for Lavender, 519A Boston Post Road, (1AM to 2AM) on Thursday, November 27, 2014, (Thanksgiving Day) on the condition that the kitchen remains open and food is served. Following the close of the full menu, licensees must provide, at a minimum, five (5) assorted items up until thirty (30) minutes before closing.

Background Information:

Permission to extend the licensed closing hour and serving of alcoholic beverages by one hour on Thanksgiving Eve/Day, Thursday, November 27<sup>th</sup> to 1:00 a.m. Following the close of the full menu, licensees must provide, at a minimum, five (5) assorted items up until thirty (30) minutes before closing.

Financial impact expected:N/A

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Completed	10/21/2014 3:30 PM
Maureen G. Valente	Completed	10/21/2014 3:34 PM
Paul Kenny	Pending	
Charles C. Woodard	Pending	
Board of Selectmen	Pending	10/28/2014 7:30 PM

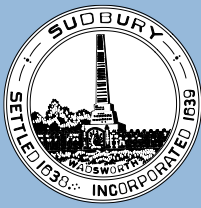
MEETING NOTES SECTION

Board's action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

Future agenda date:



SUDBURY BOARD OF SELECTMEN  
Tuesday, October 28, 2014

**Consent Calendar Item**

**18: Goodnow Library Foundation One Day Wine & Malt License**

REQUESTOR SECTION

Date of request: October 20, 2014

Requested by: Leila S. Frank

Formal Title: Vote to grant a 1-day Wine & Malt license to Goodnow Library Foundation, Inc, to accommodate a Wine & Cheese Reception on Monday, November 17, 2014 from 7:00 PM to 9:00 PM at Goodnow Library, 21 Concord Rd, subject to the use of a TIPS-trained bartender and receipt of a Certificate of Liability.

Recommendations/Suggested Motion/Vote: *Vote to grant a 1-day Wine & Malt license to Goodnow Library Foundation, Inc, to accommodate a Wine & Cheese Reception on Monday, November 17, 2014 from 7:00 PM to 9:00 PM at Goodnow Library, 21 Concord Rd, subject to the use of a TIPS-trained bartender and receipt of a Certificate of Liability.*

Background Information:

*Requested information provided with the exception of Certificate of Liability. Building Inspector, Police Dept, Fire Dept, and Board of Health expressed no issues.*

---

Financial impact expected:\$25 license fee to General Fund

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Completed	10/20/2014 1:05 PM
Maureen G. Valente	Completed	10/20/2014 1:22 PM
Paul Kenny	Pending	
Charles C. Woodard	Pending	
Board of Selectmen	Pending	10/28/2014 7:30 PM

MEETING NOTES SECTION

Board's action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:





# Town of Sudbury

Office of Selectmen  
www.sudbury.ma.us

RECEIVED  
BOARD OF SELECTMEN  
SUDBURY, MA

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)

2014 OCT 16 A 9:20

## 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.

Name of applicant: Goodnow Library Foundation Jim Greenfield

Address of applicant: 21 Concord Rd, Sudbury

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Organization Name: Goodnow Library Foundation

Name & Purpose of Event: lecture for parents. Wine and  
cheek to meet people in  
community after lecture

License Type Requested:  \$25 Wine & Malt - OR -  \$35 All Alcohol

Event Date: Nov. 17, 2014

Event Time: 7-9pm

Event Venue & Address: Goodnow library

### Documents Enclosed:

- Certificate of Liability naming the Town of Sudbury
- Proof of bartender(s) training/certification copy from Sudbury Wine
- 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: [BOsadmin@sudbury.ma.us](mailto:BOsadmin@sudbury.ma.us)

10/14/14  
Date

[Signature]  
Applicant Signature



95A Turnpike Road, 1st Floor - Westborough, MA 01581  
Toll Free (877) 366-1140 - FAX: (508) 836-4940

# LIQUOR LIABILITY DECLARATIONS

TYPE: Occurrence

Policy Number: 00073660LL

THIS DECLARATIONS PAGE AND ENDORSEMENTS, IF ANY, ARE PART OF YOUR POLICY.

**PRODUCER:**

Morrill Insurance Agency LLC  
17 Central Street  
Norwood, MA 02062

**NAME OF INSURED (mailing address):**

Goodnow Library Foundation  
21 Concord Road  
Sudbury, MA 01776

Producer's Code No.: 1720

POLICY PERIOD: From: 09/11/2014

To: 09/11/2015

Time: 12:00 AM

Standard Time at the address of the Insured Premises as stated herein.

**LOC NO. INSURED PREMISES**

001 21 Concord Road, Sudbury, Middlesex County MA, 01776

**LIMITS OF INSURANCE**

Limit: \$1,000,000	Per Person
Limit: \$1,000,000	Per Occurrence
Limit: \$2,000,000	Aggregate

Liquor Sales:

**DESCRIPTION OF BUSINESS**

FORM OF BUSINESS: Other

BUSINESS DESCRIPTION: Annual Temporary Event Policy - 700 Adult Attendees

Policy Number:  
00073660LL

**CLASSIFICATION AND PREMIUM**

LOC NO.	COVERAGE	CODE NO.	LIMIT OF LIABILITY	PREMIUM
001	temporary licenses - Annual Policies For Temporary Events (minimum 3 events at same location)	38		\$798
			Total Premium:	\$798

STATE TAX OR OTHER (if applicable) \_\_\_\_\_

TOTAL PREMIUM (SUBJECT TO AUDIT) \_\_\_\_\_ \$798

PREMIUM SHOWN IS PAYABLE:

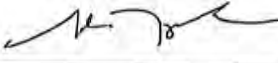
AT INCEPTION \_\_\_\_\_

AT EACH ANNIVERSARY \_\_\_\_\_

(IF POLICY PERIOD IS MORE THAN ONE YEAR AND PREMIUM IS PAID IN ANNUAL INSTALLMENTS)

AUDIT PERIOD (IF APPLICABLE)	<input checked="" type="checkbox"/> ANNUALLY	<input type="checkbox"/> SEMI-ANNUALLY	<input type="checkbox"/> QUARTERLY	<input type="checkbox"/> MONTHLY
------------------------------	--	--	------------------------------------	----------------------------------

Issued by: Hospitality Mutual Insurance Company  
95A Turnpike Road, 1st Floor  
Westborough, MA 01581

Countersigned by:  \_\_\_\_\_

All notices should be directed to the above address.



### SCHEDULE OF FORMS AND ENDORSEMENTS

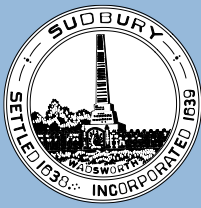
18.a

Packet Pg. 162

<b>POLICY NUMBER:</b> 00073660LL	<b>EFFECTIVE DATE:</b> 09/11/2014
-------------------------------------	--------------------------------------

<u>NUMBER</u>	<u>TITLE</u>
LL0 (1008)	Liquor Liability Coverage Form

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SUDBURY BOARD OF SELECTMEN

Tuesday, October 28, 2014

**Consent Calendar Item  
19: Gobble Wobble**

REQUESTOR SECTION

Date of request: October 20, 2014

Requested by: Leila S. Frank

Formal Title: Vote to Grant a Special Permit to Smile Mass, to Hold the “Gobble Wobble” 5K & 10K on Saturday, November 22, 2014, from 10:00 A.M. through approximately 11:30 A.M., Subject to Police Department Safety Requirements, Proof of Insurance Coverage and the Assurance that Any Litter Will be Removed at the Race’s Conclusion.

Recommendations/Suggested Motion/Vote: Vote to Grant a Special Permit to Smile Mass, to Hold the “Gobble Wobble” 5K & 10K on Saturday, November 22, 2014, from 10:00 A.M. through approximately 11:30 A.M., Subject to Police Department Safety Requirements, Proof of Insurance Coverage and the Assurance that Any Litter Will be Removed at the Race’s Conclusion.

Background Information:  
Please see attached

Financial impact expected:N/A

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Leila S. Frank	Pending	
Patty Golden	Completed	10/21/2014 2:11 PM
Maureen G. Valente	Pending	
Paul Kenny	Pending	
Charles C. Woodard	Pending	
Board of Selectmen	Pending	10/28/2014 7:30 PM

MEETING NOTES SECTION

Board’s action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:





**TOWN OF SUDBURY**

Office of Selectmen  
www.sudbury.ma.us

RECEIVED  
BOARD OF SELECTMEN  
SUDBURY, MA

2014 OCT 14 A 10:50

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 A CHARITABLE WALK/RELAY PERMIT ON A PUBLIC WAY

Written permission to conduct a fundraising walk or relay race in any public street, public sidewalk or public way within the Town must be obtained from the Board of Selectmen prior to the event. The Chief of Police will determine the appropriate public safety requirements for this event and the cost of such special duty officers, if any required, will be borne by the applicant. The Town of Sudbury requires a Certificate of Insurance of no less than \$1,000,000, naming the Town as an additional insured. All cleanup from the event will be completed by the applicant within 8 hours after the stated ending time or applicant will be billed for the Towns cost to clean up. Application processing can take up to four weeks as approval from the Police, Building and Park & Recreation departments may be required prior to Board of Selectmen approval. Processing begins after all required materials are received, so please plan accordingly.

Organization Name SMILE MASS

Event Name Gobble Wobble For SMILE MASS

Organization Address 66 Dudley rd. Sudbury MA

Name of contact person in charge \_\_\_\_\_

Telephone Number(s) of contact \_\_\_\_\_

Email address info@smilemass.org

Date of event 11/22/14 Rain Date —

Starting time 10:00 Ending time 11:30

Route of the race/relay and portion of the road requested to be used (please indicate on map and attach to this application) 5K + 10K maps attached

Anticipated number of participants 300 (200 adults / 100 kids)

Assembly area (enclose written permission of owner if private property to be used for assembly) \_\_\_\_\_

Cornis middle school - booked w/ SAS

Organization that proceeds will go to SMILE MASS

Any other important information we would like to place traffic cones on dudley rd and pratts mill rd. as there are no →

*The undersigned applicant agrees that the applicant and event participants will conform to applicable laws, by-laws and regulations as well as any special requirement that may be made as a condition of the granting of permission pursuant to this application. I/we agree to hold the Town of Sudbury harmless from any and all liability and will defend the Town of Sudbury in connection therewith.*

Signature of Applicant [Signature]

Date 10/10/14

Attachment: Gobble Woble 2014\_ve (1068 : Gobble Wobble)





**TOWN OF SUDBURY**

*Office of Selectmen*  
*www.sudbury.ma.us*

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

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

CONTINUED: APPLICATION FOR A CHARITABLE WALK/RELAY PERMIT...

Application Checklist:

- Application Form
- Map of Route 2 - 5K + 10K
- Evidence of Certificate of Insurance (please see details above)

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)

-----**FOR INTERNAL USE ONLY**-----

Application received in Selectmen's office by \_\_\_\_\_ Date \_\_\_\_\_

Recommendation and requirements of Sudbury Chief of Police: \_\_\_\_\_

\_\_\_\_\_

Signature of Police Chief \_\_\_\_\_ Date \_\_\_\_\_

Attachment: Gobble Woble 2014\_ve (1068 : Gobble Wobble)



Viewing gobble

green/146769857/

**SPORT® NUTRITIONAL SUPPLEMENT BARS FOR YOUR ACTIVE DOG.** [LEARN MORE](#)



**PURINA PRO PLAN**  
NUTRITION THAT PERFORMS™

<http://myrunmapmyrun.com>

MY HOME (/)

DISCOVER (/US/)

[susan \(/my\\_home/\)](#)

**IMPROVE (/IMPROVE/)**

Choose map location

Address or Zip/Postal

SEARCH

[EDIT \(/ROUTES/EDIT/146769857/\)](#)

[COPY \(/ROUTES/COPY/146769857/\)](#)

CLOSE

[Import \(/workout/import/dashboard/\)](#)

**GOBBLE WOBBLE 2**

**Begins in:** Sudbury, MA, United States

**Creator:** [susangbrown \(/profile/17227785/\)](#)

**Privacy:** Friends

Describe this map

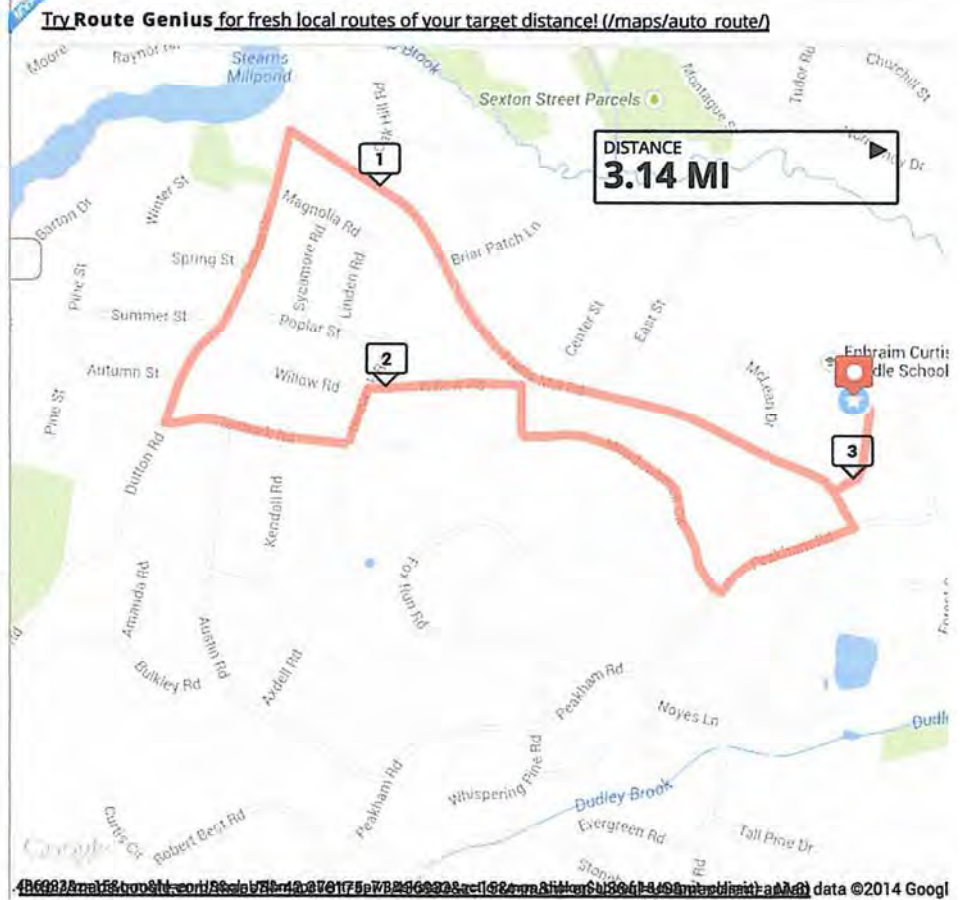
► **Directions / Notes**

[Print \(/routes/print/146769857/\)](#)

**SPORT® NUTRITIONAL SUPPLEMENT BARS FOR YOUR ACTIVE DOG.**



**PURINA PRO PLAN**  
NUTRITION THAT PERFORMS™



5K route

Support

[http://login](#)

Attachment: Gobble Wobble 2014\_ve (1068 : Gobble Wobble)

► [Elevation](#)



RUN FOR RESCUES

JOIN THE CHALLENGE

(http://my.mapmyrun.com)

MY HOME (/)

DISCOVER (/US/)

susan (/my\_home/)

IMPROVE (/IMPROVE/)

Choose map location

Address or Zip/Postal

SEARCH

EDIT (/ROUTES/EDIT/556407164/)

COPY (/ROUTES/COPY/556407164/)

CLOSE

Import (/workout/import/dashboard/)

### GOBBLE WOBBLE 10K

Begins in: Sudbury, MA, United States

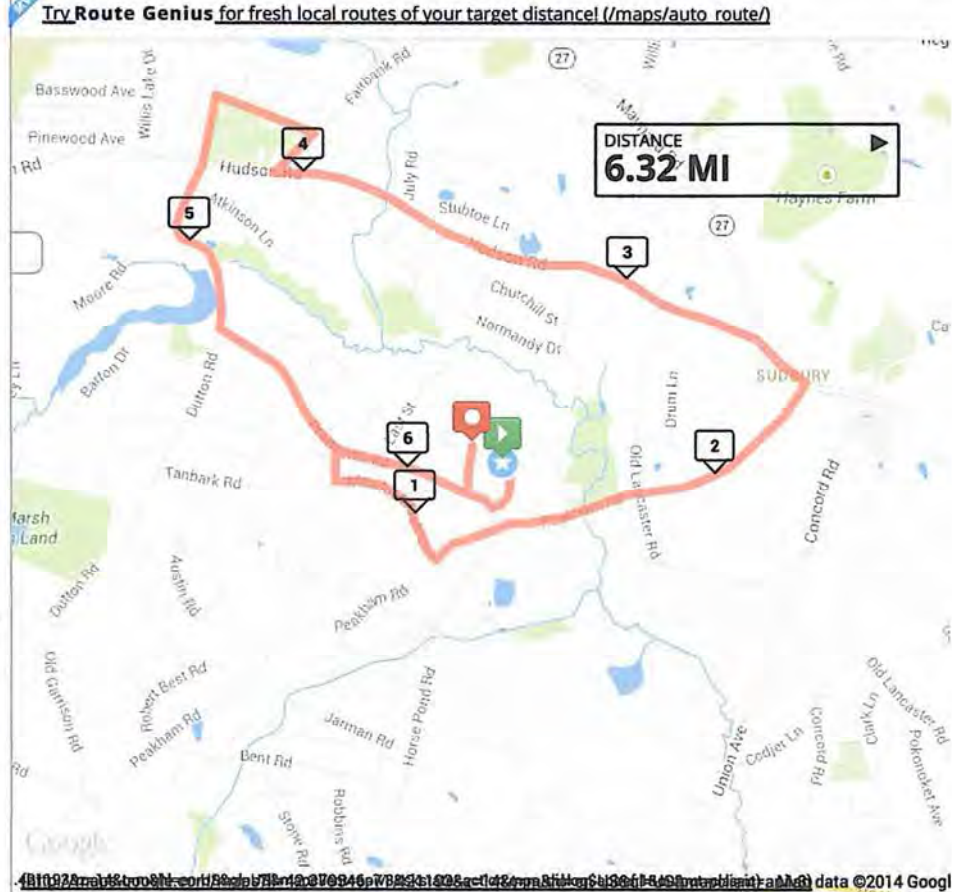
Creator: [susangbrown \(/profile/17227785/\)](#)

Privacy: Friends

This is a 6.32 mi route in Sudbury, MA, United States. This map was created by [susangbrown \(/profile/17227785/\)](#) on 10/10/2014. [View other maps \(/profile/17227785/\)](#) that susangbrown has done or [find similar maps in Sudbury \(/routes/?location=Sudbury\)](#)

Directions / Notes

[\(/routes/print/556407164/\)](#)



10K route

Support

[\(http://login\)](#)

Attachment: Gobble Wobble 2014\_ve (1068 : Gobble Wobble)

[Print](#) | [Close Window](#)

**Subject:** Re: SMILE Mass cafeteria rental November 22, 2014  
**From:** Suzanne Lucey <[suzanne\\_lucey@sudbury.k12.ma.us](mailto:suzanne_lucey@sudbury.k12.ma.us)>  
**Date:** Wed, Apr 30, 2014 8:48 am  
**To:** Susan Brown <[susan@smilemass.org](mailto:susan@smilemass.org)>  
**Attach:** application\_agreement\_for\_use\_of\_school\_facilities (4).pdf

Hi Susan,

The cafeteria is available. I'll pencil you in but please send along the paperwork. I attached a copy of the form for you.

Thanks,  
Suzanne

On Tue, Apr 29, 2014 at 1:29 PM, <[susan@smilemass.org](mailto:susan@smilemass.org)> wrote:

Hi Suzanne,

SMILE Mass is looking to rent the Curtis Cafeteria again on November 22nd for our Gobble Wobble 5K Road Race.

We are looking for rental from 7:30 - 1:00 (same as last year).

Please let me know if this date is available.

Thanks,  
Susan Brown  
SMILE Mass  
[978-460-7410](tel:978-460-7410) (new cell phone)

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Attachment: Gobble Wobble 2014\_ve (1068 : Gobble Wobble)





## Gobble Wobble Department Feedback

### Fire Department Approval:

From: Miles, William  
Sent: Tuesday, October 14, 2014 2:03 PM  
Subject: **Accepted**: Smile Mass - Gobble Wobble

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### Highway Department Approval:

From: Place, Bill  
Sent: Monday, October 20, 2014 9:06 AM  
Subject: RE: Gobble Wobble

Leila, the **DPW has no issues with Gobble Wobble** Road Race on Nov. 22, 2014.

If they need barricades or safety cones they should let us know a week before the race.

Bill.

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### Park & Recreation Approval:

From: McShea, Nancy  
Sent: Tuesday, October 14, 2014 2:07 PM  
Subject: **Accepted**: Smile Mass - Gobble Wobble

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### Police Department Approval:

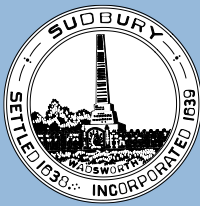
From: Nix, Scott  
Sent: Wednesday, October 15, 2014 10:30 AM  
Subject: **Accepted**: Smile Mass - Gobble Wobble

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Attachment: Gobble Wobble 2014\_ve (1068 : Gobble Wobble)

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SUDBURY BOARD OF SELECTMEN  
Tuesday, October 28, 2014

**Discussion Item**

**21: Vote to call Special Town Meeting/Special Town Election**

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Vote to call Special Town Meeting/Special Town Election, and discuss and vote on warrant articles and submission to CPC, and discuss ballot questions

Recommendations/Suggested Motion/Vote: Vote: To call a Special Town Meeting to be held on Wednesday, December 3, 2014, at 7:30 p.m. in the Lincoln-Sudbury Regional High School Auditorium, and to open the Warrant commencing October 28, 2014 and to close the Warrant for said Special Town Meeting at 5:00 p.m., Friday, November 7, 2014; and further

Vote: To call a Special Town Election to be held Tuesday, December 9, 2014, and to place the attached two Proposition 2 ½ debt exclusion Ballot Questions on the Warrant for the Special Town Election of December 9, 2014, with notification to the Town Clerk;

and further: for both ballot questions, the Board invites from residents the submission of written arguments not to exceed 250 words in opposition be sent to the Board of Selectmen’s office by 5 pm on Wednesday November 5<sup>th</sup>, 2014, from which Town Counsel will prepare the final arguments against passage, there being no known organized opposition to either ballot question;

And further: to vote to approve the draft warrant article relative to the Johnson Farm purchase question.

Background Information:

Financial impact expected:

Approximate agenda time requested: 5 min

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Maureen G. Valente	Pending
Paul Kenny	Pending
Charles C. Woodard	Pending
Board of Selectmen	Pending

10/28/2014 7:30 PM

## DRAFTS – Johnson Farm Ballot Question

Argument For: 126 words

The Johnson Farm’s environmental sensitivity and connection to significant protected open space in South Sudbury make it an ideal property for conservation use, and a poor choice for development. The property contains forest, meadows, wetlands, vernal pools, streams and a unique and varied habitat. Development on this property would have an irreversible and detrimental impact on these natural resources and would require filling of wetlands and replication. Its connectivity to other open lands creates a pristine wildlife corridor stretching from the Sudbury River to Nobscot Reservation, and supports many types of wildlife species. Development of the property could potentially exacerbate flooding concerns and impact drinking water supplies; increase traffic on Landham Road; and add significantly to the population of the Loring School, which already experiences overcrowding.

Argument Against: 127 words

The Johnson Farm property and the approved development plan would add much needed rental and affordable housing to Sudbury’s housing stock, bringing Sudbury closer to the state mandated goal of 10%. The diversity of housing style proposed for this property include types, sizes and price ranges that are not currently offered in Sudbury, and would provide housing opportunities for a variety of households who are under served in Sudbury’s housing market. The development is tightly clustered to avoid significant disturbance to the natural resources on the property, and over 50% of the property will be preserve in perpetuity under a conservation restriction. The Town will benefit from tax revenue generated by the development, and will preserve the rear portion of the property at no cost to taxpayers.

BALLOT QUESTION No. 1

Shall the Town of Sudbury be allowed to exempt from the provisions of Proposition two-and-one-half, so called, the amounts required to pay the bonds issued in order to remodel, reconstruct, or make extraordinary repairs consisting of partial roof replacement, window and door replacement, and envelope repair at the General John Nixon Elementary School, 472 Concord Road, including the payment of all costs incidental or related thereto.

Yes \_\_\_\_\_ No \_\_\_\_\_

Attachment: BALLOT QUESTION No 1 (Nixon School) (1079 : Vote to call Special Town Meeting/Special Town Election)



BALLOT QUESTION No. 2

Shall the Town of Sudbury be allowed to exempt from the provisions of Proposition two-and-one-half, so called, the amounts required to pay the bonds issued in order to purchase in fee simple including the payment of all costs incidental or related thereto, all or a portion of the land known as the Johnson Farm located at 189 Landham Road, containing 35 acres more or less, for conservation purposes.

Yes \_\_\_\_\_ No \_\_\_\_\_

Attachment: BALLOT QUESTION No 2 (Johnson Farm) (1079 : Vote to call Special Town Meeting/Special Town Election)