

SUDBURY BOARD OF SELECTMEN
 TUESDAY JUNE 9, 2015
 7:00 PM, SILVA ROOM, FLYNN BUILDING
 7:30 PM, TOWN HALL - LOWER LEVEL

Item #	Time	Action	Item
	7:00 PM		CALL TO ORDER
EXECUTIVE SESSION			
1.		<i>VOTE</i>	Open meeting in open session in Flynn Building Silva Room, and immediately vote to enter into Executive Session by roll call to discuss strategy with respect to litigation (Laura B. Abrams, Trustee (Plaintiff) JRH Trust v Conservation Commission (Defendant) regarding Appeal of the Con Com Order of Condition on the Bruce Freeman Rail Trail) if An Open Meeting May Have a detrimental effect on the litigating position of the public body and the chair so declares. Following Executive Session, vote to return to Regular Session at Lower Town Hall, 322 Concord Road.
2.		<i>VOTE</i>	Vote to end Executive Session and reconvene in Open Session and continue meeting at Lower Town Hall, 322 Concord Road
TIMED ITEMS			
	7:30PM		Opening remarks by Chairman
	7:35PM		Reports from Town Manager
	7:40PM		Reports from Selectmen
	7:50PM		Citizen's comments on items not on agenda
3.	8:00 PM	<i>VOTE</i>	Interview candidate for appointment to Board of Registrars. Following interview, vote to appoint Tatiana Vitvitsky, 99 Pokonoket Avenue, a registered Democrat, as a member of the Board of Registrars of Voters for a term to expire May 31, 2018.
4.	8:15 PM	<i>VOTE / SIGN</i>	As the Licensing Authority for the Town of Sudbury, vote to approve a new Common Victualler License for Kneading Pizza, 730 Boston Road, as requested in an application dated May 15, 2015, subject to conditions put forth by the Fire Department and Building Department.

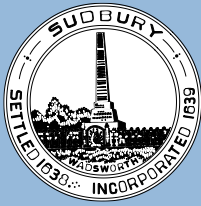
These agenda items are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

Item #	Time	Action	Item
5.	8:20 PM	<i>VOTE</i>	Discussion and vote on implementation of Listening Project recommendations (Jon Wortmann from Novel Communications will attend).
6.	8:35 PM	<i>VOTE</i>	Discussion and possible vote on responsibilities of Board of Selectmen Chair and Vice-chair
7.	8:50 PM	<i>VOTE</i>	Discussion and possible vote on procedure for adding items to the Board of Selectmen's agenda
8.	9:05 PM	<i>VOTE</i>	Discussion and possible vote on Liaison Assignments for 2015-2016
9.	9:25 PM	<i>VOTE</i>	Discussion and possible vote on Budget Strategy Task Force as requested by Finance Committee Chairman Susan Berry. Also discuss possible inaugural meeting date of 6/18, 6/22 or 6/24.
10.	9:35 PM		Discuss BOS requests for future agenda items.
MISCELLANEOUS			
11.		<i>VOTE / SIGN</i>	Vote to accept the resignation of Lawrence W. O'Brien as a Trustee of the Sudbury Housing Trust, and to appoint _____ as a successor Trustee for a 2 year term ending April 30, 2017.
12.		<i>VOTE</i>	Discussion regarding MRI timeline on Town Manager search process, and vote whether to approve draft advertisement. Also discuss/vote on a potential working session meeting date with MRI.
13.		<i>VOTE / SIGN</i>	Discussion and vote whether to extend the Employment Agreement dated February 24, 2015, appointing Maryanne Bilodeau as Interim Town Manager for the Town of Sudbury through and including September 28, 2015 with all terms and conditions of the Agreement remaining in full force and effect.
14.		<i>VOTE</i>	Due to Board members' vacation schedules, discuss whether to vote to reschedule the August 18 meeting to August 25.
CONSENT CALENDAR			
15.		<i>VOTE</i>	Vote to approve the regular session meeting minutes of 4/28/15, 5/13/15, and 5/28/15.
16.		<i>VOTE / SIGN</i>	Vote to sign proclamation declaring July as Park & Recreation month in Sudbury, as requested by Nancy McShea, Park & Recreation Director
17.		<i>VOTE</i>	Vote to appoint John Riordan, 12 Pendleton Road, and Ben Stevenson, 601 Peakham Road to the Earth Removal Board for terms ending May 31, 2016.
18.		<i>VOTE</i>	Vote to accept \$2,375 in miscellaneous donations to support Park and Recreation's Summer Concert Series, said funds to be deposited into the Park and Recreation Revolving 53 1/2 account, as requested by Nancy McShea, Park and Recreation Director.
19.		<i>VOTE</i>	Vote to accept a \$1,000 donation to be deposited into the Park and Recreation Pool Donations account, as requested by Nancy McShea, Park and Recreation Director.
20.		<i>VOTE</i>	Vote to Accept, on behalf of the town, a donation from Sudbury Wines, Spirits and Provisions, LLC for \$100 to be used by the Town of Sudbury for the purpose of the Sudbury Celebrates

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.

Item #	Time	Action	Item
			375/Sudbury Day Committee Celebration, and may be used for another similar purpose as authorized by the Board of Selectmen.
21.		<i>VOTE</i>	Vote to approve award of a FY16 contract by the Interim Town Manager for cleaning services at the DPW and Highway Garage offices, Town Hall, Flynn Building and Police Station and any subsequent renewal options, subject to review by Town Counsel.
22.		<i>VOTE</i>	Vote to approve the placement of seven signs announcing the July 4th Road Race at the following locations: west side of Concord Road at Featherland Park; northwest corner of Hudson and Fairbank Roads; southwest corner of Peakham and Old Lancaster Roads; Fire Headquarters, 77 Hudson Road (pending permission of Fire Chief); 221 Goodman's Hill Road; and 46 Union Avenue (Precourt Stone Co.); and northeast corner of Morse and Ridge Hill Road; from June 20th to July 5th, 2015, as requested by Graham R. Taylor, 221 Goodman's Hill Road, in a letter dated June 3, 2015.

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, June 9, 2015

EXECUTIVE SESSION

1: Enter into Executive Session

REQUESTOR SECTION

Date of request: June 5, 2015

Requested by: Patty Golden

Formal Title: Open meeting in open session in Flynn Building Silva Room, and immediately vote to enter into Executive Session by roll call to discuss strategy with respect to litigation (Laura B. Abrams, Trustee (Plaintiff) JRH Trust v Conservation Commission (Defendant) regarding Appeal of the Con Com Order of Condition on the Bruce Freeman Rail Trail) if An Open Meeting May Have a detrimental effect on the litigating position of the public body and the chair so declares. Following Executive Session, vote to return to Regular Session at Lower Town Hall, 322 Concord Road.

Recommendations/Suggested Motion/Vote: Open meeting in open session in Flynn Building Silva Room, and immediately vote to enter into Executive Session by roll call to discuss strategy with respect to litigation (Laura B. Abrams, Trustee (Plaintiff) JRH Trust v Conservation Commission (Defendant) regarding Appeal of the Con Com Order of Condition on the Bruce Freeman Rail Trail) if An Open Meeting May Have a detrimental effect on the litigating position of the public body and the chair so declares. Following Executive Session, vote to return to Regular Session at Lower Town Hall, 322 Concord Road.

Background Information:

This is a joint meeting with the Conservation Commission to discuss litigation.

See attached documents

Financial impact expected:n/a

Approximate agenda time requested: 30 minutes

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Maryanne Bilodeau	Pending
Barbara Saint Andre	Pending
Charles C. Woodard	Pending
Board of Selectmen	Pending

06/09/2015 7:00 PM

MEETING NOTES SECTION

Board's action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

Future agenda date:

TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED: —
TORT — MOTOR VEHICLE TORT — CONTRACT —
EQUITABLE RELIEF — OTHER

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT
DEPARTMENT
OF THE
TRIAL COURT
CIVIL ACTION
No. **15-3039B**

MIDDLESEX, ss



LAURA B. ABRAMS, Plaintiff(s)
TRUSTEE

v.

THOMAS FRIEDLANDER, Defendant(s)
ET AL

A TRUE COPY ATTEST

JDC
DEPUTY SHERIFF
Middlesex County

5/19/15
DATE OF SERVICE

SUMMONS

To the above-named Defendant: **TOWN OF SUDBURY**

You are hereby summoned and required to serve upon
..... plaintiff's attorney, whose address is

....., an answer to the complaint which is herewith
served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you
fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also
required to file your answer to the complaint in the office of the Clerk of this court at **WOBURN**.....
..... either before service upon plaintiff's attorney or within a
reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may
have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's
claim or you will thereafter be barred from making such claim in any other action.

Witness, **Judith Fabricant**, Esquire, at **WOBURN**.....
the **13th** day of **MAY**.....
....., in the year of our Lord **2015**.....

Richard A. Sullivan
Clerk

NOTES.

- 1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
- 2. When more than one defendant is involved, the names of all such defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

NOTICE TO DEFENDANT — You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein and also file the original in the Clerk's Office.

RECEIVED
BOARD OF SUPERVISORS
SUDBURY, MA
2015 MAY 19 P 2 11
ROBERT D. ABRAMS
ATTORNEY AT LAW
578 BOSTON POST RD., SUITE 1
SUDBURY, MA 01776
508-820-4343

COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX SUPERIOR COURT

MIDDLESEX, SS.

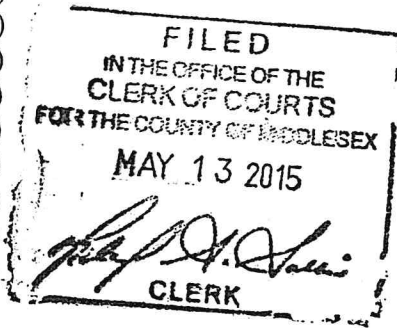
CIVIL ACTION NO.

15-3039B

LAURA B. ABRAMS,
TRUSTEE OF JRH TRUST, Plaintiff

VS.

THOMAS FRIEDLANDER, ROBERT
ELKIND, DAVID HENKELS, BRUCE
PORTER, CHARLES RUSSO, MARK
SEVIER, AND ELIZABETH ARMSTRONG,
INDIVIDUALLY AND AS THEY
CONSTITUTE THE SUDBURY
CONSERVATION COMMISSION, AND THE
TOWN OF SUDBURY



COMPLAINT IN THE NATURE OF CERTIORARI,
PURSUANT TO G.L. c.249, § 4 AND FOR
DECLARATORY RELIEF, PURSUANT TO G.L. c.231A

INTRODUCTION

This is an action in the form of Certiorari and concerning a violation of the Plaintiff Laura B. Abrams, Trustee's rights whereby the Sudbury Conservation Commission issued an Order of Conditions that exceeded its authority under M.G.L. c. 131, sec. 40 ("Act"), CMR 10.00 et seq ("Regulations") and the Sudbury Wetlands Protection Bylaw ("Bylaw").

PARTIES

1. Plaintiff, Laura B. Abrams, is Trustee of JRH Trust of 578 Boston Post Rd., Sudbury, Massachusetts.

2. Defendant Thomas Friedlander is an individual with a principal place of residence at 75 Water Row, Sudbury, Massachusetts, and is chairman of the Sudbury Conservation Commission.

3. Defendant, Robert Elkind is an individual with a principal place of residence at 38 Willard Grant Rd., Sudbury, Massachusetts, and is a member of the Sudbury Conservation Commission.

4. Defendant David Henkels is an individual with a principal place of residence at 17 Twin Pond Ln., Sudbury, Massachusetts, and is a member of the Sudbury Conservation Commission.

5. Defendant Bruce Porter is an individual with a principal place of residence at 42 Surrey Lane, Sudbury, Massachusetts, and is a member of the Sudbury Conservation Commission.

6. Defendant Charles Russo is an individual with a principal place of residence at 30 Juniper Rd., Sudbury, Massachusetts, and is a member of the Sudbury Conservation Commission.

7. Defendant Mark Sevier is an individual with a principal place of residence at 14 Arborwood Rd., Sudbury, Massachusetts, and is a member of the Sudbury Conservation Commission.

8. Defendant Elizabeth Armstrong is an individual with a principal place of residence at 166 Marlboro Rd., Sudbury, Massachusetts, and is Vice Chairman of the Sudbury Conservation Commission.

9. The individuals mentioned in Paragraphs No. 2 through 8 above constitute the duly appointed members of the Sudbury Conservation Commission.

10. The Town of Sudbury is a duly formed municipal corporation being a political subdivision of the Commonwealth of Massachusetts.

FACTS

11. In April of 2015 the Sudbury Conservation Commission ("Commission") issued an Order of Conditions (the "Order") to Jody Kablack, Town of Sudbury Town Planning/Community Development. A copy of the Order is attached hereto and marked Exhibit "A".
12. The Order has a date of issuance of April 10, 2015 on page 2 of 12.
13. The Order has a date of issue of April 7, 2015 on page 1 the Attachment to Order of Conditions.
14. The Order was not, in fact, issued to the Applicant and made available to the public until April 17, 2015.
15. Laura B. Abrams, Trustee of the JHR Trust ("Abutter"), is the owner of land immediately abutting the land subject to Order of Conditions for a distance of 1185.98 feet.
16. Laura B. Abrams, as she is Trustee of other Trusts is the owner of additional land immediately abutting the land subject to Order of Conditions for an additional distance of approximately 1200 feet.
17. According to the Notice of Intent ("NOI") filed on January 7, 2015, by Jody Kablack, Sudbury Town Planner, for the Town of Sudbury ("Town") as applicant ("Applicant"), the Massachusetts Executive Office of Transportation is the owner of an abandon railroad Right of Way ("ROW") sixty six feet wide by 4.4 miles long; the owner did not sign the NOI.
18. The Abutter, therefore, abuts more than ten percent of the ROW.
19. The NOI is purportedly for the clearing of a swath twelve feet wide in the ROW to enable the Town of Sudbury to survey the ROW in conjunction with its "twenty five percent design" of the Bruce Freeman Rail Trail ("BFRT").

20. On December 10, 2014 the Applicant sent a letter to the Abutter advising it that the Town's consulting engineers, Vanasse Hangen Brustlin, Inc. ("VHB") would be in the ROW cutting and flagging for survey work in connection with the Town's "twenty five percent design" of BFRT. A copy of the letter is attached hereto and marked Exhibit "B".

21. On December 16, 2014 the Abutter, by its attorney, gave notice to the Applicant that it did not have permission to enter its property in conjunction with the Applicant's proposed work. A copy of the notice is attached hereto and marked Exhibit "C".

22. Shortly thereafter, at the request of the Town, the Abutter by and through counsel met with Assistant Town Planner, James Kupfer, and repeated the admonition.

23. During the public hearing on the NOI Abutter by and through counsel asked VHB if it was able to confine all of its work to the ROW without entry onto private property.

24. On the record at the public hearing VHB responded that it would work only in the ROW.

25. Notwithstanding these admonitions and representations VHB flagrantly trespassed upon the Abutter's property hanging flags in multiple locations.

26. This information was unlawfully obtained by VHB and the Applicant.

27. At no time during the hearing process did the Applicant present a current on the ground survey identifying state and local resource areas.

28. Instead the Applicant submitted five year old plans purportedly showing wetland delineations depicted on a 2009 wetland survey that was never approved by the Commission and online maps with scales insufficient for such identification.

29. The Commission held a series of public hearings, conducted site visits, deliberated various issues and closed the public hearing on April 6, 2015.

30. The Conservation Commission inappropriately issued an Order of Conditions in April of 2015 allowing the requested work with General Conditions under the Wetland Protection Act and Special Conditions under the Sudbury Wetlands Bylaw.

31. The Applicant did not provide evidence or testimony that the area is not significant to the protection of any of the interests identified in M.G.L. c. 131, § 40.

32. The Applicant did not provide evidence or testimony that the work proposed will not have significant or cumulative negative effect upon the resource area values protected by the Sudbury Wetlands Bylaw section 12.

33. The Applicant did not provide evidence or testimony that the proposed work within a resource area will contribute to the protection of the interests identified in M.G.L. c. 131, § 40.

34. The Applicant has submitted faulty, inaccurate and insufficient information.

35. The Applicant has failed to conform to the provisions of the Act and of the Bylaw to meet the required burden of proof.

36. The Commission inappropriately and unlawfully approved the request and issued an inappropriate and unlawful Order of Conditions pursuant to the Act and the Bylaw approving the proposed activity.

37. The Commission cannot and did not properly assess the possibility of any harmful impact to wetland and upland resource areas based on the broad scale out dated information presented by the Applicant.

38. The NOI purports to seek approval for clearing a twelve foot wide strip along the ROW to facilitate survey activities for the "twenty five percent design" of BFRT,

however, the request is disingenuous because the minor cutting generally necessary for surveying is exempt from the regulations. 310 CMR 10.02(2)(b)(2)g exempts:

"Activities that are temporary in nature, have negligible impacts, and are necessary for planning and design purposes (e.g., installation of monitoring wells, exploratory borings, sediment sampling and surveying and percolation tests for septic systems provided that resource areas are not crossed for site access);" emphasis added.

39. Conversely the twelve foot swath requested by the Applicant in its NOI grossly exceeds the minimal activity necessary to accomplish bona fide surveying work. The twelve foot swath is in fact the end result the Applicant seeks to achieve in building BFRT.

40. On April 17, 2015 the Abutter filed a Request For a Superseding Order of Conditions (the "Request") with the Department of Environmental Protection pursuant to the provisions of 310 CMR 10.05(7) et seq.

41. The Applicant received a copy of the Request on April 21, 2015.

42. Notwithstanding the General Conditions under the Act, the Bylaw and the Order which prohibit any work from being undertaken by the Applicant until the Order becomes final and is recorded in the Registry of Deeds, during the period from April 21, 2015 to April 27, 2015 extensive trimming of growth in the ROW occurred.

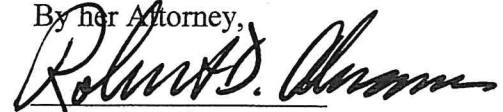
43. The Abutter is aggrieved by being denied an opportunity to hear and question the data that the Applicant will submit to the Commission identifying state and local resource areas because the public hearing has been closed and the Order has been issued.

Relief Requested

Wherefore, the Plaintiff respectfully requests this Honorable Court to:

1. Conduct a review of the proposed project and issue a Superseding Order of Conditions denying the project.
2. Determine that the Order of Conditions is not authorized by G. L. c. 131, section 40, 310 CMR 10.00 et. seq., or the Sudbury Wetlands Bylaw.
3. Determine that the Sudbury Conservation Commission acted wrongly in issuing the Order of Conditions because it cannot properly assess if there will be any harmful impact to wetland and upland resource areas based on the broad-scale outdated information presented by the Applicant.
4. Determine that the Sudbury Conservation Commission acted wrongly in issuing the Order of Conditions because the owner of the ROW did not sign the NOI.
5. Determine that the Order of Conditions exceeded the Commission's authority and declare the Order of Conditions to be null and void.
6. Order the Applicant to restore the vegetation in the ROW to its condition before April 21, 2015.
7. For such other and further relief as this Honorable Court deems just and mete.

Respectfully submitted,
Laura B. Abrams
By her Attorney,



Robert D. Abrams, Esq.
BBO# 011140
578 Boston Post Rd.
Sudbury, MA
Tel: (508) 820-4343

Dated: April 23, 2015

EXHIBIT A



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

301-1153

MassDEP File #

711115

eDEP Transaction #

Sudbury

City/Town

A. General Information

Please note:
this form has
been modified
with added
space to
accommodate
the Registry
of Deeds
Requirements

1. From: Sudbury
Conservation Commission

2. This issuance is for
(check one): a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:

Jody

a. First Name

Kablack

b. Last Name

Town Planning/Community Development

c. Organization

287 Old Sudbury Road

d. Mailing Address

Sudbury

e. City/Town

MA

f. State

01776

g. Zip Code

4. Property Owner (if different from applicant):

a. First Name

b. Last Name

Executive Office of Transportation

c. Organization

100 Park Plaza, Suite 3170

d. Mailing Address

Boston

e. City/Town

MA

f. State

02116

g. Zip Code

5. Project Location:

Railroad Row

a. Street Address

Sudbury

b. City/Town

c. Assessors Map/Plat Number

d. Parcel/Lot Number

Latitude and Longitude, if known:

42.39065N

d. Latitude

d m s

71.41162W

e. Longitude



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

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City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

South Middlesex

a. County

b. Certificate Number (if registered land)

c. Book

d. Page

7. Dates: January 7, 2015 April 6, 2015 April 10, 2015
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Sudbury Bruce Freeman Rail Trail Existing Conditions Base Survey

a. Plan Title

Atlantic Engineering & Survey Consultants

John B. Paulson

b. Prepared By

c. Signed and Stamped by

June 30, 2008

1" = 40'

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

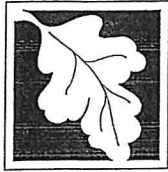
Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a. Public Water Supply b. Land Containing Shellfish c. Prevention of Pollution
d. Private Water Supply e. Fisheries f. Protection of Wildlife Habitat
g. Groundwater Supply h. Storm Damage Prevention i. Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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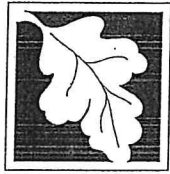
B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 0 a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	<u> </u> a. linear feet	<u> </u> b. linear feet	<u> </u> c. linear feet	<u> </u> d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
	<u> </u> e. c/y dredged	<u> </u> f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
Cubic Feet Flood Storage	<u> </u> e. cubic feet	<u> </u> f. cubic feet	<u> </u> g. cubic feet	<u> </u> h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet		
Cubic Feet Flood Storage	<u> </u> c. cubic feet	<u> </u> d. cubic feet	<u> </u> e. cubic feet	<u> </u> f. cubic feet
9. <input type="checkbox"/> Riverfront Area	<u> </u> a. total sq. feet	<u> </u> b. total sq. feet		
Sq ft within 100 ft	<u> </u> c. square feet	<u> </u> d. square feet	<u> </u> e. square feet	<u> </u> f. square feet
Sq ft between 100-200 ft	<u> </u> g. square feet	<u> </u> h. square feet	<u> </u> i. square feet	<u> </u> j. square feet



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
301-1153
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City/Town

B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

- | | Proposed
Alteration | Permitted
Alteration | Proposed
Replacement | Permitted
Replacement |
|--|---|-------------------------|--|--|
| 10. <input type="checkbox"/> Designated Port Areas | Indicate size under Land Under the Ocean, below | | | |
| 11. <input type="checkbox"/> Land Under the Ocean | a. square feet | b. square feet | | |
| | c. c/y dredged | d. c/y dredged | | |
| 12. <input type="checkbox"/> Barrier Beaches | Indicate size under Coastal Beaches and/or Coastal Dunes below | | | |
| 13. <input type="checkbox"/> Coastal Beaches | a. square feet | b. square feet | c. $\frac{\text{cu yd}}{\text{nourishment}}$ | d. $\frac{\text{cu yd}}{\text{nourishment}}$ |
| 14. <input type="checkbox"/> Coastal Dunes | a. square feet | b. square feet | c. $\frac{\text{cu yd}}{\text{nourishment}}$ | d. $\frac{\text{cu yd}}{\text{nourishment}}$ |
| 15. <input type="checkbox"/> Coastal Banks | a. linear feet | b. linear feet | | |
| 16. <input type="checkbox"/> Rocky Intertidal Shores | a. square feet | b. square feet | | |
| 17. <input type="checkbox"/> Salt Marshes | a. square feet | b. square feet | c. square feet | d. square feet |
| 18. <input type="checkbox"/> Land Under Salt Ponds | a. square feet | b. square feet | | |
| | c. c/y dredged | d. c/y dredged | | |
| 19. <input type="checkbox"/> Land Containing Shellfish | a. square feet | b. square feet | c. square feet | d. square feet |
| 20. <input type="checkbox"/> Fish Runs | Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above | | | |
| | a. c/y dredged | b. c/y dredged | | |
| 21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage | a. square feet | b. square feet | | |



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

301-1153

MassDEP File #

711115

eDEP Transaction #

Sudbury

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B. Findings (cont.)

* #22. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BWV) or B.17.c (Salt Marsh) above, please enter the additional amount here.

22. Restoration/Enhancement *:

a. square feet of BWV

b. square feet of salt marsh

23. Stream Crossing(s):

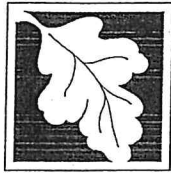
a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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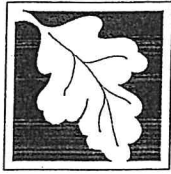
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C. General Conditions Under Massachusetts Wetlands Protection Act

- 8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
- 9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
- 10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 301-1153 "
- 11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
- 12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
- 13. The work shall conform to the plans and special conditions referenced in this order.
- 14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
- 15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
- 16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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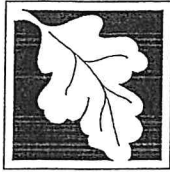
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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1) is subject to the Massachusetts Stormwater Standards
- (2) is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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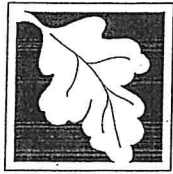
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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
- v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:
- i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and
 - ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

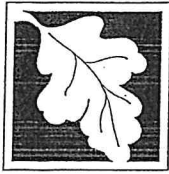
- g) The responsible party shall:
 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.

- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

see attached

- 20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

- 1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
- 2. The Sudbury Conservation Commission hereby finds (check one that applies):

- a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw _____ 2. Citation _____

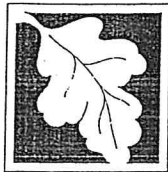
Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Sudbury Wetlands Bylaw
1. Municipal Ordinance or Bylaw _____ 2. Citation _____

- 3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):
see attached



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E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

1. Date of Issuance

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

Elizabeth King

[Signature]

[Signature]

[Signature]

by hand delivery on

by certified mail, return receipt requested, on

_____ Date

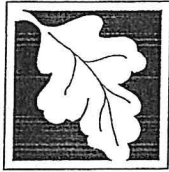
_____ Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



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G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

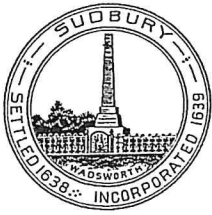
If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



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ATTACHMENT TO ORDER OF CONDITIONS

Wetlands Protection Act and Sudbury Wetlands Administration Bylaw

DATE OF ISSUE : April 7, 2015

APPLICANT : Sudbury Town Planning and Community Development Department

PROJECT LOCATION : MA-owned abandoned railroad corridor, proposed Bruce Freeman Rail Trail

MAP AND LOT NUMBER(S) : Railroad Right-of-way

FINDINGS :

The subject property consists of an abandoned railroad right-of-way that includes a single line of rails and ties. The wetland and upland resource areas within jurisdiction of the 4.4 mile long corridor consists of bordering vegetated wetlands, intermittent and perennial streams, bordering land subject to flooding, vernal pools, and adjacent upland resource area.

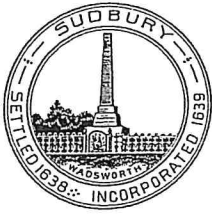
This Notice of Intent is requesting the Conservation Commission approve the clearing of up to a 12-foot wide area along the proposed Bruce Freeman Rail Trail to facilitate survey activities associated with the 25% design phase of the project. The survey and clearing work will extend along the entire railroad corridor from the intersection with the Mass Central Railroad right-of-way to the Concord town line.

The wetlands shown on the plans were taken from several sources, including MassGIS, Sudbury Maps-on-Line, a 2009 wetland survey that was never approved by the Conservation Commission and deemed incomplete, FEMA maps, and Natural Heritage and Endangered Species information. No current on the ground survey of state and local wetland resource areas has been performed for this Notice of Intent.

The Commission cannot properly assess if there will be any harmful impact to wetland and upland resource areas based on the broad-scale outdated information presented. However, the Commission understands that due to the long linear nature of the project it makes sense to perform all survey activities at one time. Therefore, the Commission is conditioning this Order to approve clearing of the minimum area necessary to perform the survey conditional upon no clearing or other activities occur until the Commission, or its designated representative, can confirm the location of all state and local wetland and upland resource areas in the field following a new delineation and indicate concurrence in writing. Based on findings in the field, the Commission reserves the right to amend this Order to protect resource area values and functions.

The Conservation Commission will not be approving any wetland delineation as part of this filing. The intent of the Commission at this time is to have an accurate picture of resource area locations to determine no resource area impacts to value and functions will occur based on the limited scope of the activities outlined in the NOI and as conditioned in this Order. A full Notice of Resource Area Delineation filing must be submitted for future work on this project.

The Sudbury Conservation Commission hereby finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the Wetlands Protection Act, its corresponding regulations, and the Sudbury Wetlands Administration Bylaw to the protect the



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interests of these laws and regulations. To aid in implementation, compliance, and enforcement, the specific conditions are divided into several broad categories for reference.

The Sudbury Conservation Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

The Commission finds that the project described in the Notice of Intent meets the performance standards of the Wetlands Protection Act and Sudbury Wetland Administration Bylaw, *provided that all Conditions of the Order and all conditions listed below are met.*

SPECIAL CONDITIONS:

21. CONDITIONS IN PERPETUITY:

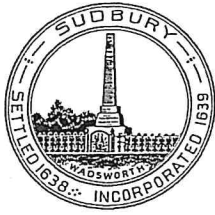
The following conditions shall continue in perpetuity and be included on the Certificate of Compliance. Owners of this property shall be made aware of restrictions in perpetuity on this property. If the property owner has good cause to request an amendment to the conditions in perpetuity, he/she shall have the right to make a request for an amendment to the issuing authority. If, in the judgment of the issuing authority, the proposed activities will not detrimentally impact the wetland resource area functions, this Order, or the Certificate of Compliance shall be amended.

- a. Wetlands, vernal pools, and perennial and intermittent streams, bordering land subject to flooding are located on this property that are subject of the Massachusetts Protection Act (Chapter 131, section 40) and the Sudbury Wetlands Administration Bylaw. Any work within a wetland resource area (including the 100' of a wetland resource area) or within the 200' riverfront area requires review and approval by the Sudbury Conservation Commission prior to the commencement of such work.
- b. No pesticides or herbicides are allowed within a wetland resource area or within 100' of a wetland resource area (the adjacent upland resource area under the local bylaw).
- c. Debris from the clearing activities cannot be disposed in any resource area.

22. GENERAL PROJECT CONDITIONS:

PART I

These conditions apply to all projects permitted by the Sudbury Conservation Commission. They shall remain in force until issuance of a Certificate of Compliance by the Commission. A violation of any of these conditions shall constitute reason for enforcement action by the issuing authority:



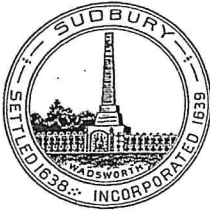
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- a. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
- b. This Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
- c. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, by-laws, or regulations.
- d. The work authorized hereunder shall be completed within three years from the date of issuance of this Order.
- e. This Order may be extended by the issuing authority up to one year upon application to the issuing authority at least thirty days prior to the expiration date of this Order. In determining whether or not to grant an Extension Permit, the Sudbury Conservation Commission shall review and apply the criteria for extensions of time as set forth in the Regulations.
- f. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
- g. No work shall be undertaken until all administrative appeal periods from the date of issuance of this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department of Environmental Protection have been completed.
- h. Where the Department of Environmental Protection is requested to make a determination and to issue a Superseding Order, the Sudbury Conservation Commission shall be party to all agency proceedings and hearings before the Department.
- i. Upon completion of the work described therein, the applicant shall forthwith request in writing that a Certificate of Compliance be issued stating that the work has been satisfactorily completed. (See item 25).
- j. The work shall conform to the plans and special conditions incorporated in this document.
- k. No equipment refueling may occur within a wetland or upland resource area.

PART II

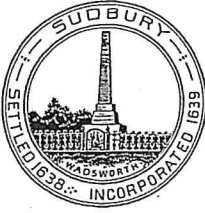
- a. All work must conform to the plans referenced, the Notice of Intent, and this Order of Conditions. In case of conflict, the requirements in this Order shall prevail.



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- b. No clearing can be conducted in any resource areas except the riverfront area and adjacent upland resource area (under the local wetlands bylaw) as permitted by this Order following the site inspection. Following a site inspection to review the updated wetland delineation, this Order of Conditions provides the applicant approval to clear only the necessary minimum shrubs and sapling along the rail corridor to facilitate the survey work, but does not give the applicant permission to clear cut the entire length of the rail corridor. All clearing work will be performed by hand or with hand equipment. Digging, grubbing, or grading work is not allowed.
- c. Debris generated from clearing activities cannot be disposed in the adjacent resource areas, but can be left on the embankment of the rail corridor in uplands areas where the debris piles will have no harmful impact on wildlife habitat.
- d. The project engineer, contractors, and all subcontractors must be informed of the conditions in this Order. The work will be supervised by the Sudbury Planning and Community Development Department.
- e. The applicant is held responsible for compliance with this Order of Conditions. The Sudbury Conservation Commission shall be notified, in writing, within forty-eight hours of any transfers of title on this property.
- f. This Order of Conditions shall apply to any successor in control, or successor in interest, of the property described in the Notice of Intent and accompanying plans.
- g. Members and agents of the Sudbury Conservation Commission shall have the right to enter and inspect the property to evaluate compliance with the conditions stated in this Order.
- h. There shall be no alterations beyond the 12 foot width of the abandoned rail corridor as measured from the center line of the rail bed. Temporary activities permitted beyond this limit of work as part of this Order include delineation of wetland resource areas, vernal pools, and the riverfront areas in proximity to the the proposed alignment and the associated survey work for the proposed Bruce Freeman Rail Trail. This approval does not relieve the applicant from obtaining approval of the abutting property owners for work outside of the MassDot corridor.
- i. The Sudbury Conservation Commission will be notified in advance when the wetland specialist(s) plans to delineate the wetland resource areas, banks, and the vernal pools. The resource area flagging with be verified in the field by the Conservation Coordinator or the Coordinator's designee prior to completing the survey work. The Sudbury Conservation Commission will need to approve any additional clearing other than this one time clearing/surveying or if any clearing work in the proximity of the natural resource areas is required.
- j. No trees larger than 4-inches in diameter can be removed as part of this permit.



Town of Sudbury

DEP FILE NO. 301-1153

- k. Spring is turtle nesting season and migration time for many species. No activity may occur in any area where nesting is observed (i.e. turtle nesting/digging on the sandy banks; clearing of vegetation with fresh bird nests; etc.)
- l. All vernal pool delineations must be conducted at an appropriate time of year in a year when migration and breeding is commonly occurring.
- m. All work must be done with hand equipment only.
- n. The contractor performing the clearing and wetland delineation must report any wildlife or habitat feature encountered along the rail corridor and adjacent resource areas.
- o. No clearing will be conducted in wetlands or banks to ponds and streams or in areas designated as priority or estimated habitat for rare or endangered species.

23. EROSION, SEDIMENTATION, STABILIZATION CONDITIONS

- a. There shall be no disturbances beyond the limits of activities permitted as part of this Order.
- b. Erosion and sedimentation control measures are not required for this project.

24. PLAN MODIFICATIONS:

- a. Any modifications or revisions to the plans referenced, or any new plans, must be submitted to the Commission for their review and approval.
- b. The Commission reserves the right to require the filing of a new Notice of Intent for any plan changes or submittals for activities that fall under the jurisdiction of the Wetlands Protection Act.
- c. No additional new disturbances of a wetland resource area, as defined in the Wetlands Protection Act and its regulations, or within the 100 foot wetland resource area buffer zone and the 200 foot riverfront area, not covered by this Order of Conditions, shall be permitted on this site until a determination has been made by the Commission as to whether a new Notice of Intent is required, and the new work or disturbance is incorporated into a new or amended Order of Conditions.
- d. Should the Sudbury Conservation Commission become aware of work on site being accomplished that was not approved as part of the Order of Conditions or subsequent amendments, the Commission reserves the right to require a new Notice of Intent.



Town of Sudbury

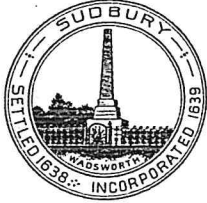
DEP FILE NO. 301-1153

25. CERTIFICATE OF COMPLIANCE REQUIREMENTS:

- a. Following completion of work, a written request for a Certificate of Compliance shall be submitted to the Sudbury Conservation Commission. The Commission may require a report detailing any deviations from the original project plan prior to issuing a COC.

- b. The Sudbury Conservation Commission will consider issuing status or reports for projects in progress provided a site inspection is performed by the Commission or its representative.

EXHIBIT B



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

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

TO: Abutters of the Bruce Freeman Rail Trail Corridor
FROM: Jim Kupfer, Assistant Planner
RE: Bruce Freeman Rail Trail Property Survey
DATE: December 10, 2014

Over the course of the next few weeks, as abutters to the Bruce Freeman rail trail corridor you will likely notice survey crews walking the corridor, delineating the right of way and flagging the wetlands. The crew members are affiliated with Vanasse Hangen Brustlin, Inc. (VHB) whom the Town obtained services from to complete the 25% design for the Bruce Freeman Rail Trail. If weather interrupts, crews will likely continue in early spring.

We ask that you please do not remove any flags or markers placed in the wetlands or within corridor.

We expect to hold several abutter meetings during the course of this project, which is anticipated to take approximately 2 years. As we proceed with the design of the trail, we will be in contact with you to understand the impacts of the rail trail on your property.

If you have any questions or concerns please do not hesitate to contact our office.

Thank you.

EXHIBIT C

ROBERT D. ABRAMS
Attorney at Law
578 Boston Post Rd., Suite One
Sudbury, MA 01776
508 820 4343
Bobabrams4@gmail.com

December 16, 2014

Jim Kupfer, Assistant Planner
Town of Sudbury
278 Old Sudbury Rd.
Sudbury, MA 01776

COPY

Re: Rail Trail Property Survey

Dear Mr. Kupfer:

Please be advised that I represent the Trustees of the JRH Trust, the JOC Trust and the 24 Hudson Rd. Trust. Your letters dated December 10, 2014 regarding the Rail Trail Property Survey to my clients have been referred to me for response.

My clients and I look forward to participating in any meetings that are held and we look forward to discussing all of our concerns with the Town.

Until such time as my clients' concerns are addressed please be aware that neither the Town nor its agents have easements to enter upon their property which abuts the rail corridor. It is my clients' expectation that the Town, its agents and specifically Vanasse Hangen Brustlin, Inc., will respect their property rights. Please confine all activities relating to the Rail Trail to rail corridor itself and do not enter upon my clients' property.

Thank you for your cooperation in this matter.

Very truly yours,

Robert D. Abrams

RDA/st
ec: client
cc: Sudbury Board of Selectmen
cc: Vanasse Hangen Brustlin, Inc.

CIVIL ACTION COVER SHEET

SUPERIOR COURT DEPARTMENT
County: MIDDLESEX

Docket Number

PLAINTIFF(S) **Laura B. Abrams Trustee** DEFENDANT(S) **TOWN OF SUDBURY ET AL**

ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE
ROBERT D. ABRAMS
ATTORNEY AT LAW
578 BOSTON POST RD., SUITE 1
SUDBURY, MA 01776
508-828-4343
Board of Bar Overseers number: **01140**

ATTORNEY (if known)

Origin code and track designation

- Place an x in one box only:
- 1. F01 Original Complaint
 - 2. F02 Removal to Sup.Ct. C.231,s.104 (Before trial)
 - 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)
 - 4. F04 District Court Appeal c.231, s. 97 &104 (After trial) (X)
 - 5. F05 Reactivated after rescript; relief from judgment/ Order (Mass.R.Civ.P. 60) (X)
 - 6. E10 Summary Process Appeal (X)

CODE NO. **D13** TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)
 TYPE OF ACTION (specify) **DECLARATORY** TRACK **A** IS THIS A JURY CASE?
 () Yes (X) No

The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.

TORT CLAIMS

(Attach additional sheets as necessary)

- A. Documented medical expenses to date:
 - 1. Total hospital expenses \$.....
 - 2. Total Doctor expenses \$.....
 - 3. Total chiropractic expenses \$.....
 - 4. Total physical therapy expenses \$.....
 - 5. Total other expenses (describe) \$.....
 - B. Documented lost wages and compensation to date Subtotal \$.....
 - C. Documented property damages to date \$.....
 - D. Reasonably anticipated future medical and hospital expenses \$.....
 - E. Reasonably anticipated lost wages \$.....
 - F. Other documented items of damages (describe) \$.....
 - G. Brief description of plaintiff's injury, including nature and extent of injury (describe) \$.....
- TOTAL: \$.....

CONTRACT CLAIMS

(Attach additional sheets as necessary)

Provide a detailed description of claim(s):

TOTAL \$.....


PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT

"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."

Signature of Attorney of Record
A.O.S.C. 3-2007

Robert D. Abrams

DATE: **5/13/15**

CIVIL TRACKING ORDER (STANDING ORDER 1- 88)	DOCKET NUMBER 1581CV03039 B	Trial Court of Massachusetts The Superior Court 
CASE NAME: Laura B Abrams Trustee of JRH Trust vs. Thomas Friedlander Individually and as a member of The Sudbury Conservation Commission et al		Michael A. Sullivan, Clerk of Court Middlesex County
TO: Robert D Abrams, Esq. 578 Boston Post Road Suite 1 Sudbury, MA 01776		COURT NAME & ADDRESS Middlesex County Superior Court - Woburn 200 Trade Center Woburn, MA 01801

TRACKING ORDER - A - Average

You are hereby notified that this case is on the track referenced above as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated.

STAGES OF LITIGATION

DEADLINE

	SERVED BY	FILED BY	HEARD BY
Service of process made and return filed with the Court		08/11/2015	
Response to the complaint filed (also see MRCP 12)		09/10/2015	
All motions under MRCP 12, 19, and 20	09/10/2015	10/13/2015	11/09/2015
All motions under MRCP 15	07/06/2016	08/05/2016	08/05/2016
All discovery requests and depositions served and non-expert depositions completed	05/02/2017		
All motions under MRCP 56	06/01/2017	07/03/2017	
Final pre-trial conference held and/or firm trial date set			10/30/2017
Case shall be resolved and judgment shall issue by			05/14/2018

The final pre-trial deadline is not the scheduled date of the conference. You will be notified of that date at a later time.

Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.

This case is assigned to

DATE ISSUED 05/13/2015	ASSISTANT CLERK	PHONE (781)939-2748
----------------------------------	-----------------	-------------------------------

RECEIVED
APR 21 2015

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF RESOURCE PROTECTION OF WETLANDS

In Re: Jody Kablack
Town Planning/Community Development
TOWN OF SUDBURY

Mass DEP file No. 301-1153

**REQUEST FOR SUPERCEDING
ORDER OF CONDITIONS**

Pursuant to the provisions of 310 CMR 10.05 (7) *et seq.*, Laura B. Abrams, Trustee of the JHR Trust ("Abutter"), which Trust is the owner of land immediately abutting the land subject to an Order of Conditions issued by the Sudbury Conservation Commission ("Commission") to Jody Kablack, Town of Sudbury Town Planning/ Community Development in the above captioned action, requests the Department to issue a Superseding Order of Conditions denying the Applicant's request.

**THE PROJECT
DEP FILE NO. 301-1153**

According to the Notice of Intent ("NOI") filed on January 7, 2015, by Jody Kablack, Sudbury Town Planner, for the Town of Sudbury ("Town") as applicant ("Applicant"), the Massachusetts Executive Office of Transportation is the owner of an abandon railroad Right of Way ("ROW") sixty six feet wide by 4.4 miles long.

Attachment: Abrams Appeal 2015 DEP (1370 : Enter into Executive Session)

The NOI is purportedly for the clearing of a swath twelve feet wide in the ROW to enable the Town of Sudbury to survey the ROW in conjunction with its "twenty five percent design" of the Bruce Freeman Rail Trail ("BFRT").

On December 10, 2014 the Applicant sent a letter to the Abutter advising it that the Town's consulting engineers, Vanasse Hangen Brustlin, Inc. ("VHB") would be in the ROW cutting and flagging for survey work in connection with the Town's "twenty five percent design" of BFRT. On December 16, 2014 the Abutter, by its attorney, gave notice to the Applicant that it did not have permission to enter its property in conjunction with the Applicant's proposed work. Shortly thereafter, at the request of the Town, the Abutter by and through counsel met with Assistant Town Planner, James Kupfer, and repeated the admonition. During the public hearing on the NOI Abutter by and through counsel asked VHB to confine all work in the ROW without entry onto private property. On the record VHB responded that it would work only in the ROW. Notwithstanding these admonitions and representations VHB flagrantly trespassed upon the Abutter's property hanging flags in multiple locations. None of the information unlawfully obtained by VHB should have been considered by the Commission in the determination of this matter.

At no time during the hearing process did the Town present a current on the ground survey identifying state and local resource areas. Instead the Town submitted five year old the plans purportedly showing wetland delineations depicted on a 2009 wetland survey that was never approved by the Commission and online maps with scales insufficient for such identification.

The Commission held a series of public hearings, conducted site visits, deliberated various issues and closed the public hearing on April 6, 2015. The Conservation

Commission inappropriately issued an Order of Conditions on April 10, 2015 allowing the requested work with General Conditions under the Wetland Protection Act and Special Conditions under the Sudbury Wetlands Bylaw.

Pursuant to the provisions of 310 CMR 10.03 (1)(a):

“(1) Burden of Proof.

(a) Any person who files a Notice of Intent to perform any work within an Area Subject to protection under M.G.L. c. 131, § 40 or within the Buffer Zone has the burden of demonstrating to the issuing authority:

1. that the area is not significant to the protection of any of the interests identified in M.G.L. c. 131, § 40; or
2. that the proposed work within a resource area will contribute to the protection of the interests identified in M.G.L. c. 131, § 40 by complying with the general performance standards established by 310 CMR 10.00 for that area.
3. that proposed work within the buffer zone will contribute to the protection of the interests identified in M.G.L. c. 131, § 40, except that proposed work which lies both within the riverfront area and within all or a portion of the buffer zone to another resource area shall comply with the performance standards for riverfront areas at 310 CMR 10.58. For minor activities as specified in 310 CMR 10.02(2)b.1. within the riverfront area or the buffer zone to another resource area, the Department has determined that additional conditions are not necessary to contribute to the protection of the interests identified in M.G.L. c. 131, § 40.”

Whereas the Applicant has submitted faulty, inaccurate and insufficient information, the Applicant has failed to conform to the provisions of 310 CMR 10.03 (1)(a) and meet the required burden of proof. Further, whereas the Applicant failed to meet its burden of proof as necessary and as required, the Commission inappropriately and unlawfully approved the request and issued an inappropriate and unlawful Order of Conditions approving the proposed activity.

The Commission cannot and did not properly assess the possibility of any harmful impact to wetland and upland resource areas based on the broad scale out dated information presented by the Applicant.

Finally, the NOI purports to seek approval for a twelve foot wide strip along the ROW to facilitate survey activities for the "twenty five percent design" of BFRT. The request is disingenuous. The minor cutting generally necessary for surveying is exempt from the regulations. 310 CMR 10.02(2)(b)(2)g provides:

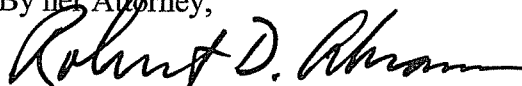
g. Activities that are temporary in nature, have negligible impacts, and are necessary for planning and design purposes (e.g., installation of monitoring wells, exploratory borings, sediment sampling and surveying and percolation tests for septic systems provided that resource areas are not crossed for site access);

Conversely the twelve foot swath requested by the Applicant in its NOI grossly exceeds the minimal activity necessary to accomplish bona fide surveying work. The twelve foot swath is in fact the end result the Applicant seeks to achieve in building BFRT.

Request For Action

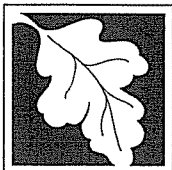
Abutter requests the Department to conduct a review of the proposed project and issue a Superseding Order of Conditions denying the project. Additional documents will be submitted under separate cover.

Respectfully submitted,
 Laura B. Abrams
 By her Attorney,



Robert D. Abrams, Esquire
 BBO#011140
 578 Boston Post Rd.
 Sudbury, MA
 Tel: (508) 820-4343

Dated: April 16, 2015



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
**Request for Departmental Action Fee
Transmittal Form**

DEP File Number:

301-1153

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Request Information

1. Location of Project

Railroad ROW

Sudbury 01776

a. Street Address

b. City/Town, Zip

184

\$245

c. Check number

d. Fee amount

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



2. Person or party making request (if appropriate, name the citizen group's representative):

Laura B. Abrams, Trustee

Name

578 Boston Post Rd

Mailing Address

Sudbury

MA

01776

City/Town

State

Zip Code

978 443 8851

Phone Number

Fax Number (if applicable)

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Jody Kablack Town Planning/Community Development Town of Sudbury

Name

287 Old Sudbury Rd.

Mailing Address

Sudbury

MA

01776

City/Town

State

Zip Code

987 443 2209

Phone Number

Fax Number (if applicable)

4. DEP File Number:

301-1153

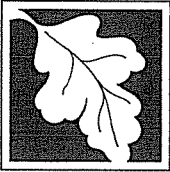
B. Instructions

1. When the Departmental action request is for (check one):

- Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- Superseding Determination of Applicability – Fee: \$120
- Superseding Order of Resource Area Delineation – Fee: \$120

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection
Box 4062
Boston, MA 02211



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
**Request for Departmental Action Fee
Transmittal Form**

DEP File Number:

301-1153

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Instructions (cont.)

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Attachment: Abrams Appeal 2015 DEP (1370 : Enter into Executive Session)

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

372 Union Avenue | Framingham, MA 01702
(Tel) 508-665-4310 | (Fax) 508-665-4313
www.petrinilaw.com

June 2, 2015

Middlesex Superior Court
Office of the Civil Clerk
200 Trade Center
Woburn, MA 01801

Re: Abrams, et al. v. Sudbury Conservation Commission, et al.
Middlesex Superior Court Civil Action No. 2015-03039

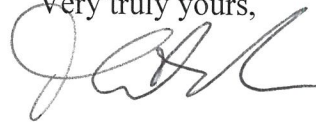
Dear Sir/Madam:

Enclosed herewith for filing on behalf of the defendants please find the following documents in the above-referenced action:

- 1) Answer to the Complaint; and
- 2) Certificate of Service.

After you have filed the enclosed, kindly date stamp the enclosed copy of this letter and return it to me in the envelope provided for my records. Thank you for your assistance with this matter.

Very truly yours,



Peter L. Mello

Enclosure

Attachment: 2015.06.01 Let to Court filing answer (1914-06) WITH BCC (1370 : Enter into Executive Session)

June 2, 2015

Page 2

bcc: (by electronic transmission only)
Deborah Dineen, Conservation Coordinator
Jody Kablack, Director of Planning and Community Development
Maryanne Bilodeau, Interim Town Manager
Barbara J. Saint André (by electronic transmission only)
2015.06.01 Let to Court filing answer (1914-06)

Attachment: 2015.06.01 Let to Court filing answer (1914-06) WITH BCC (1370 : Enter into Executive Session)

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

SUPERIOR COURT
C.A. NO. 15-03039

LAURA B. ABRAMS,
TRUSTEE OF JRH TRUST,

Plaintiff,

v.

THOMAS FRIEDLANDER, ROBERT
ELKIND, DAVID HENKELS, BRUCE
PORTER, CHARLES RUSSO, MARK
SEVIER, AND ELIZABETH
ARMSTRONG, INDIVIDUALLY AND AS
THEY CONSTITUTE THE SUDBURY
CONSERVATION COMMISSION, AND
THE TOWN OF SUDBURY,

Defendants,

ANSWER

Pursuant to Superior Court standing order No. 1-96, defendants Town of Sudbury, Sudbury Conservation Commission and its members state that by way of answer, the Sudbury Conservation Commission will file a certified copy of the record within 90 days after service of the complaint.

FIRST DEFENSE

The complaint must be dismissed because the Court lacks subject matter jurisdiction over this matter.

SECOND DEFENSE

The complaint fails to state a claim upon which relief may be granted.

Attachment: 2015.06.01 Let to Court filing answer (1914-06) WITH BCC (1370 : Enter into Executive Session)

WHEREFORE, the defendants, Town of Sudbury, Sudbury Conservation

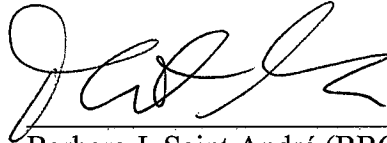
Commission and its members, respectfully request that the Court:

- a. Enter an order in their favor on all claims asserted against them;
- b. Dismiss the complaint;
- c. Award the defendants such other relief as the Court deems just, proper,

and equitable.

TOWN OF SUDBURY, TOWN OF
SUDBURY CONSERVATION
COMMISSION, THOMAS
FRIEDLANDER, ROBERT ELKIND,
DAVID HENKELS, BRUCE PORTER,
CHARLES RUSSO, MARK SEVIER, AND
ELIZABETH ARMSTRONG

By their attorneys,



Barbara J. Saint André (BBO #438030)
Peter L. Mello (BBO# 659680)
PETRINI & ASSOCIATES, P.C.
372 Union Avenue
Framingham, MA 01702
(508) 665-4310


Dated: June 2, 2015

Attachment: 2015.06.01 Let to Court filing answer (1914-06) WITH BCC (1370 : Enter into Executive Session)

CERTIFICATE OF SERVICE

I, Peter L. Mello, Esq., hereby certify that on this 2nd day of June, 2015, I caused the foregoing document to be served by first-class mail, postage-prepaid, upon the following counsel of record:

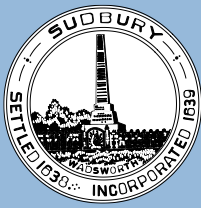
Robert D. Abrams, Esq.
578 Boston Post Road, Suite 1
Sudbury MA 01776



Peter L. Mello

2015.05.22 Answer to Complaint (1914-06)

Attachment: 2015.06.01 Let to Court filing answer (1914-06) WITH BCC (1370 : Enter into Executive Session)



SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2015

MISCELLANEOUS (UNTIMED)

2: End Executive Session and reconvene in open session

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Vote to end Executive Session and reconvene in Open Session and continue meeting at Lower Town Hall, 322 Concord Road

Recommendations/Suggested Motion/Vote: Vote to end Executive Session and reconvene in Open Session and continue meeting at Lower Town Hall, 322 Concord Road

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Maryanne Bilodeau	Pending
Barbara Saint Andre	Pending
Charles C. Woodard	Pending
Board of Selectmen	Pending

06/09/2015 7:00 PM

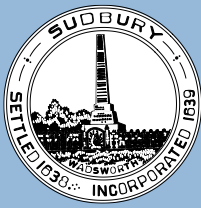
MEETING NOTES SECTION

Board's action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

Future agenda date:



SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2015

TIMED ITEM

3: Board of Registrars Interview and Appointment

REQUESTOR SECTION

Date of request:

Requestor: chairman

Formal Title: Interview candidate for appointment to Board of Registrars. Following interview, vote to appoint Tatiana Vitvitsky, 99 Pokonoket Avenue, a registered Democrat, as a member of the Board of Registrars of Voters for a term to expire May 31, 2018.

Recommendations/Suggested Motion/Vote: Vote to appoint Tatiana Vitvitsky, 99 Pokonoket Avenue, a registered Democrat, as a member of the Board of Registrars of Voters for a term to expire May 31, 2018.

Background Information:

Please see attached.

Financial impact expected:N/A

Approximate agenda time requested: 10 minutes

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Maryanne Bilodeau	Pending
Barbara Saint Andre	Pending
Charles C. Woodard	Pending
Board of Selectmen	Pending

06/09/2015 7:00 PM

MEETING NOTES SECTION

Board's action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

Future agenda date:

Today's Date: April 22, 2015

Patricia B. Golden
Senior Admin. Asst. to the Town Manager
Office of Selectmen
Sudbury, MA 01776

RE: Appointment to the Board of Registrars

Dear Ms. Golden:

A majority of the Sudbury Democratic Town Committee, at a duly called meeting on April 21, 2015, at which a quorum was present was as follows:

"The Sudbury Democratic Town Committee recommends Jeanne Maloney, 119 Willis Rd., Clark Moeller of 30 Thoreau Way and Tania Vitvitsky of 99 Pokonoket Rd., to the Board of Registrars."

Each of the three above named persons are enrolled members of the Democratic Party.

Clark Moeller and Tania Vitvitsky have allowed their names to be submitted in order to satisfy the requirements of Chapter 51, s.15.

Thank you for your assistance in this matter.

Beverly B. Guild
Beverly B. Guild
Chairperson, Sudbury DTC
54 Woodside Rd., Sudbury, MA 01776

✓ cc: Town Clerk

*P.S.
I am away for ten days.
If you have a question -
contact Carmine Gentile
our Vice Chair at 978 443
9898.
Beverly*

3.b

Packet Pg. 55

May 7, 2015

Board of Selectmen
Sudbury, MA 01776

Dear Members of the boardf of Selectmen:

At a meeting of the Sudbury Democratic Towm Committee on April 21, 12014, at which a quorum was present, the committee voted to recommend Jeanne Maloney of 119 Willis Road, Clark Moeller of 30 Thoreau Way, and Tania Vitvitsky of 99 Pokonoket Road. Each of the three are enrolled members of the Democratic Party.

Since I sent the letter recommending these persons, I have been inoformed that Jeanne Maloney and Clark Moeller do not wish to serve in this capacity. I therefore request that Tania Vitvitsky be appointed to the Board of Registrars.

Thank you for your assistance in this matter.

Beverly B. Guild
Beverly B. Guild

Chairperson, SDTC

54 Woodside Rd, Sudbury, MA 01776

c.c. Town Clerk

RECEIVED
BOARD OF SELECTMEN
SUDBURY, MA
2015 MAY -7 P 1:54

Tania Vitvitsky
99 Pokonoket Avenue, Sudbury, MA 01776
617-201-3212
tvitvitsky@gmail.com
www.linkedin.com/pub/tania-vitvitsky/27/37b/217/

Summary

Extensive experience in international development, state government service and business. Significant cross-cultural expertise with travel to 61 countries in Africa, Asia, Europe and the Middle East.

Currently: Trustee, Trustees for Donation for Education in Liberia; Member, Capital Campaign Steering Committee, Ukrainian Catholic Education Foundation.

Professional Experience

Sabre Foundation, Cambridge, MA

1990-2012: Project Officer; Project Director; Executive Director; President

- Developed book donation program in Africa, Asia, Eastern Europe, the former Soviet Union and the Middle East.
- Negotiated MOUs and partnership agreements with international NGOs and education ministries.
- Initiated Sabre's Information Technologies Workshops, customized computer and Internet training program for professionals, scholars and students from developing countries.
- Drafted line-item budgets and managed U.S. government proposal submissions and grants, cooperative agreements and purchase orders.
- Organized international travel/site visits for board of directors and supporters (Burma, Croatia, Cuba, Ghana, Indonesia, Kenya, Liberia, Slovenia, Tanzania, Ukraine and Vietnam).
- Developed and managed the orderly wind-down of the Sabre Foundation book donation program and closure of the Cambridge, MA office and the 64,000 sq. ft. warehouse in Lawrence, MA.

Computer Software Skills

Microsoft Office (Word, Excel, Outlook, Power Point); Picasa

Education

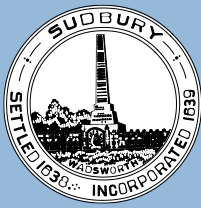
BFA University of the Arts, Philadelphia, PA

Community/Domestic and International (current/past volunteer activities)

Member, Sudbury Democratic Town Committee; Co-Founder, Greater Boston Friends of the Ukrainian Catholic University (Ukraine); Friends of the Harvard Ukrainian Research Institute; Jewish/Ukrainian Dialogue Group, Boston.

Photography: picasaweb.google.com/tvitvitsky

May 2015



SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2015

MISCELLANEOUS (UNTIMED)

4: Kneading Pizza Common Victualler License Application

REQUESTOR SECTION

Date of request: May 19, 2015

Requestor: Petros Kayas

Formal Title: As the Licensing Authority for the Town of Sudbury, vote to approve a new Common Victualler License for Kneading Pizza, 730 Boston Road, as requested in an application dated May 15, 2015, subject to conditions put forth by the Fire Department and Building Department.

Recommendations/Suggested Motion/Vote: As the Licensing Authority for the Town of Sudbury, vote to approve a new Common Victualler License for Kneading Pizza, 730 Boston Road, as requested in an application dated May 15, 2015, subject to conditions put forth by the Fire Department and Building Department.

Background Information: Application and department approvals attached

Financial impact expected:\$50 Common Victualler License Fee

Approximate agenda time requested:

Representative(s) expected to attend meeting: Petros Kayas, owner Kneading Pizza

Review:

Patty Golden	Pending	
Maryanne Bilodeau	Pending	
Barbara Saint Andre	Pending	
Charles C. Woodard	Pending	
Board of Selectmen	Pending	06/09/2015 7:00 PM

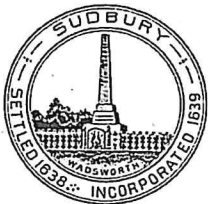
MEETING NOTES SECTION

Board's action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

Future agenda date:



Town of Sudbury

Office of 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

APPLICATION FOR LICENSE

COMMON VICTUALLER

RECEIVED
BOARD OF SELECTMEN
SUDBURY, MA
2015 MAY 15 P 4: 59

TO THE LICENSING AUTHORITY
SUDBURY, MASSACHUSETTS

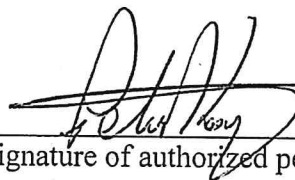
Name of applicant Petros Kayas Date 5-13-15

Address of applicant 27 Rutkelken Rd Framingham MA 01701

Phone [REDACTED]

Address where license is to be exercised 730 Boston Post Rd
Sudbury MA 01776

In accordance with M.G.L. c.140, I hereby request a Common Victualler license, to be presented within the premises herein described.



Signature of authorized person

From: Petros [mailto:pkayas@msn.com]
Sent: Monday, May 18, 2015 9:51 AM
To: Frank, Leila
Subject: Re: Sudbury Common Victualler Application

I forgot to say we are not making any structural changes to the property.

Sent from my iPhone

From: Petros [mailto:pkayas@msn.com]
Sent: Monday, May 18, 2015 9:50 AM
To: Frank, Leila
Subject: Re: Sudbury Common Victualler Application

Hello. The name of the business is Classic Pizza, but we will be changing the name in the near future to "Kneading Pizza".

We are not applying for an entertainment license.

Do you need me to come in with the name and no entertainment license letter or is this email sufficient?

We will bring a signed letter from the current business owner stating the closing date as soon as lawyers arrange it.

Thank you so much for your time.

Sincerely,
Petros katas

Sent from my iPhone

Kneading Pizza – Common Victualler License

Department Feedback

Board of Health Approval:

From: Murphy, Bill
Sent: Tuesday, May 19, 2015 11:26 AM
Subject: RE: Common Victualler License Application

The Health Department is in the process of issuing a food permit to the new owner. We are only waiting for an Allergen Awareness Training Certificate. I see no issues with issuance of the Common Victuallars licence.

Bill

Building Department Approval:

From: Herweck, Mark
Sent: Monday, May 18, 2015 6:24 PM
To: Frank, Leila; Murphy, Bill; Miles, William; Whalen, John
Cc: Nix, Scott; Golden, Patricia
Subject: RE: Common Victualler License Application

The Building Department has no issues.

Fire Department Approval:

From: Miles, William
Sent: Tuesday, May 19, 2015 11:05 AM
Subject: Re: Common Victualler License Application

The Fire Department has no issues.

CERTIFICATE OF TAXES/TAX ATTESTATION

Pursuant to M.G.L. Chapter 62C, Section 49A, I certify under penalties of perjury that Olympus Rock Inc. has/have complied with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

47-3537305
Social Security Number, or
Federal Identification Number

Olympus Rock Inc.
Signature of Individual, or
Corporation Name

5-13-15
Date

By: [Signature] 5-13-15
Corporate Officer & Title (if applicable)

AFFIX CORPORATE SEAL



INTERNAL REVENUE SERVICE
CINCINNATI OH 45999-0023

Date of this notice: 03-26-2015

Employer Identification Number:
47-3537305

Form: SS-4

Number of this notice: CP 575 A

OLYMPUS ROCK INC
% PETROS KAYAS
27 RUTHELLEN RD
FRAMINGHAM, MA 01701

For assistance you may call us at:
1-800-829-4933

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 47-3537305. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

When filing tax documents, payments, and related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear off stub and return it to us.

Based on the information received from you or your representative, you must file the following form(s) by the date(s) shown.

Form 941	07/31/2015
Form 940	01/31/2016
Form 1120	03/15/2016

If you have questions about the form(s) or the due date(s) shown, you can call us at the phone number or write to us at the address shown at the top of this notice. If you need help in determining your annual accounting period (tax year), see Publication 538, *Accounting Periods and Methods*.

We assigned you a tax classification based on information obtained from you or your representative. It is not a legal determination of your tax classification, and is not binding on the IRS. If you want a legal determination of your tax classification, you may request a private letter ruling from the IRS under the guidelines in Revenue Procedure 2004-1, 2004-1 I.R.B. 1 (or superseding Revenue Procedure for the year at issue). Note: Certain tax classification elections can be requested by filing Form 8832, *Entity Classification Election*. See Form 8832 and its instructions for additional information.

IMPORTANT INFORMATION FOR S CORPORATION ELECTION:

If you intend to elect to file your return as a small business corporation, an election to file a Form 1120-S must be made within certain timeframes and the corporation must meet certain tests. All of this information is included in the instructions for Form 2553, *Election by a Small Business Corporation*.

William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Boston, Massachusetts 02108-1512

4.a

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FORM MUST BE TYPED

Articles of Organization
(General Laws Chapter 156D, Section 2.02; 950 CMR 113.16)

FORM MUST BE TYPED

ARTICLE I

The exact name of the corporation is:

OLYMPUS ROCK, INC.

ARTICLE II

Unless the articles of organization otherwise provide, all corporations formed pursuant to G.L. Chapter 156D have the purpose of engaging in any lawful business. Please specify if you want a more limited purpose:

See Pages 1A and 1B attached

SECRETARY OF THE
COMMONWEALTH
2015 MAR 26 PM 12:59
CORPORATIONS DIVISION

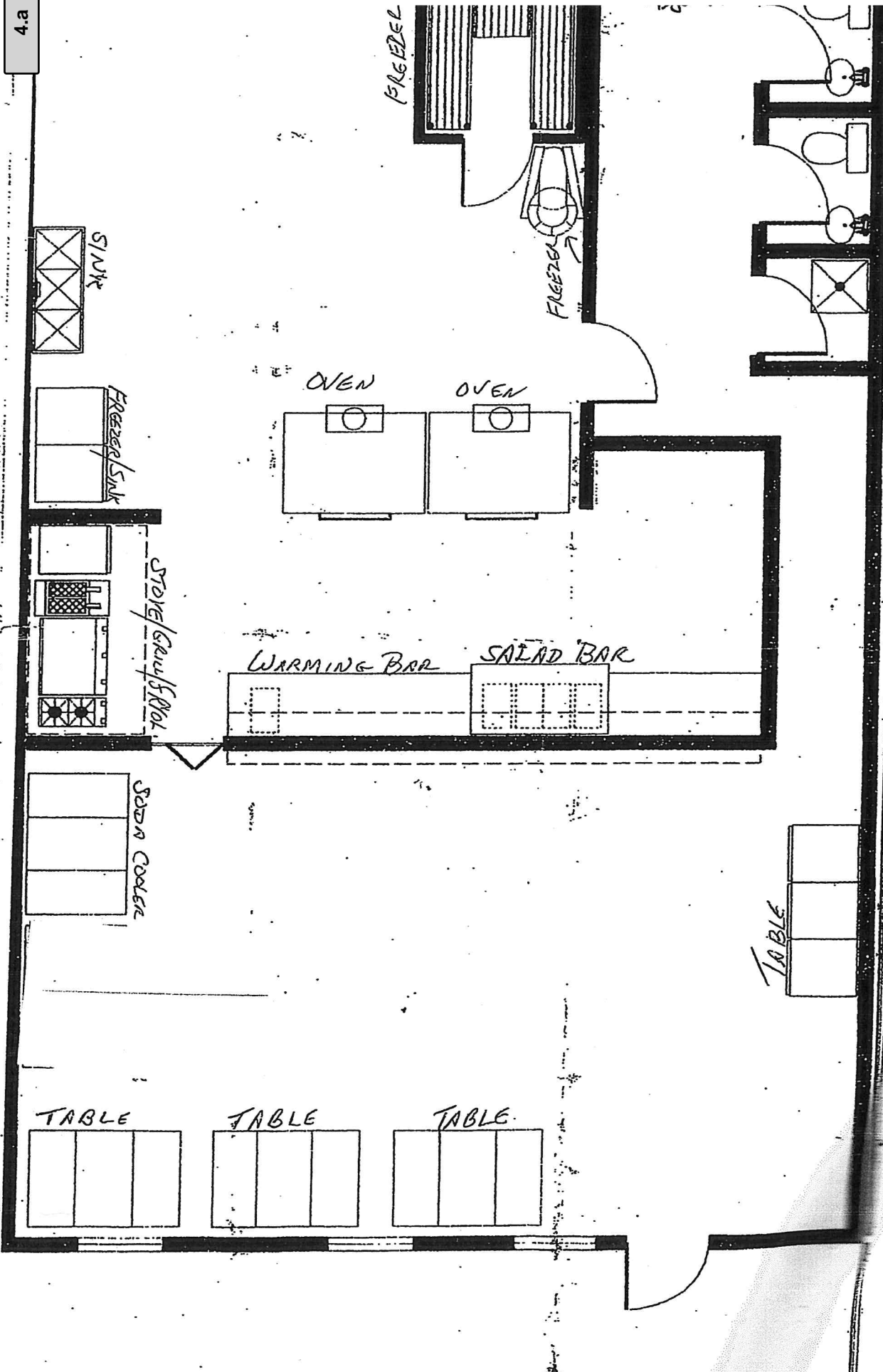
ARTICLE III

State the total number of shares and par value, * if any, of each class of stock that the corporation is authorized to issue. All corporations must authorize stock. If only one class or series is authorized, it is not necessary to specify any particular designation.

WITHOUT PAR VALUE		WITH PAR VALUE		
TYPE	NUMBER OF SHARES	TYPE	NUMBER OF SHARES	PAR VALUE
Common	15,000		NONE	

*G.L. Chapter 156D eliminates the concept of par value, however a corporation may specify par value in Article III. See G.L. Chapter 156D, Section 6.21, and the comments relative thereto.

4.a



CLASSIC III
PIZZA



INSURANCE BINDER

DATE (MM/DD/YYYY)
5/12/2015

THIS BINDER IS A TEMPORARY INSURANCE CONTRACT, SUBJECT TO THE CONDITIONS SHOWN ON THE REVERSE SIDE OF THIS FORM

AGENCY Fair & Yeager Insurance 10 Main Street Natick MA 01760		COMPANY Travelers BINDER# B1551206694	
PHONE (A/C, No, Ext): (508) 653-3131 FAX (A/C, No): (508) 651-0129 CODE: SUB CODE:		DATE EFFECTIVE TIME DATE EXPIRATION TIME 5/12/2015 12:01 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM 6/11/2015 <input checked="" type="checkbox"/> 12:01 AM <input type="checkbox"/> NOON	
AGENCY CUSTOMER ID: 00027555 INSURED Olympus Rock Inc, DBA: Classic Pizza 27 Ruthellen Road Framingham MA 01701		THIS BINDER IS ISSUED TO EXTEND COVERAGE IN THE ABOVE NAMED COMPANY PER EXPIRING POLICY #: TBD BOP DESCRIPTION OF OPERATIONS/VEHICLES/PROPERTY (Including Location) Loc# 00001 730 Boston Post Road Sudbury, MA 01776	

COVERAGES		LIMITS		
TYPE OF INSURANCE	COVERAGE/FORMS	DEDUCTIBLE	COINS %	AMOUNT
PROPERTY CAUSES OF LOSS <input type="checkbox"/> BASIC <input type="checkbox"/> BROAD <input type="checkbox"/> SPEC <input checked="" type="checkbox"/> <u>Special (Including</u>	Accounts Receivable Business Personal Property, Special (Including Eating Establishment Endt Money and securities	500	0	100,000 50,000 Included Included
GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR	RETRO DATE FOR CLAIMS MADE:	EACH OCCURRENCE		\$ 1,000,000
		DAMAGE TO RENTED PREMISES		\$ 50,000
		MED EXP (Any one person)		\$ 10,000
		PERSONAL & ADV INJURY		\$ 1,000,000
		GENERAL AGGREGATE		\$ 2,000,000
		PRODUCTS - COMP/OP AGG		\$ 2,000,000
VEHICLE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS		COMBINED SINGLE LIMIT		\$
		BODILY INJURY (Per person)		\$
		BODILY INJURY (Per accident)		\$
		PROPERTY DAMAGE		\$
		MEDICAL PAYMENTS		\$
		PERSONAL INJURY PROT		\$
		UNINSURED MOTORIST		\$
VEHICLE PHYSICAL DAMAGE DED <input type="checkbox"/> ALL VEHICLES <input type="checkbox"/> SCHEDULED VEHICLES COLLISION: _____ OTHER THAN COL: _____		ACTUAL CASH VALUE		\$
		STATED AMOUNT		\$
GARAGE LIABILITY <input type="checkbox"/> ANY AUTO		AUTO ONLY - EA ACCIDENT		\$
		OTHER THAN AUTO ONLY:		
		EACH ACCIDENT		\$
		AGGREGATE		\$
EXCESS LIABILITY <input type="checkbox"/> UMBRELLA FORM <input type="checkbox"/> OTHER THAN UMBRELLA FORM	RETRO DATE FOR CLAIMS MADE:	EACH OCCURRENCE		\$
		AGGREGATE		\$
		SELF-INSURED RETENTION		\$
WORKER'S COMPENSATION AND EMPLOYER'S LIABILITY		WC STATUTORY LIMITS		
		E.L. EACH ACCIDENT		\$ 500,000
		E.L. DISEASE - EA EMPLOYEE		\$ 500,000
		E.L. DISEASE - POLICY LIMIT		\$ 500,000
SPECIAL CONDITIONS / OTHER COVERAGES		FEES		\$
		TAXES		\$
		ESTIMATED TOTAL PREMIUM		\$

NAME & ADDRESS		MORTGAGEE	ADDITIONAL INSURED
Binder		LOSS PAYEE	
		LOAN #	
		AUTHORIZED REPRESENTATIVE	
		Arthur Fair III/KEC	

CONDITIONS

This Company binds the kind(s) of insurance stipulated on the reverse side. The Insurance is subject to the terms, conditions and limitations of the policy(ies) in current use by the Company.

This binder may be cancelled by the Insured by surrender of this binder or by written notice to the Company stating when cancellation will be effective. This binder may be cancelled by the Company by notice to the Insured in accordance with the policy conditions. This binder is cancelled when replaced by a policy. If this binder is not replaced by a policy, the Company is entitled to charge a premium for the binder according to the Rules and Rates in use by the Company.

Applicable in California

When this form is used to provide insurance in the amount of one million dollars (\$1,000,000) or more, the title of the form is changed from "Insurance Binder" to "Cover Note".

Applicable in Colorado

With respect to binders issued to renters of residential premises, home owners, condo unit owners and mobile home owners, the insurer has thirty (30) business days, commencing from the effective date of coverage, to evaluate the issuance of the insurance policy.

Applicable in Delaware

The mortgagee or Obligee of any mortgage or other instrument given for the purpose of creating a lien on real property shall accept as evidence of insurance a written binder issued by an authorized insurer or its agent if the binder includes or is accompanied by: the name and address of the borrower; the name and address of the lender as loss payee; a description of the insured real property; a provision that the binder may not be canceled within the term of the binder unless the lender and the insured borrower receive written notice of the cancellation at least ten (10) days prior to the cancellation; except in the case of a renewal of a policy subsequent to the closing of the loan, a paid receipt of the full amount of the applicable premium, and the amount of insurance coverage.

Chapter 21 Title 25 Paragraph 2119

Applicable in Florida

Except for Auto Insurance coverage, no notice of cancellation or nonrenewal of a binder is required unless the duration of the binder exceeds 60 days. For auto insurance, the insurer must give 5 days prior notice, unless the binder is replaced by a policy or another binder in the same company.

Applicable in Maryland

The insurer has 45 business days, commencing from the effective date of coverage to confirm eligibility for coverage under the insurance policy.

Applicable in Michigan

The policy may be cancelled at any time at the request of the insured.

Applicable in Nevada

Any person who refuses to accept a binder which provides coverage of less than \$1,000,000.00 when proof is required: (A) Shall be fined not more than \$500.00, and (B) is liable to the party presenting the binder as proof of insurance for actual damages sustained therefrom.

Applicable in the Virgin Islands

This binder is effective for only ninety (90) days. Within thirty (30) days of receipt of this binder, you should request an insurance policy or certificate (if applicable) from your agent and/or insurance company.

4.a

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Additional Named Insureds

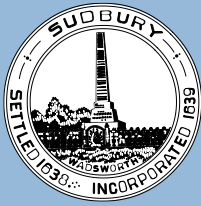
Other Named Insureds

~~Classic Pizza~~ *Kneading Pizza & Grill*

Doing Business As

ADDITIONAL COVERAGES

Ref # 1	Description 730 Boston Post Road, Spoilage, 5,000				Coverage Code SPCDT	Form No.	Edition Date
Limit 1 5,000	Limit 2	Limit 3	Deductible Amount 250	Deductible Type	Premium		
Ref # 1	Description 730 Boston Post Road, Utility Services Dir, 24				Coverage Code	Form No.	Edition Date
Limit 1	Limit 2	Limit 3	Deductible Amount	Deductible Type	Premium		
Ref #	Description Hired/borrowed				Coverage Code HRDBD	Form No.	Edition Date
Limit 1 Included	Limit 2	Limit 3	Deductible Amount	Deductible Type	Premium		
Ref #	Description				Coverage Code	Form No.	Edition Date
Limit 1	Limit 2	Limit 3	Deductible Amount	Deductible Type	Premium		
Ref #	Description				Coverage Code	Form No.	Edition Date
Limit 1	Limit 2	Limit 3	Deductible Amount	Deductible Type	Premium		
Ref #	Description				Coverage Code	Form No.	Edition Date
Limit 1	Limit 2	Limit 3	Deductible Amount	Deductible Type	Premium		
Ref #	Description				Coverage Code	Form No.	Edition Date
Limit 1	Limit 2	Limit 3	Deductible Amount	Deductible Type	Premium		
Ref #	Description				Coverage Code	Form No.	Edition Date
Limit 1	Limit 2	Limit 3	Deductible Amount	Deductible Type	Premium		
Ref #	Description				Coverage Code	Form No.	Edition Date
Limit 1	Limit 2	Limit 3	Deductible Amount	Deductible Type	Premium		
Ref #	Description				Coverage Code	Form No.	Edition Date
Limit 1	Limit 2	Limit 3	Deductible Amount	Deductible Type	Premium		
Ref #	Description				Coverage Code	Form No.	Edition Date
Limit 1	Limit 2	Limit 3	Deductible Amount	Deductible Type	Premium		
Ref #	Description				Coverage Code	Form No.	Edition Date
Limit 1	Limit 2	Limit 3	Deductible Amount	Deductible Type	Premium		
Ref #	Description				Coverage Code	Form No.	Edition Date
Limit 1	Limit 2	Limit 3	Deductible Amount	Deductible Type	Premium		
OFADTLCV					Copyright 2001, AMS Services, Inc.		



SUDBURY BOARD OF SELECTMEN
Tuesday, June 9, 2015

MISCELLANEOUS (UNTIMED)

5: Listening Project

REQUESTOR SECTION

Date of request:

Requestor: Chairman

Formal Title: Discussion and vote on implementation of Listening Project recommendations (Jon Wortmann from Novel Communications will attend).

Recommendations/Suggested Motion/Vote: Discussion and vote on implementation of Listening Project recommendations (Jon Wortmann from Novel Communications will attend.)

Background Information:

Attached documents

Financial impact expected:n/a

Approximate agenda time requested: 15 minutes

Representative(s) expected to attend meeting: Jon Wortmann, Novel Communications

Review:

Patty Golden	Pending
Maryanne Bilodeau	Pending
Barbara Saint Andre	Pending
Charles C. Woodard	Pending
Board of Selectmen	Pending

06/09/2015 7:00 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 Interim Town Manager

Maryanne Bilodeau
Interim Town Manager

278 Old Sudbury Road
Sudbury, Massachusetts 01776
Tel: (978) 639-3385
Email: bilodeaum@sudbury.ma.us

To: Board of Selectmen
From: Maryanne Bilodeau *MB*
Re: Sudbury Listening Report Recommendation – Jon Wortmann
Date: June 1, 2015

At your May 26th Board of Selectmen meeting, you asked that I provide you with details regarding the topics that would be discussed at the four meetings with Jon Wortmann from Novel Communications, should you choose to contract with him.

Here is an outline of the topics:

Meeting 1 - Brain Training 101:

Why do we get stressed? What parts of our brains fire when something triggers us to feel stress? What can we do about it in public meetings and difficult conversations? Skills learned will include

- mindful listening and
- personal techniques for managing stress in the moment

Meeting 2 - Communication Tendencies:

There are seven tendencies that anyone can identify about how another person listens and speaks. When people communicate differently from us, it drives us crazy. We like people who match our tendencies. Skills learned will include

- recognizing our own and others communication tendencies and
- how to frame conversations to address audiences with diverse tendencies

Meeting 3 - Common Goals Round 1:

After analyzing past meetings and conversations that have ended with unresolved conflict, we will establish best practices for working with each other, public meetings, and residents, both angry and engaged. Skills learned will include

- prioritization in conflict
- an awareness of why each BOS member leads
- how to turn anger into valuable conversation and
- the difference between optimal and stress-producing goals

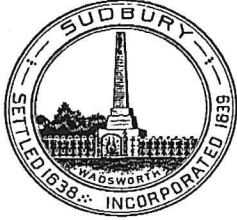
Meeting 4 - Common Goals Round 2:

After identifying the major needs for the town and roadblocks in the planning process, we will create a strategic communication plan for working with staff and residents efficiently and hopefully, so governing is actually fun. Skills learned will include

- how to frame an optimal goal and
- how to create a communication strategy

This final session will springboard the BOS into budget season with clear milestones to measure how communication is progressing.

Jon will be available to attend your June 9th meeting so that you will have a chance to meet him and ask questions first-hand about the work he does. For your convenience, I've attached a copy of my prior memo with his background information.



TOWN OF SUDBURY
Office of the Interim Town Manager

Maryanne Bilodeau
Interim Town Manager

278 Old Sudbury Road
Sudbury, Massachusetts 01776
Tel: (978) 639-3385
Email: bilodeaum@sudbury.ma.us

To: Board of Selectmen
From: Maryanne Bilodeau *MB*
Re: Sudbury Listening Report Recommendation
Date: May 8, 2015

I believe you will be discussing the Sudbury Listening Report at your May 26th BOS meeting and wanted to provide you with some thoughts beforehand. Based on the discussions at the May 3rd Harvard Negotiation and Mediation Clinical Team's presentation of the "Sudbury Listening Project" report, as well as from comments in the report itself, I did some research.

Two people who have extensive experience in this area are Jeff Nutting, who is the Town Manager in Franklin, and Jon Wortmann from Novel Communications.

Jeff Nutting has facilitated workshops for many municipalities and non-profits related to team-building and goal setting. Unfortunately Jeff was heading out of town and was not able to get back to me; however, I did hear back from Jon Wortmann.

Jon is a noted author, non-profit leader and corporate coach and trainer who specializes in communication and leadership. He has done a lot of work that has created awareness and ultimately changed teams in start-up, Fortune 500, university, non-profit, and town cultures. His talks and workshops teach the strategic communication, mental focus, and stress management skills essential to healthy teams and lives.

He is the author of "Hijacked by Your Brain: How to Free Yourself When Stress Takes Over", Mindfulness Is Sublime, Mastering Communication at Work: How to Lead, Manage, and Influence, The Three Commitments of Leadership (McGraw-Hill), and Your Brain on Golf.

A short list of organizations he has worked with includes:

- Town of Southborough
- Dartmouth College
- Time Warner
- University of Connecticut
- Habitat for Humanity
- Commonwealth of Massachusetts (ending family homelessness)

I have personally worked with Jon in the past and highly recommend him. Here is more information he provided to share with you:

The goals to establish communication norms, set common expectations of process, and build consensus around policy priorities are lofty for a retreat. And, it is possible with willing leaders; however it might work better with several 1 ½ to 2 hour meetings. For Sudbury 4 or 5 (1 ½ to 2 hour) meetings are recommended as opposed to a full day.

The unique method is simple:

- Train leaders on how their brains perceive conflict, risk, and meaningful work
- Explore each leaders communication tendencies that create conflict or understanding
- Build a common language around engagement and future goals

The brain training and communication tendencies are methods found in his books and ebooks, and they have allowed companies to make billions and communities to become the gold standard in dialogue and measurements of trust like bond-rating.

The training is not magic. It takes leaders commitment and desire to build a better community. And, when we know why our brains cause us to melt down and the communication triggers that prevent strong relationships, we can change how we communicate and the results we achieve together.

In regards to Open Meeting Law he said that he is a public leader in the spiritual life of central Massachusetts, the effort to end family homelessness, and numerous organizations across New England. He is comfortable with conflict in public. If the public attended the retreat, he would involve them in the training, allowing people to laugh and have fun with our differences. This could be the beginning of the public training called for in the report as well. Vanessa Hale from the Town of Southborough can speak to his capacity and the results that the town has achieved after similar retreats.

Should the Board decide to move forward with the recommendations from the “Sudbury Listening Project” Report, I feel you will find Jon Wortmann to be not only personable, but very effective as well. Should you wish to go another route then I am happy to research whatever you’d like.

Here is Jon Wortmann’s contact information. If you believe this is something you are interested in pursuing and wish to talk with him prior to your meeting please feel free to call his cell phone number as he is happy to speak with you.

Jon Wortmann
Novel Communication, LLC
508. 479. 8000 cell
781. 777. 1992 office
[Mindfulness Is Sublime](#) — Out Now!
www.whatsinyourway.com
amazon.com/author/jonwortmann

Listening Project Implementation

Bob:

I think the new BOS should go through a focus group conducted by the same people who ran the focus groups for the listening project. I think we need to start listening to people with whom we disagree with curiosity to understand the values and perspectives shaping their opinions and not assign bad intentions to people because they have a viewpoint which is different than ours.

Chuck:

- BOS Retreat
 - 3-4 1 ½ -2 hour morning sessions
 - Posted meetings in the Library meeting room
 - No TV or video recording
 - Use a professional facilitator
- Board member “One on Ones”
 - 15 minutes before the start of office hours?
- Web site
 - Actions and explanations
 - Decisions and explanations
 - File under the relevant department/committee/board and a 30 day rolling list of “recent actions” that has a link on the Town home page
 - Allow posting of questions and provide answers to same for all to see
 - Answers and postings of actions/decisions to be provided by department heads as assigned by the Town Manager and Selectmen as assigned by the Chair
 - Directory of “who to contact”
 - Org Chart
 - No need for a separate Facebook page???
- BOS Council (not specifically mentioned but in the Listening Project spirit)
 - Committee of citizens from various precincts that meets with the Vice Chair periodically to listen and take suggestions on agenda items

Len:

Planning for a retreat as suggested by the Listening Project presenters.

Pat:

Navigator responsibilities:

Citizens bring questions to the Board of Selectmen which boil down to “What is the process to address X? Who do I ask about X?” The navigator finds out and responds. Navigator includes parceling out e-mail and written queries to the BOS for response. “Navigator” counts as an issue in the responsibilities below. To what extent can staff realistically do this?

Communicator responsibilities:

Items come up recurrently (who gets the money for leasing town agricultural land or what is the requirement for a 40B moratorium using the Housing Production Plan, for example) which should be addressed officially on the Town website. There should be an FAQ on many of these

issues, which should be catalogued, reviewed and updated at least annually. “Communicator” counts as an issue in the responsibilities below. Again, to what extent can staff realistically do this?

Board Member responsibilities:

1. To use the capacity of the five-member board, each member should have two or three issues s/he follows (e.g., Raytheon development, Minuteman membership, capital planning, ...) The Selectman actively follows his/her issues and reports to the Board when action is required or major decisions are made (e.g., a running commentary on the proposed budget). This is distinct from liaison responsibilities, which largely consist of communication with boards and commissions.
2. Liaison assignments as required.
3. Respond with availability information!! This is critical during the Town Manager search, and desirable at other times.

Susan:

Board of Selectmen

- Retreat facilitated by consultant, focused on establishing common norms, expectations of process, and ways to enhance collaboration (2A). *High priority.*
 - Consultant should first meet individually with Selectmen and/or conduct facilitated/mediated one-on-one meetings between individual Selectmen
 - Should be as soon as possible, probably separate from and before goal-setting session
 - Probably several short sessions rather than one day; maybe last session for goal-setting or policy prioritization
 - Need to clarify OML parameters
- Ongoing one-on-one meetings among Selectmen (2B)
 - Should be discussed at retreat to determine options/goals for such meetings
 - Should start with *mediated* one-on-one meetings
 - Need to clarify OML parameters
- Social events for Selectmen (2C): Yes!
 - Should occur *after* some of the preliminary work on retreat or mediated one-on-one meetings
 - Maybe informal lunch or dinner in connection with retreat sessions
 - Others: I would like to host board members and spouses for dinner, possibly in the fall.

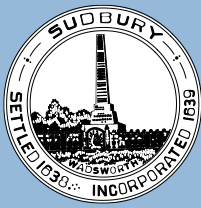
Town Government

- Town media and information coordinator (3C): *High priority* to find some mechanism (such as this position) to add staff capacity for response to public inquiries and to streamline information
 - Access to information is highly valued by citizens
 - Staff currently does not have adequate time in addition to other assignments

- Need central point of contact who can cut across departments and follow up with staff members to make sure timely response provided
 - Function could be shared with SPS
 - Website enhancement: A great deal of information is available now but hard for citizens to access or find specifics (3A)
 - Enhance use of social media (3B)
 - Increase outreach to public
 - Need to clarify OML parameters as to board/committee involvement in responding to public or using social media
- Increase use of Town Forums, surveys, and other tools for input
 - Continue to refine State of the Town forum
 - More issue-specific forums (3D)
 - Town Budget forum before ATM
 - Run another Citizens' Academy session
 - Increased use of citizen task forces for input (and opportunity for low-threshold involvement) (4)
 - Civic Conversations Group (1A): consider forming a group like that proposed or a with an alternative (but related) focus, such as a Town Government Communications Committee
 - Could advise on how to enhance communication or serve as communications or information point of contact
 - Could serve more of an ombudsman/complaint resolution role (3H)
 - Consider conflict resolution training
 - Could advise BOS and other committees re: processes

Questions:

- Nebulous, need to clearly define goals and role
 - Who would staff/organize?
 - Need to find neutral participants
- Clarify process for declarations of conflict of interest (3G): *High priority*. Some clarification needed to help address concerns raised by some members of the public, noted in the report that board members and staff are not acting in good faith.
 - Review and update policies and procedures
 - Obtain legal advice
 - Provide public training
 - Town Meeting: Good time to evaluate practices, BOS should support Moderator Mike Fee's plan for a committee to review Town Meeting.



SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2015

TIMED ITEM

6: Discussion of responsibilities of chair and vice-chair

REQUESTOR SECTION

Date of request:

Requestor: Chairman Brown

Formal Title: Discussion and possible vote on responsibilities of Board of Selectmen Chair and Vice-chair

Recommendations/Suggested Motion/Vote: Discussion and possible vote on responsibilities of Board of Selectmen Chair and Vice-chair

Background Information:
Attached input from Board members

Financial impact expected:n/a

Approximate agenda time requested: 15 minutes

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Maryanne Bilodeau	Pending
Barbara Saint Andre	Pending
Charles C. Woodard	Pending
Board of Selectmen	Pending

06/09/2015 7:00 PM

MEETING NOTES SECTION

Board's action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

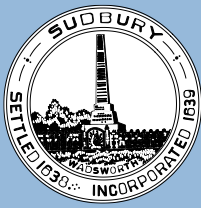
Future agenda date:

BOS Chair Responsibilities

- Serves as a facilitator for the board members, coordinating the work of the board
- Calls, cancels, and schedules meetings
- Responsible for keeping board informed of important developments and information
- Forwards communications to the board as appropriate
- Plans the meeting, including scheduling of agenda items, in consultation with the Vice Chair and Town Manager
- Engages the full board in agenda planning and prioritization
- Runs regular meetings, but may delegate responsibility for specific agenda items or special purpose meetings to other board members
- Serves as facilitator and primary point of contact between board and Town Manager; has periodic meetings with Vice Chair and Town Manager
- Serves as the primary point of contact to speak on behalf of the board and to respond to inquiries from the press or public, but may delegate response as appropriate to staff or other board members
- Signs official documents as Chair
- Represents the board ceremonially, but may delegate to other board members
- Other assignments or subcommittees as needed

BOS Vice Chair Responsibilities

- Fills in for the Chair as needed
- Runs meetings in absence of Chair, but may delegate responsibility for specific agenda items to other board members
- Is consulted by the Chair in planning the meetings, including scheduling of agenda items
- Meets periodically with Chair and Town Manager
- Organizes Selectmen's Office Hours
- Organizes fall Town Forum
- Other assignments or subcommittees as needed



SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2015

TIMED ITEM

7: Procedure for putting items on agenda

REQUESTOR SECTION

Date of request:

Requestor: Chairman

Formal Title: Discussion and possible vote on procedure for adding items to the Board of Selectmen's agenda

Recommendations/Suggested Motion/Vote: Discussion and possible vote on procedure for adding items to the Board of Selectmen's agenda

Background Information:

See attached Board input

Financial impact expected:n/a

Approximate agenda time requested: 10 minutes

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Maryanne Bilodeau	Pending
Barbara Saint Andre	Pending
Charles C. Woodard	Pending
Board of Selectmen	Pending

06/09/2015 7:00 PM

MEETING NOTES SECTION

Board's action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

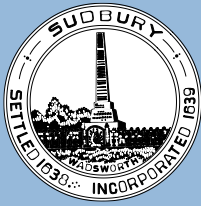
Future agenda date:

BOS Agenda Protocol

Most agenda items are determined by the ongoing needs of the town, on a generally predictable schedule, concerning budgeting, tax-rate setting, Town Meeting planning, licensing, etc. The Chair and Vice Chair should work with the Town Manager to schedule items as needed.

Agenda item requests may be submitted by individual board member as follows:

- Every regular board meeting will have an agenda item to allow members to suggest and consider future agenda items. Any member can request that an item be placed on a future agenda.
- Each member may designate up to two agenda items every six months with the timing to be determined by the Chair. The member is encouraged to present specifics—whether this is a request for discussion or decision, how long the presentation will be, what authority the board has in this matter—when designating an item. The member designating the item is responsible for coordinating with the Chair to be sure the item is scheduled when presenters can be available. As needed, the member designating the item is responsible for obtaining approval from Town Counsel that the proposed discussion and/or vote is appropriate and within legal guidelines and for presenting such approval to the Chair prior to scheduling the item.
- The Chair will make every effort to schedule any requested agenda item for a future meeting on a reasonable and timely basis, within the next several months, in consultation with the Vice Chair and Town Manager. The Chair will further consult with Town Counsel, as needed. Any concerns about the timing or suitability (including legal parameters) that may limit consideration of the proposed agenda item will be brought back to the board for consideration, ideally at the next regular meeting subsequent to the agenda item request.
- Any items requested in addition to the two designated items every six months will be considered by the Chair, in consultation with the Vice Chair and Town Manager. Any member may request, during the consideration of future agenda items, a majority vote to place such an additional item on an agenda.
- Any member may individually contact the Chair with a recommendation for an agenda item to be considered by the Chair.



SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2015

TIMED ITEM

8: Liaison Assignments

REQUESTOR SECTION

Date of request:

Requestor: Chairman Brown

Formal Title: Discussion and possible vote on Liaison Assignments for 2015-2016

Recommendations/Suggested Motion/Vote: Discussion and possible vote on liaison assignments for 2015-2016

Background Information:

See attached memo and list of current assignments

Financial impact expected:n/a

Approximate agenda time requested: 30 minutes

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Maryanne Bilodeau	Pending
Barbara Saint Andre	Pending
Charles C. Woodard	Pending
Board of Selectmen	Pending

06/09/2015 7:00 PM

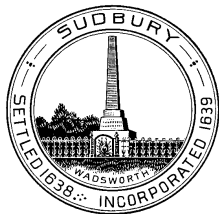
MEETING NOTES SECTION

Board's action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

Future agenda date:



TOWN OF SUDBURY

Office of 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

June 6, 2015

To: Board of Selectmen

From: Patty Golden

Re: **New Selectmen's Liaison Assignments for 2015-2016 (6/9/15 agenda item)**

Attached is the current liaison assignments for 2014-2015. At Chairman Brown's request, would you please carefully review the list and give thoughtful consideration to those committees you would prefer to be assigned to for the coming year. Reviewing the list ahead of time could help expedite the discussion at Tuesday night's meeting.

NOTE: This list also shows where various Board members have been appointed (or volunteered) to serve as a member of a committee. Typically those assignments are determined separately from the liaison discussion, and those memberships were added at the bottom of this list.

Thank you.

Attachment: BOS_Memo_LL_June9_mtg (1360 : Liaison Assignments)



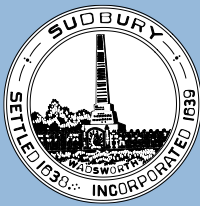
**SUDBURY BOARD OF SELECTMEN
LIAISON ASSIGNMENTS
2014 – 2015**

Chairman Woodard	Vice-Chairman Brown	Selectman Haarde	Selectman O'Brien	Selectman Simon
Finance Committee	Agricultural Commission	Historical Commission	Board of Appeals/Earth Removal Bd	Board of Health
Lincoln Board of Selectmen	Capital Improvement Advisory Committee	Lincoln-Sudbury Reg High School	Council on Aging	Council on Aging
Permanent Building Committee	Commission on Disability	Memorial Day Committee	Cultural Council	Capital Improvement Advisory Committee
Town Manager/Town Departments	Conservation Commission	Minuteman High School	Historic Districts Commission	Conservation Commission
	Design Review Board	Park & Recreation Commission	Lincoln-Sudbury Reg High School	Energy and Sustainability Committee
	Finance Committee	Sudbury Public Schools	Permanent Building Committee	Goodnow Library Trustees
	Minuteman High School	Sudbury Celebrates 375 Committee	Planning Board	Park & Recreation Commission
	Planning Board	Town Historian	Sudbury Housing Authority	Rail Trail Conversion Advisory Com
	Ponds & Waterways Committee		Sudbury Water District	Sudbury Public Schools

MEMBER OF:

9/11 Memorial Garden Oversight Committee	Community Preservation Committee	Fairbank Community Center	Sudbury Center Improvement Advisory Committee	Military Support Network
Strategic Financial Planning for OPEB Liabilities	Rail Trail Conversion Advisory Com	Rte 20 Sewer Steering Committee	Sudbury Housing Trust	Fairbank Community Center
Strategic Financial Planning for Capital Funding		Military Support Network	Strategic Financial Planning for OPEB Liabilities	
			Strategic Financial Planning for Capital Funding	

Maureen G. Valente, Town Manager



SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2015

TIMED ITEM

9: Budget Strategy Task Force

REQUESTOR SECTION

Date of request: June 3, 2015

Requestor: Chairman Brown

Formal Title: Discussion and possible vote on Budget Strategy Task Force as requested by Finance Committee Chairman Susan Berry. Also discuss possible inaugural meeting date of 6/18, 6/22 or 6/24.

Recommendations/Suggested Motion/Vote: Discussion and possible vote on Budget Strategy Task Force, as requested by Finance Committee Chairman Susan Berry. Also discuss possible inaugural meeting date of 6/18, 6/22 or 6/24.

Background Information:
attached

Financial impact expected:n/a

Approximate agenda time requested: 10 minutes

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Maryanne Bilodeau	Pending
Barbara Saint Andre	Pending
Charles C. Woodard	Pending
Board of Selectmen	Pending

06/09/2015 7:00 PM

MEETING NOTES SECTION

Board's action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

Future agenda date:

From: Susan Berry <namaberry@gmail.com>
Subject: Fwd: Budget Strategies Task Force
Date: May 28, 2015 at 12:50:54 PM EDT
To: Pat Brown <patbrownian@me.com>

Hi Pat,
 Congratulations on your election as Chair of the BOS!

I am forwarding you an email I sent earlier to Chuck about the formation of a task force to discuss budget strategies. Do you know at this point if this will be on the agenda for your 6/9 meeting? Unfortunately, I will be out of town that week but hope that the Selectmen will have one or two members who would be a part of this task force. As you can see, I would like to have an initial meeting before the end of June.

Please let me know if you have questions.
 Susan

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

From: Susan Berry <namaberry@gmail.com>
Date: Fri, May 22, 2015 at 10:26 AM
Subject: Budget Strategies Task Force
To: Ellen Joachim <ellen_joachim@sudbury.k12.ma.us>, Elena Kleifges <ekleifges@verizon.net>, Chuck Woodard <woodardcc@gmail.com>, "Bilodeau, Maryanne" <BilodeauM@sudbury.ma.us>, Anne Wilson <anne_wilson@sudbury.k12.ma.us>, Bella Wong <bella_wong@lsrhs.net>
Cc: Finance Committee <fincom@sudbury.ma.us>

As you know, the FY16 budgeting process was challenging, and the Finance Committee anticipates that the FY17 process is likely to be even more challenging since all the available excess tax levy has been used. We believe that this process might be improved by early and regular meetings of representatives of the three cost center and the Finance Committee. Therefore, we are proposing the establishment of a task force to discuss budget strategies. The meetings of this group will be posted and open to the public.

Our recommendation is that the task force consists of 1 or 2 Selectmen, 1 or 2 members of the Sudbury Public School Committee, 1 or 2 members of the Lincoln-Sudbury Regional High School Committee, 1 or 2 members of the Finance Committee, the Town Manger, and the two school superintendents. Initially, we expect the following items to be on the agenda for the meetings:

- anticipated/actual FY16 budget pressures
- anticipated FY17 budget pressures
- possibilities for cost sharing between and among the cost centers
- suggestions for improving the budget hearing and pre-budget hearing process

Please discuss this proposal with your respective committees and let me know if representatives are able to be part of an inaugural meeting on any of the follow dates - Thursday, June 18, Monday, June 22, or Wednesday, June 24.

Susan Berry

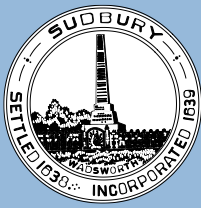
Attachment: SBerry_email (1363 : Budget Strategy Task Force)

Draft purpose for the Budget Strategies Task Force

The Budget Strategies Task Force brings members of all three of Sudbury's cost centers—Sudbury Public Schools, Lincoln Sudbury Regional High School, and the Town of Sudbury—together early in the fiscal year to share information prior to the formal budgeting process. Specifically, the members will discuss both the anticipated and actual financial pressures faced by their cost centers as these develop in FY2016, anticipated financial pressures as foreseen for FY2017, consider cost-sharing opportunities between and among cost centers, and develop suggestions to improve the budget hearing and pre-budget process.

The Task Force will consist of 1 or 2 Selectmen, 1 or 2 members of the Sudbury Public School Committee, 1 or 2 members of the Lincoln-Sudbury Regional High School Committee, 1 or 2 members of the Finance Committee, the Town Manager, and the two school superintendents.

The Task Force will post, conduct, and record its meetings in compliance with the Massachusetts Open Meeting Law.



SUDBURY BOARD OF SELECTMEN
Tuesday, June 9, 2015

TIMED ITEM

10: Discuss future agenda items

REQUESTOR SECTION

Date of request: June 5, 2015

Requestor: Chairman Brown

Formal Title: Discuss BOS requests for future agenda items.

Recommendations/Suggested Motion/Vote: Discuss BOS requests for future agenda items.

Background Information:
none

Financial impact expected:n/a

Approximate agenda time requested: 10 minutes

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Maryanne Bilodeau	Pending
Barbara Saint Andre	Pending
Charles C. Woodard	Pending
Board of Selectmen	Pending

06/09/2015 7:00 PM

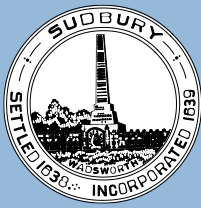
MEETING NOTES SECTION

Board's action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

Future agenda date:



SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2015

MISCELLANEOUS (UNTIMED)

11: Sudbury Housing Trust Appointment

REQUESTOR SECTION

Date of request: June 2, 2015

Requested by: Jody Kablack

Formal Title: Vote to accept the resignation of Lawrence W. O'Brien as a Trustee of the Sudbury Housing Trust, and to appoint _____ as a successor Trustee for a 2 year term ending April 30, 2017.

Recommendations/Suggested Motion/Vote: Vote to accept the resignation of Lawrence W. O'Brien as a Trustee of the Sudbury Housing Trust, and to appoint _____ as a successor Trustee for a 2 year term ending April 30, 2017.

Background Information:

Pursuant to MGL c. 44, s. 55C, and Article IV of the Declaration of Trust forming the Sudbury Housing Trust, one Trustee must be a member of the Board of Selectmen who serves as a representative of the Board of Selectmen. Lawrence W. O'Brien had filled that role since the adoption of the Sudbury Housing Trust in 2007. A successor Trustee must be appointed at this time. The term is 2 years, and no member may serve for more than 5 consecutive terms, or 10 years. Attached is the Declaration of Trust, the proposed appointment form, and a list of the current Trustees. There is currently one vacancy in addition to the Board of Selectmen representative.

Financial impact expected:NA

Approximate agenda time requested: 5 minutes

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Maryanne Bilodeau	Pending
Barbara Saint Andre	Pending
Charles C. Woodard	Pending
Board of Selectmen	Pending

06/09/2015 7:00 PM

MEETING NOTES SECTION

Board's action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

Future agenda date:



10
8

SUDBURY HOUSING TRUST

THIS DECLARATION OF TRUST is executed as of the fifteenth (15th) day of February, 2007 by Lawrence W. O'Brien, member of the Board of Selectmen; Michael C. Fee, Chairman of the Planning Board; Amy Lepak, Chairman, Community Housing Committee; and Christopher Morely and Tara L. N. Reed, Co- Chairmen of the Community Preservation Committee, hereinafter called the Temporary Trustees, who shall serve in such capacity pursuant to the provisions of M.G.L. Chapter 44, s 55C until the permanent Trustees are appointed pursuant to Article IV hereunder.

WHEREAS, The Town Meeting of Sudbury has authorized the establishment of a Housing Trust pursuant to the provisions of M.G.L. Chapter 44, s 55C; and

WHEREAS, An Interim Trust was established on October 17, 2006 to provide an interim mechanism for collecting funds and paying for expenses in accordance with the purpose and intent of the enabling legislation pending the adoption of final Trust documents; and

WHEREAS, It is the intention of the Trustees, to establish a comprehensive trust in accordance with the provisions of M.G.L. Chapter 44, s 55C authorizing the establishment of thereof; and

WHEREAS, All monies received by the Interim Trust shall be transferred to this final Trust for all purposes relevant to the Trust and the entire Housing Trust Fund (the Fund) shall be considered available for the purposes of accomplishing the mission of providing for the preservation and creation of affordable housing in the Town of Sudbury for the benefit of low and moderate income households.

THEREFORE, in consideration of the agreements contained in this Trust, and the requirements of M.G.L. Chapter 44, s 55C, the Trustees hereby acknowledge and agree for themselves and their successors in trust to hold the same, together with such other property and funds as may be added thereto, for the purposes hereof in trust for the benefit of all of the Inhabitants of the Town of Sudbury, in the manner and under the terms and conditions set forth herein.

ARTICLE I TRUSTEES

The Trustees shall be appointed in accordance with Article IV hereof to replace the Temporary Trustees established and appointed in the first paragraph of this document.

ARTICLE II PURPOSE OF TRUST

The purpose of the Trust shall be to provide for the preservation and creation of affordable housing in the Town of Sudbury for the benefit of low and moderate income households.

ARTICLE III POWERS OF TRUSTEES

The Trustees shall have the following powers which shall be carried out in accordance with and in furtherance of the provisions of M.G.L. Chapter 44, s 55C (Municipal

RETURN TO:
Office of Town Counsel
TOWN OF SUDBURY
278 Old Sudbury Road
Sudbury, MA 01776

Attachment: Sudbury Housing Trust - Recorded Trust (1357 : Sudbury Housing Trust Appointment)

Affordable Housing Trust Fund) as outlined below except that it shall have no ability to borrow money, or mortgage or pledge Trust assets, purchase, sell, lease, exchange, transfer or convey any interest in real property without prior approval of the Sudbury Board of Selectmen:

- 1) to accept and receive real property, personal property or money, by gift, grant, contributions, devise, or transfer from any person, firm, corporation or other public entity or organization or tendered to the Trust in connection with provisions of any ordinance or by-law or any General Law or Special Act of the Commonwealth or any other source including money from M.G.L Chapter 44B (Community Preservation);
- 2) with Board of Selectmen approval from Trustee recommendation, to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to Trust property as the Trustees deem advisable notwithstanding the length of any such lease or contract;
- 3) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Trustees engage for the accomplishment of the purposes of the Trust;
- 4) with Board of Selectmen approval from Trustee recommendation, to borrow money on such terms and conditions and from such sources as the Trustees deem advisable, to mortgage and pledge Trust assets as collateral; to the extent of the Trust's assets, and subject to 2/3 vote at any Annual or Special Town Meeting for greater than the extent of the Trust's assets.
- 5) to construct, manage or improve real property; and to abandon any property which the Trustees determine not to be worth retaining;
- 6) with Board of Selectmen approval from Trustee recommendation, to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
- 7) to hold all or part of the Trust property uninvested for such purposes and for such time as the Trustees may deem appropriate; and
- 8) to become the lottery and monitoring agent for affordable housing and accept compensation for those services into the Fund,
- 9) to monitor the expiring use of any affordable housing in Sudbury;
- 10) to compensate Town employees for services provided as authorized by the Town Manager, including but not limited to dedicated staff to Trustees, engineering support for project specific activities, and other Town services, as requested by the Trustees to the Town Manager;
- 11) to employ advisors and agents, including but not limited to accountants, appraisers and lawyers as the Trustees deem necessary;

- 12) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Trustees deem advisable;
- 13) to participate or join or form a partnership, corporation or any other legally organized entity to accomplish the purposes of this Trust and to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation, and any other corporation, person or entity,
- 14) to apportion receipts and charges between incomes and principal as the Trustees deem advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- 15) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Trustees may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Trustees may deem necessary and appropriate;
- 16) to carry property for accounting purposes other than acquisition date values;
- 17) to make distributions or divisions of principal in kind;
- 18) to extend the time for payment of any obligation to the Trust,
- 19) to establish criteria and/or qualifications for recipients and expenditures in accordance with Trust's stated purposes;
- 20) to compromise, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Trustees may deem appropriate;

Notwithstanding anything to the contrary herein, Board of Selectmen approval shall be required for any of the following actions:

- a) to purchase real or personal property;
- a) to sell, lease, exchange, transfer or convey any personal, mixed, or real property; and
- b) to borrow money, or to mortgage or pledge Trust assets as collateral to the extent of the Trust's assets.

Notwithstanding anything to the contrary herein, the Trustees may not borrow, mortgage or pledge greater than the current Trust assets unless approved by the Board of Selectmen and by a 2/3 vote at any Annual or Special Town Meeting.

The Trustees shall have full power and authority, at any time and from time to time and without the necessity of applying to any court for leave to do so, to expend the 100% of the Trust funds, both principal and interest, to the extent that all funds hereunder may be expended if the Trustees deem such expenditure appropriate. All expenditures shall be made in conformance with the terms of this Trust and M.G.L. Chapter 44, s 55C.

ARTICLE IV APPOINTMENT AND TENURE OF TRUSTEES

There shall be a Board of Trustees consisting of not less than five and not more than nine Trustees appointed by the Board of Selectmen. At least one of the Trustees shall be a member of the Board of Selectmen, who shall serve as the representative of the Board of Selectmen.

The Trustees shall be appointed for a two (2) year term, such term to end on April 30 of the expiration year or until such time as a successor is appointed, should said appointment be delayed. Two of the initial Trustee appointments shall be for a term of one (1) year, and may be re-appointed at the discretion of the Board of Selectmen. Trustees may be appointed for no more than five (5) consecutive terms.

In the event of a vacancy in the position of Trustee, the appointment shall be made in the same manner as the original appointment.

All Trustees must be current residents of Sudbury upon initial appointment. Any Trustee who ceases to be a resident of the Town of Sudbury shall promptly provide a written notification of the change in residence to the Trust and to the Town Clerk. Said Trustee may continue to serve with the approval of the remaining Trustees, and may be reappointed by the Board of Selectmen.

Any Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk. If a Trustee shall die, resign, or for any other reason cease to be a Trustee hereunder before his/her term of office expires, a successor shall be appointed by the Board of Selectmen to fill such vacancy provided that in each case the said appointment and acceptance in writing by the Trustee so appointed is filed with the Town Clerk. No such appointment shall be required so long as there are five (5) Trustees in office. Upon the appointment of any succeeding Trustee and the filing of such appointment the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees.

ARTICLE V MEETINGS OF THE TRUSTEES

The Trust shall meet at least quarterly at such time and such place as the Trustees shall determine. Special meetings may be called by the Chairperson or by any two (2) Trustees. Notice of any meeting of the Trust shall be filed with the Town Clerk and posted in accordance with the Open Meeting Law, M.G.L. Chapter 39, s 23A, 23B and 23C.

A quorum of the Board of Trustees shall be the majority of the number of authorized Trustees.

The Trustees shall annually elect one (1) Trustee who shall not be a member of the Board of Selectmen to serve as Chairperson. The Chairperson may establish sub-committees

and/or ad hoc task related committees to carry out the purposes of the Trust. Chairpersons of the sub-committees may be selected by the members of the sub-committees.

If any Trustee is absent from five (5) consecutive regularly scheduled meetings of the Trust, except in the case of illness, his position shall be deemed vacant and shall be filled with a new appointment as set forth above.

ARTICLE VI ACTS OF TRUSTEES

A majority of Trustees may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate.

ARTICLE VII TREASURER/COLLECTOR AS CUSTODIAN

The Town of Sudbury Treasurer/Collector shall be the custodian of the Trust's funds and shall maintain separate accounts and records for said funds.

He or she shall invest the funds in the manner authorized by M.G.L Chapter 44, s 55 (Public Funds on Deposit; Limitations; Investments,) s 55A, (Liability of Depositor for Losses Due to Bankruptcy), s 55B (Investment of Public Funds).

Any income or proceeds received from the investment of funds shall be credited to and become part of the Trust.

Expenditures by the Trust shall be processed through the warrant but shall be controlled by the provisions of M.G.L. Chapter 44, s.55C. The yearly approved budget, and any approved budget revisions will be recorded by the Town Treasurer/Collector.

As custodian, the Treasurer/Collector shall issue checks as directed by the Trustees.

In accordance with M.G.L. Chapter 44, s.55C (Municipal Affordable Housing Trust Fund), the books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices. The Trust shall be audited as part of the Town audit.

Attachment: Sudbury Housing Trust - Recorded Trust (1357 : Sudbury Housing Trust Appointment)

ARTICLE VIII DURATION OF THE TRUST

This Trust shall continue so long as authorized under the Laws of the Commonwealth of Massachusetts. Notwithstanding the foregoing, The trust may be terminated by a majority vote of the Town Meeting in accordance with M.G.L. Chapter 4, s 4B, provided that an instrument of termination together with a certified copy of the Town Meeting vote are duly recorded with the Middlesex South District Registry of Deeds and the Land Court. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town and held by the Board of Selectmen for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval of the Board of Selectmen, sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

ARTICLE IX CONSTRUCTION OF TERMS

In the construction hereof, whether or not so expressed, words used in the singular or in the plural respectively include both the plural and singular, words denoting males include females and words denoting persons include individuals, firms, associations, companies, trusts and corporations unless a contrary intention is to be inferred from or required by the subject matter or context. All the powers and provisions of the Trust herein contained shall take effect and be construed according to the laws of the Commonwealth of Massachusetts.

Reference to the Trustee shall mean the Trustee or Trustees for the time being hereunder.

ARTICLE X RECORDING

This Declaration of Trust shall be recorded with the Middlesex South District Registry of Deeds and the Land Court.

ARTICLE XI AMENDMENTS

The Declaration of Trust may be amended from time to time except as to those provisions specifically required under M.G.L. Chapter 44, s 5C, by an instrument in writing signed by all of the Trustees and approved at a meeting called for that purpose, and approved by the Board of Selectmen provided that in each case, a certificate of amendment has been recorded with the Middlesex South District Registry of Deeds and the Land Court.

ARTICLE XII RECORD TO BE CONCLUSIVE, CERTIFICATE AS TO FACTS

Every contract, deed, mortgage, lease and other instrument executed by a majority of the Trustees as appears from instruments or certificates recorded with the Registry of Deeds and Land Registration Office to be Trustees hereunder shall be conclusive evidence in favor of any person relying thereon or claiming thereunder, that at the time of the delivery thereof this Trust was in full force and effect and that the execution and delivery of such instrument was duly authorized by the Trustees except that instruments of amendment pursuant to Article XI and an instrument of termination pursuant to Article VIII hereof shall be conclusive only if it appears that the delegations, amendments or

Attachment: Sudbury Housing Trust - Recorded Trust (1357 : Sudbury Housing Trust Appointment)

termination have been executed by all of the Trustees. Any person dealing with the Trust property or the Trustees may always rely on a certificate signed by any person appearing from instruments or certificates so recorded to be Trustee hereunder as to the identity of the then current Trustees or as to the existence or non-existence of any fact or facts which constitute conditions precedent to acts by the Trustees or in any other manner germane to the affairs of the Trust.

ARTICLE XIII TERMINATION OF INTERIM TRUST

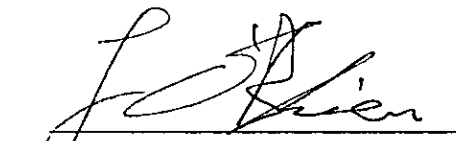
The Interim Trust is hereby terminated and all assets and liabilities shall be transferred to the Trustees hereunder pursuant to the vote of the April 2006 vote of the Sudbury Annual Town Meeting and M.G.L. Chapter 44, s 55C.


ARTICLE XIV TITLES

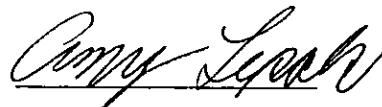
The titles to the various Articles herein are for convenience only and are not to be considered part of said Articles nor shall they affect the meaning or the language of any such article.


Attachment: Sudbury Housing Trust - Recorded Trust (1357 : Sudbury Housing Trust Appointment)

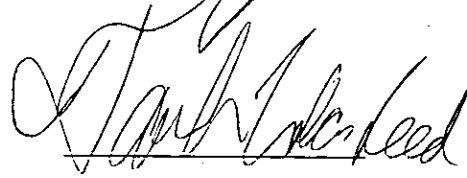
IN WITNESS WHEREOF the said Trustees have hereunto set their hands and seals on the day and year first hereinabove set forth.


Lawrence W. O'Brien


Michael C. Fee


Amy Lepak


Christopher Morely


Tara L. N. Reed

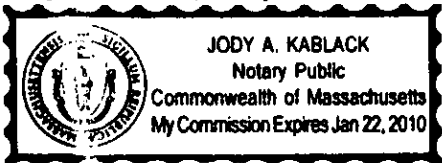
Attachment: Sudbury Housing Trust - Recorded Trust (1357 : Sudbury Housing Trust Appointment)

COMMONWEALTH OF MASSACHUSETTS

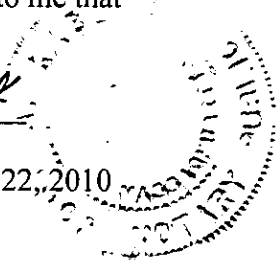
MIDDLESEX, SS.

February 15, 2007

On this 15th day of February, 2007, before me, the undersigned notary public, personally appeared the above-named Lawrence W. O'Brien, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.



Jody A. Kablack
Jody A. Kablack, Notary Public
My commission expires January 22, 2010

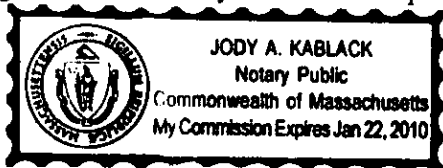


COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

February 15, 2007

On this 15th day of February, 2007, before me, the undersigned notary public, personally appeared the above-named Michael C. Fee, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.



Jody A. Kablack
Jody A. Kablack, Notary Public
My commission expires January 22, 2010

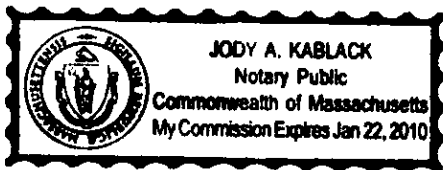


COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

February 15, 2007

On this 15th day of February, 2007, before me, the undersigned notary public, personally appeared the above-named Amy Lepak, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily for its stated purpose.



Jody A. Kablack
Jody A. Kablack, Notary Public
My commission expires January 22, 2010



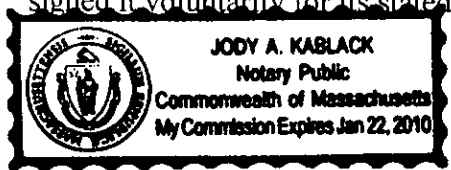
Attachment: Sudbury Housing Trust - Recorded Trust (1357 : Sudbury Housing Trust Appointment)

COMMONWEALTH OF MASSACHUSETTS

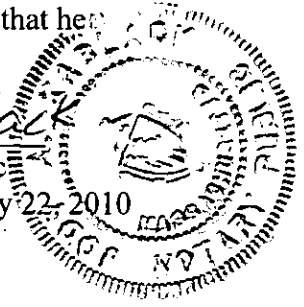
MIDDLESEX, SS.

February 15, 2007

On this 15th day of February, 2007, before me, the undersigned notary public, personally appeared the above-named Christopher Morely, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.



Jody A. Kablack
Jody A. Kablack, Notary Public
My commission expires January 22, 2010

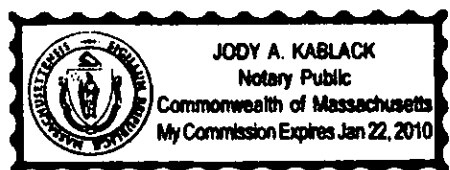


COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

February 15, 2007

On this 15th day of February, 2007, before me, the undersigned notary public, personally appeared the above-named Tara L. N. Reed, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily for its stated purpose.



Jody A. Kablack
Jody A. Kablack, Notary Public
My commission expires January 22, 2010



James C. Brown
Attest: Middlesex S. Register

Attachment: Sudbury Housing Trust - Recorded Trust (1357 : Sudbury Housing Trust Appointment)

SUDBURY HOUSING TRUST
CERTIFICATE OF APPOINTMENT
OF TRUSTEE AND ACCEPTANCE

We, Patricia Brown, Robert C. Haarde, Susan N. Iuliano, Leonard A. Simon, and Charles C. Woodard, the duly elected and serving members of the Sudbury Board of Selectmen pursuant to Article IV of the SUDBURY HOUSING TRUST recorded at the Middlesex South District Registry of Deeds at Book 49096, Page 353, do hereby certify that we, having accepted the resignation of Trustee Lawrence W. O'Brien, appointed and designated

to serve as Trustee for a term of two years, expiring on April 30, 2017, or until his/her successor is appointed and qualified.

EXECUTED as a sealed instrument this 9th day of June 2015

Patricia Brown

Robert C. Haarde

Susan N. Iuliano

Leonard A. Simon

Charles C. Woodard

COMMONWEALTH OF MASSACHUSETIS

Middlesex, ss _____, 2015

On this 9th day of June 2015, personally appeared before me Patricia Brown, Robert C. Haarde, Susan N. Iuliano, Leonard A. Simon and Charles C. Woodard who proved to me through satisfactory evidence of identification, to wit, personal knowledge, to be the signers of the foregoing document, and acknowledged to me that they signed same voluntarily for its stated purpose.

Notary Public
My Commission expires:

Attachment: SHT TRUSTEE appointment June 2015 (1357 : Sudbury Housing Trust Appointment)

I, the undersigned, hereby accept appointment as successor Trustee of the above-captioned Trust.

EXECUTED as a sealed instrument this day of , 2015

COMMONWEALTH OF MASSACHUSETIS

Middlesex, ss _____, 2015

On this day of , 2015, personally appeared before me _____,
who proved to me through satisfactory evidence of identification, to wit, personal knowledge, to be the
signer of the foregoing document, and acknowledged to me that he signed same voluntarily for its stated
purpose.

Notary Public
My Commission expires:

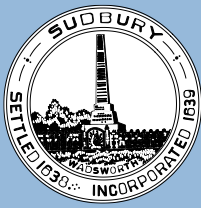
Attachment: SHT TRUSTEE appointment June 2015 (1357 : Sudbury Housing Trust Appointment)

Sudbury Housing Trust (6/2/15)

There shall be a Board of Trustees consisting of not less than 5 and not more than 9 Trustees appointed by the Board of Selectmen. At least one of the Trustees shall be a member of the Board of Selectmen, who shall serve as the representative of the Board of Selectmen.

The Trustees shall be appointed for a two (2) year term, such term to end on April 30 of the expiration year or until such time as a successor is appointed, should said appointment be delayed. Trustees may be appointed for no more than five (5) consecutive terms.

	Trustee	Address	Term1	Term2	Term3	Term4	Term5 (max)
1	Lydia Pastuszek (Chair)	15 Griffin Lane	2 Year – 2/27/07 to 4/30/09	2 Year – 5/1/09 to 4/30/11	2 Year – 5/1/11 to 4/30/13	2 Year – 5/1/13 to 4/30/15	2 Year – 4/28/15 to 4/30/17
2	Peter Abair	14 Dawson Drive	2 Year – 9/21/11 to 4/30/13	2 Year – 5/1/13 to 4/30/15	2 Year – 4/28/15 to 4/30/17		
3	Andrew Kaye	45 Normandy Rd	1 Year – 5/1/08 to 4/30/09	2 Year – 5/1/09 to 4/30/11	2 Year – 5/1/11 to 4/30/13	2 Year – 5/1/13 to 4/30/15	2 Year – 4/28/15 to 4/30/17
4	Amy Lepak	54 Jarman Rd	1 Year – 2/27/07 to 4/30/08	2 Year – 5/1/08 to 4/30/10	2 Year – 5/1/10 to 4/30/12	2 Year – 5/1/12 to 4/30/14	2 Year – 5/1/14 to 4/30/16
5	Robert Morrison	16 October Road	2 Year – 5/1/12 to 4/30/14	2 Year – 5/1/14 to 4/30/16			
6	Kelley Cronin	244 Lincoln Road	2 Year – 5/1/14 to 4/30/16				
7	Jay Zachariah	140 Stockfarm Road	2 Year – 4/7/15 to 4/30/17				
8	BOS Rep Vacant						
9	At large Member Vacant						



SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2015

MISCELLANEOUS (UNTIMED)

12: Discussion on TM Search with MRI

REQUESTOR SECTION

Date of request:

Requestor: Chairman Brown

Formal Title: Discussion regarding MRI timeline on Town Manager search process, and vote whether to approve draft advertisement. Also discuss/vote on a potential working session meeting date with MRI.

Recommendations/Suggested Motion/Vote: Discussion regarding MRI timeline on Town Manager search process, and vote whether to approve draft advertisement. Also discuss/vote on a potential working session meeting date with MRI

Background Information:

See attached documents provided by Alan Gould of MRI
Waiting for additional memo re: salary range

Financial impact expected:n/a

Approximate agenda time requested: 20 minutes

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Maryanne Bilodeau	Pending
Barbara Saint Andre	Pending
Charles C. Woodard	Pending
Board of Selectmen	Pending

06/09/2015 7:00 PM

MEETING NOTES SECTION

Board's action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

Future agenda date:



MEMORANDUM

To: Sudbury Board of Selectmen
From: Alan Gould
Subject: Town Manager Recruitment
Date: June 5, 2015

In your packets you will find a draft advertisement and a timeline. Generally, the timeline represents milestones in our process that we want to hit in order to keep the process moving forward at a pace that will fill the position in a manner that meets the Town's needs. As we work out the details of the process with the Board, there will be other dates that we will be setting that will be dependent on those details. As an example if you use a selection or screening committee there will be dates related to that committee. Those other dates will fall easily into place as long as MRI follows the basic timeline I have provided.

The advertisement you have in your packet represents the information that, in our experience, will attract top candidates. The purpose of the ad is to draw attention to our webpage that will be committed to this recruitment. There, a candidate will find other pertinent information, documents and links to informative sites, such as the Town's website. We generally allow 30 days for submission of resumes so it is very important that we get those ads posted as soon as possible. During that 30 day period, I will be gathering more specific information about the Town that is important for our screening process.

I am asking that you establish a salary range or top of the salary scale so that I can post it in the advertisement. Although not absolutely necessary, posting a salary in the ad is usually advantageous to the recruitment. Based on other recent recruitments I feel that a salary range of \$150,000 to \$165,000 is probably competitive. Posting a range like this or a "salary range up to ..." allows the Town to attract top candidates while providing discretion to offer a salary below that number depending on qualifications.

I look forward to working with the Sudbury Board of Selectmen on this recruitment process.

120 Daniel Webster Highway
Meredith, NH 03253



Telephone: (603) 279-0352
Toll Free: (866) 501-0352
Fax: (603) 279-2548

SUDBURY, MA TOWN MANAGER RECRUITMENT TIMELINE

The following schedule represents the timeline MRI would like to meet in this recruitment and selection process. As you will see, the approximate 30 day run time for resume submission is the longest period of time over which we have no control. During this period resumes are being received, acknowledged, and scored, while we are gathering information that will help us to narrow the field and develop essay questions. Once the resumes have been scored things will move along pretty quickly.

	06/11/15	All advertisements are "live"
	07/13/15	Resume deadline
	07/20/15	First cut made and essay questions distributed by MRI to top 15 to 20 candidates
	07/30/15	Candidate essay responses due for review by MRI team
Week of	08/10/15	Preliminary background work and MRI telephone interviews with remaining candidates
Week of	08/24/15	Onsite panel interviews. Selectmen interviews of the finalists could follow immediately.

Since there is little room for "compression" of this schedule, any delays will need to be added to the end of the process. Although the Board could make its final decision and a conditional offer by the first or second week in September, the background investigation will likely take about two weeks. During that two week period, the Town should be negotiating a contract with the finalist. We normally expect a two to four week delay between the signing of a final contract and the start date of the chosen candidate, since he or she likely has a contractual obligation to a current employer.

In our experience, if a process runs significantly longer than the 3 months outlined in this schedule, desirable candidates may withdraw for other employment opportunities.

Attachment: Sudbury MA TMR Timeline_revised (1361 : Discussion on TM Search with MRI)

SUDBURY, MA TOWN MANAGER RECRUITMENT

Sudbury, MA (18,000 pop.), is seeking a creative, proactive, community leader to serve as its third Town Manager since the Town Manager Special Act was enacted in 1996. This financially stable community is recognized as one of the most affluent and desirable in Massachusetts. Incorporated in 1639, Sudbury has a rich history and a strong commitment to preserving its heritage while providing the highest level of municipal services to its residents. This beautiful, semi-rural community offers easy access to routes 90 and 95, and is just 20 miles from the world-class medical, educational, and cultural assets of Boston. Led by a five member Board of Selectmen, with an open town meeting form of government, this community has excellent schools and boasts a quality of life that makes this a “destination” community for any public manager. The Town Manager, oversees an operating budget of approximately \$25.5 M (excluding schools) and 173 FTEs. The ideal candidate will have a Master’s degree in a related field and a minimum of seven years of experience in public administration, with a minimum of five years served in a senior management capacity or an equivalent combination of education and relevant management experience. Salary range to commensurate with qualifications and experience. Sudbury is an equal opportunity employer. For additional information related to the search contact Alan Gould, Vice President, Municipal Resources Inc. at 603-279-0352, x-304.

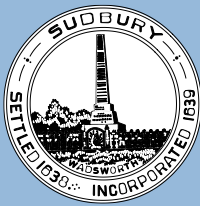
ADDITIONAL INFORMATION: www.mrigov.com/career.html

DEADLINE: July 13, 2015 @ 8AM EST

ELECTRONIC SUBMISSION PREFERRED: recruitment@municipalresources.com

Resumes, in confidence, to:
Sudbury, Town Manager Search
ATTN: Gail Schillinger
Municipal Resources, Inc.
120 Daniel Webster Highway
Meredith, NH 03253

Attachment: Sudbury TMR Ad Draft (1361 : Discussion on TM Search with MRI)



SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2015

MISCELLANEOUS (UNTIMED)

13: Interim Town Manager Contract

REQUESTOR SECTION

Date of request: June 3, 2015

Requestor: Chairman Brown

Formal Title: Discussion and vote whether to extend the Employment Agreement dated February 24, 2015, appointing Maryanne Bilodeau as Interim Town Manager for the Town of Sudbury through and including September 28, 2015 with all terms and conditions of the Agreement remaining in full force and effect.

Recommendations/Suggested Motion/Vote: Discussion and vote whether to extend the Employment Agreement dated February 24, 2015, appointing Maryanne Bilodeau as Interim Town Manager for the Town of Sudbury through and including September 28, 2015 with all terms and conditions of the Agreement remaining in full force and effect.

Background Information:
Attached

Financial impact expected: budgeted

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Maryanne Bilodeau	Pending
Barbara Saint Andre	Pending
Charles C. Woodard	Pending
Board of Selectmen	Pending

06/09/2015 7:00 PM

MEETING NOTES SECTION

Board's action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:

- Staff:

Future agenda date:

EXTENSION OF EMPLOYMENT AGREEMENT
FOR INTERIM TOWN MANAGER

Whereas, the Town of Sudbury, through its Board of Selectmen, and Maryanne Bilodeau have entered into an agreement dated February 24, 2015, appointing Maryanne Bilodeau as Interim Town Manager for the Town of Sudbury (the Agreement); and

Whereas, Section 1 of the Agreement provides that the term will end on June 30, 2015, but the Board of Selectmen may extend the Agreement for another 90 days with the consent of the Interim Town Manager.

Whereas, the Board of Selectmen has voted to extend the Agreement for another 90 days, through and including September 28, 2015, and Maryanne Bilodeau has consented to the extension.

Now, therefore, the Agreement is through and including September 28, 2015, with all other terms and conditions of the Agreement remaining in full force and effect through that date.

Maryanne Bilodeau

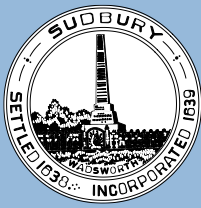
Town of Sudbury
Board of Selectmen

Dated:

Dated:

2015.06.03 Interim town manager ext. (1914-00)

Attachment: 2015 06 03 Ext of Interim town manager (1914-00) (1364 : Interim Town Manager Contract)



SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2015

MISCELLANEOUS (UNTIMED)

14: Reschedule August 18 BOS meeting

REQUESTOR SECTION

Date of request: June 4, 2015

Requestor: Chairman Brown

Formal Title: Due to Board members' vacation schedules, discuss whether to vote to reschedule the August 18 meeting to August 25.

Recommendations/Suggested Motion/Vote: Due to Board members' vacation schedules, discuss whether to vote to reschedule the August 18 meeting to August 25.

Background Information:

Financial impact expected:n/a

Approximate agenda time requested: 15 minutes

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Maryanne Bilodeau	Pending
Barbara Saint Andre	Pending
Charles C. Woodard	Pending
Board of Selectmen	Pending

06/09/2015 7:00 PM

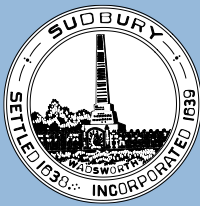
MEETING NOTES SECTION

Board's action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

Future agenda date:



SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2015

CONSENT CALENDAR ITEM

15: Approve 4/28, 5/13 and 5/28 minutes

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Vote to approve the regular session meeting minutes of 4/28/15, 5/13/15, and 5/28/15.

Recommendations/Suggested Motion/Vote: Vote to approve the regular session meeting minutes of 4/28/15, 5/13/15, and 5/28/15.

Background Information:

Attached draft minutes

Financial impact expected:n/a

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Maryanne Bilodeau	Pending
Barbara Saint Andre	Pending
Charles C. Woodard	Pending
Board of Selectmen	Pending

06/09/2015 7:00 PM

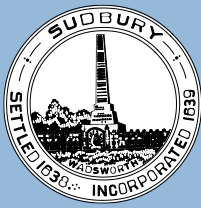
MEETING NOTES SECTION

Board's action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

Future agenda date:



SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2015

CONSENT CALENDAR ITEM

16: Proclamation July Park & Rec month

REQUESTOR SECTION

Date of request:

Requestor: Nancy McShea, Park & Rec director

Formal Title: Vote to sign proclamation declaring July as Park & Recreation month in Sudbury, as requested by Nancy McShea, Park & Recreation Director

Recommendations/Suggested Motion/Vote: Vote to sign proclamation declaring July as Park & Recreation month in Sudbury, as requested by Nancy McShea, Park & Recreation Director

Background Information:

July is National Park and Recreation month and I would like the BOS to sign the following proclamation declaring July parks and recreation month in Sudbury (attached email from Nancy McShea)

Financial impact expected:n/a

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Maryanne Bilodeau	Pending
Barbara Saint Andre	Pending
Charles C. Woodard	Pending
Board of Selectmen	Pending

06/09/2015 7:00 PM

MEETING NOTES SECTION

Board's action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

Future agenda date:

Golden, Patricia

From: McShea, Nancy
Sent: Tuesday, June 02, 2015 9:18 AM
To: Bilodeau, Maryanne; Frank, Leila; Golden, Patricia
Subject: Please include in the BOS packet/agenda
Attachments: Proclamation--Park-and-Rec-Month.doc

Hi I would like to have this included in the BOS agenda. July is National Park and Recreation month and I would like the BOS to sign the following proclamation declaring July parks and recreation month in Sudbury. I am not sure who should receive this so I have sent it to all of you for inclusion in the BOS packet/agenda. Thanks -Nancy

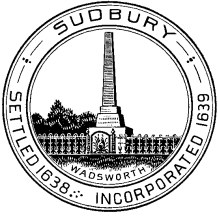


Nancy McShea CPRE, CPSI

Parks, Recreation, and Aquatics Director
 Sudbury Parks and Recreation Department
 Sudbury Parks and Recreation/Atkinson Pool – **A CAPRA Accredited Agency!**
 40 Fairbank Road Sudbury, MA 01776
 (978) 443-1092 x3259
www.recreation.sudbury.ma.us

Find [Sudbury Park and Recreation/Atkinson Pool](#) on Facebook!

Attachment: McShea_email (1358 : Proclamation July Park & Rec month)



TOWN OF SUDBURY

Office of Selectmen

www.sudbury.ma.us

Flynn Building
278 Old Sudbury Rd
Sudbury, MA 01776-1843
978-639-3381

Park and Recreation Month Resolution

WHEREAS parks and recreation programs are an integral part of communities throughout this country, including the Town of Sudbury; and

WHEREAS our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS the Town of Sudbury recognizes the benefits derived from parks and recreation resources

NOW THEREFORE, BE IT RESOLVED the Selectmen of Sudbury, Massachusetts do hereby proclaim the period July 1, through July 31, 2015 as Park and Recreation Month in the Town of Sudbury.

Signed this 9th day of June in the year two thousand and fifteen.

BOARD OF SELECTMEN

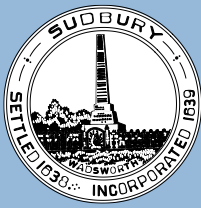
Patricia A. Brown, Chairman

Susan N. Iuliano, Vice-Chairman

Robert C. Haarde

Leonard A. Simon

Charles C. Woodard



SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2015

CONSENT CALENDAR ITEM

17: Reappointment of ERB members

REQUESTOR SECTION

Date of request: May 29, 2015

Requestor: Jody Kablack, Planning & Community Development Director

Formal Title: Vote to appoint John Riordan, 12 Pendleton Road, and Ben Stevenson, 601 Peakham Road to the Earth Removal Board for terms ending May 31, 2016.

Recommendations/Suggested Motion/Vote: Vote to appoint John Riordan, 12 Pendleton Road, and Ben Stevenson, 601 Peakham Road to the Earth Removal Board for terms ending May 31, 2016.

Background Information:

Both Mr. Riordan and Mr. Stevenson are associate members of the Zoning Board of Appeals.

Financial impact expected:N/A

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Maryanne Bilodeau	Pending
Barbara Saint Andre	Pending
Charles C. Woodard	Pending
Board of Selectmen	Pending

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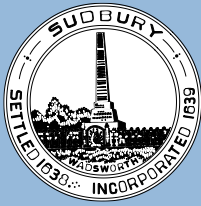
MEETING NOTES SECTION

Board's action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

Future agenda date:



SUDBURY BOARD OF SELECTMEN
Tuesday, June 9, 2015

CONSENT CALENDAR ITEM

18: Accept donations to Park & Rec Summer Concert Series

REQUESTOR SECTION

Date of request:

Requestor: Nancy McShea

Formal Title: Vote to accept \$2,375 in miscellaneous donations to support Park and Recreation’s Summer Concert Series, said funds to be deposited into the Park and Recreation Revolving 53 1/2 account, as requested by Nancy McShea, Park and Recreation Director.

Recommendations/Suggested Motion/Vote: Vote to accept \$2,375 in miscellaneous donations to support Park and Recreation’s Summer Concert Series, said funds to be deposited into the Park and Recreation Program Contributions and Donations account, as requested by Nancy McShea, Park and Recreation Director.

Background Information:

Attached memos from Nancy McShea, Park and Recreation Director

Financial impact expected:donations to revolving 53 1/2 account

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Maryanne Bilodeau	Pending
Barbara Saint Andre	Pending
Charles C. Woodard	Pending
Board of Selectmen	Pending

06/09/2015 7:00 PM

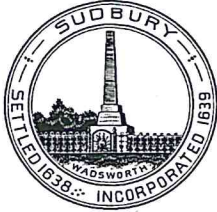
MEETING NOTES SECTION

Board’s action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

Future agenda date:



Town of Sudbury

Park & Recreation Department

Park and Recreation Department
40 Fairbank Road
Sudbury, MA 01776
978-443-1092

McShean@sudbury.ma.us

Memorandum

TO: Patty Golden
FROM: Nancy McShea *Nancy McShea*
RE: Summer Concert Series
DATE: May 14, 2015

To the Board of Selectmen:

Please accept the following donations to support Park and Recreation's Summer Concert Series. These donations will be deposited in the Recreation Program Contributions and Donations (191448/483100) Account. Expenses associated with the Summer Concert Series will be paid using these donations.

Station Road Auto Body Garage	\$25
BMW of Sudbury	\$500
US Sports Institute	\$150
Panatha, Inc.	\$100
Metro Music	\$250

I have enclosed copies of the checks. The total donation is \$1,025.

Please let me know when these donations are approved by the Selectmen and I will deposit the checks.

Thank you,

Nancy McShea
Parks & Recreation Director
40 Fairbank Road
Sudbury, MA 01776-1843
978-639-3259

2015 MAY 20 P 12: 26

RECEIVED
BOARD OF SELECTMEN
SUDBURY, MA



Town of Sudbury

Park & Recreation Department

Park and Recreation Department
40 Fairbank Road
Sudbury, MA 01776
978-443-1092

McShean@sudbury.ma.us

Memorandum

TO: Patty Golden
FROM: Nancy McShea *Nancy*
RE: Summer Concert Series
DATE: June 1, 2015

To the Board of Selectmen:

Please accept the following donations to support Park and Recreation's Summer Concert Series. These donations will be deposited in the Recreation Program Contributions and Donations (191448/483100) Account. Expenses associated with the Summer Concert Series will be paid using these donations.

Salem Five	\$500
Hounds	\$250
Certain Victory Martial Arts	\$100
TD Bank	\$500

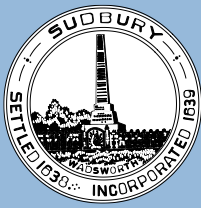
I have enclosed copies of the checks. The total donation is \$1,350.

Please let me know when these donations are approved by the Selectmen and I will deposit the checks.

Thank you,

Nancy
Nancy McShea
Parks & Recreation Director
40 Fairbank Road
Sudbury, MA 01776-1843
978-639-3259

Attachment: parkrecmemo3 (1352 : Accept donations to Park & Rec Summer Concert Series)



SUDBURY BOARD OF SELECTMEN
Tuesday, June 9, 2015

CONSENT CALENDAR ITEM

19: Accept donations to Park & Rec Pool account

REQUESTOR SECTION

Date of request:

Requestor: Nancy McShea

Formal Title: Vote to accept a \$1,000 donation to be deposited into the Park and Recreation Pool Donations account, as requested by Nancy McShea, Park and Recreation Director.

Recommendations/Suggested Motion/Vote: Vote to accept \$1,025 in miscellaneous donations to support Park and Recreation’s Summer Concert Series, said funds to be deposited into the Park and Recreation Program Contributions and Donations account, as requested by Nancy McShea, Park and Recreation Director.

Background Information:

Attached memo from Nancy McShea, Park and Recreation Director

Financial impact expected:donations to pool donations account 191748/483100

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Maryanne Bilodeau	Pending
Barbara Saint Andre	Pending
Charles C. Woodard	Pending
Board of Selectmen	Pending

06/09/2015 7:00 PM

MEETING NOTES SECTION

Board’s action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

Future agenda date:



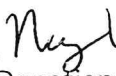
Town of Sudbury

Park & Recreation Department

Park and Recreation Department
40 Fairbank Road
Sudbury, MA 01776
978-443-1092

McShean@sudbury.ma.us

Memorandum

TO: Patty Golden
FROM: Nancy McShea 
RE: Atkinson Pool Donation
DATE: June 1, 2015

To the Board of Selectmen:

Please accept the \$1,000 donation from Lucinda Lagasse for deposit into the Pool Donations account.

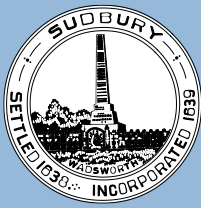
I have enclosed a copy of the check.

Please let me know when the donation is approved by the Selectmen and I will deposit into the Pool Donations Account 191748/483100.

Thank you,



Nancy McShea
Parks & Recreation Director
40 Fairbank Road
Sudbury, MA 01776-1843
978-639-3259



SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2015

CONSENT CALENDAR ITEM

20: Sudbury Celebrates 375/Sudbury Day Committee Donations

REQUESTOR SECTION

Date of request: June 4, 2015

Requested by: Leila S. Frank

Formal Title: Vote to Accept, on behalf of the town, a donation from Sudbury Wines, Spirits and Provisions, LLC for \$100 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.

Recommendations/Suggested Motion/Vote: Vote to Accept, on behalf of the town, a donation from Sudbury Wines, Spirits and Provisions, LLC for \$100 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.

Background Information:

Financial impact expected:\$100

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Maryanne Bilodeau	Pending
Barbara Saint Andre	Pending
Charles C. Woodard	Pending
Board of Selectmen	Pending

06/09/2015 7:00 PM

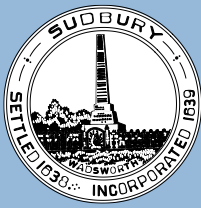
MEETING NOTES SECTION

Board's action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

Future agenda date:



SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2015

CONSENT CALENDAR ITEM

21: Approve cleaning services contract

REQUESTOR SECTION

Date of request:

Requestor: Facilities Director, Jim Kelly

Formal Title: Vote to approve award of a FY16 contract by the Interim Town Manager for cleaning services at the DPW and Highway Garage offices, Town Hall, Flynn Building and Police Station and any subsequent renewal options, subject to review by Town Counsel.

Recommendations/Suggested Motion/Vote: Vote to approve award of a FY16 contract by the Interim Town Manager for cleaning services at the DPW and Highway Garage offices, Town Hall, Flynn Building and Police Station and any subsequent renewal options, subject to review by Town Counsel.

Background Information:
attached

Financial impact expected:budgeted

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Maryanne Bilodeau	Pending
Barbara Saint Andre	Pending
Charles C. Woodard	Pending
Board of Selectmen	Pending

06/09/2015 7:00 PM

MEETING NOTES SECTION

Board's action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

Future agenda date:

**TOWN OF SUDBURY
FACILITIES DEPARTMENT**

INVITATION FOR BID

The Town of Sudbury is seeking bids from experienced cleaning services contractors to provide cleaning of the following Town Buildings: DPW and Highway Garage Offices, Town Hall, Flynn Building, and Police Station. Bids are solicited for the period from July 1, 2015 through June 30, 2016, with the option to renew for each of the succeeding two years beginning on July 1 through June 30 of each year.

Specifications including scope and scheduling, information for bidders, bid forms and other contract documents are available from the Facilities Department, 275 Old Lancaster Rd., Sudbury, MA 01776, Mon-Fri, 9a.m. – 3 p.m. For information contact the Facilities Director, Jim Kelly, at 978-440-5466. **A walkthrough of the buildings is scheduled for June 5, 2015 at 10:30 a.m., beginning at the Town Hall back parking lot entrance.**

All bids must be submitted in a **sealed** envelope, addressed to the **Facilities Director, 275 Old Lancaster Road, Sudbury, Massachusetts 01776**, and marked **“Cleaning Services for Town Buildings”**. **Sealed bids will be accepted at the Facilities Department until 11:00 a.m., June 12, 2015. Failure to submit bids for the optional renewal periods shall result in disqualification of the bid.** No responsibility will be attached to any member of the Facilities Department for the premature opening of any proposal that is not properly identified. After the terminal time, proposals become the property of the Town of Sudbury.

Award, if any, will be made to the responsible and eligible bidder, based upon ability to perform, previous history, references and established ability to meet the needs of the Town, who offers the lowest price. It is expected that a contract will be executed by the successful bidder and the Town Manager as soon as possible thereafter.

The Town reserves the right to reject any and all bids, wholly or in part, and to accept any bid or part thereof deemed to be in the best interest of the town.

FACILITIES DIRECTOR

May 28, 2015

**TOWN of SUDBURY
INFORMATION FOR BIDDERS
&
GENERAL CONDITIONS
CONTRACTED CLEANING SERVICES**

NOTE: All documents are complementary and shall be considered by the bidder as a whole.

The Town of Sudbury intends to award a contract for contracted cleaning services for the Department of Public Works Buildings, Town Hall, Flynn Building, and Police Station. The contract will be awarded to the responsible and responsive bidder offering the lowest price for the services as specified in the Invitation for Bid (IFB). Date and time of receipt of bids is set forth in the IFB. Bids received after this time will not be considered. The Town assumes no responsibility for delays in delivery for any reason, or for delivery made or attempted to be made outside of regular business hours or when Town offices are closed. The Town will not accept a bid delivered by telephonic, electronic or facsimile means.

1.0 Contract Term

The contract shall be for a twelve month term commencing July 1, 2015 through June 30, 2016 (FY16) with an option for renewal in each of the succeeding two years beginning on July 1 of each year (FY17 and FY18) **Failure to submit bids for the optional renewal periods shall result in disqualification of the bid.**

2.0 Information and Pre-Bid Walkthrough

Any questions on the part of the applicant regarding the specifications contained herein must be resolved prior to submission of the quotation and contract. A mandatory walkthrough of the buildings will be scheduled for Friday, June 5, 2015, by at 10:30 a.m., starting at the Parking Lot behind Town Hall at 322 Concord Road to tour the buildings and to confirm information and conditions. Questions should be referred to Jim Kelly, Facilities Director, 275 Old Lancaster Road, Sudbury, MA 01776, (978)440-5466.

3.0 Qualifications of Bidders

3.1 Bids may be submitted by companies, partnerships and corporations that are presently engaged in the field of professional cleaning services and that have five (5) years experience in providing professional cleaning services and a demonstrated ability to perform the contracted cleaning services required by these specifications. **Cleaners employed must be direct employees, not sub-contracted.** Demonstrated ability shall be established by current references of professional cleaning jobs similar in size and scope of the work to be performed pursuant to this contract. Bidders Eligibility and Qualification sheet and company resume shall be enclosed in the bid submittal.

3.2 Contractors are required to submit a "Company Resume" which will contain information relative to the organization of the bidder's cleaning service business, including date of incorporation, organization, headquarters, field offices, size, work force, management structure, benefits, training programs and union information.

3.3 Contractors must have the ability to assign the same full-time person to work sites on a daily basis and to assign a regular supervisor to the sites to serve as liaison.

4.0 Instructions for Submitting Bids

4.1 All bids must be submitted in a sealed envelope addressed as outlined in the Invitation to Bid, and must be received by the Facilities Department, 275 Old Lancaster Road, Sudbury, MA, by 11:00 a.m. June 12, 2015.

4.2 Each bid shall be submitted on the FORM FOR BID FURNISHED BY THE Awarding Authority. All blank spaces shall be filled in, in ink or typewritten in words and figures only where no space is provided for words, and signed by the bidders.

The FORM FOR BID, together with the Tax Compliance Certificate; Certificate of Corporate Bidder (if corporation); Certificate of Non-Collusion; Bidder's Eligibility & Qualification Sheet, and Company Resume (see 3.2) shall be enclosed in an envelope sealed and clearly labeled with the words:

BID FOR: CLEANING SERVICES SUDBURY TOWN BUILDINGS

If the bid is mailed, the Bidder shall enclose his sealed bid in an outer envelope and address it as follows:

FROM: BIDDER'S NAME AND BUSINESS ADDRESS
PROJECT NAME

TO: FACILITIES DEPARTMENT
TOWN OF SUDBURY
275 OLD LANCASTER ROAD
SUDBURY, MA 01776

All bidders are cautioned to allow ample time for transmittal of bids. Bids received after the specified times will not be accepted or recognized. Note that the times of receipt will determine the acceptability of mailed bids regardless of postmark.

The Awarding Authority will not be held responsible for premature opening of bid envelopes which are not properly filled out in accordance with the instructions set forth herein.

4.3 Bid Modifications: No modification of any bid will be considered by the Awarding Authority, unless same is in writing, sealed, and received by the Awarding Authority prior to the times respectively established herein for the receipt of General Bids.

4.4 Withdrawal of Bids: A bid may be withdrawn by written request or telephonic request subsequently confirmed in writing, provided that such request is received prior to times respectively established herein for the receipt of General Bids. The Awarding Authority will not be responsible, however, for the timely receipt of any request for withdrawal in ample time for delivery before the bid opening hour.

4.5 The monthly rate for cleaning the various Town buildings is to be the total cost inclusive of labor, supplies and equipment. The cost per hour shall be the cost the Contractor shall charge the Town for any additional requested services and shall not be used in determining the lowest bid.

4.6 Bidders shall also submit bids for each of the Fiscal Year 2017 and 2018 optional contract renewal periods. Said bids are to be utilized by the Town, in its sole discretion, for exercising its right to renew for each of the contract renewal periods. **Failure to submit bids for the optional renewal periods shall result in disqualification of the bid.**

5.0 **Acceptance of Bids and Award of Contract**

5.1 The Town reserves the right to accept or reject any or all bid prices or any part thereof and to waive informalities as it deems to be in the best interest of the Town of Sudbury.

5.2 Award, if any, shall be made to the lowest responsible and eligible Contractor, which shall mean the Contractor whose bid price (based upon the amount stated in the bid for FY16) is the lowest of those meeting the qualifications set forth herein for contracted cleaning services.

5.3 The successful bidder to whom the award is made shall execute the Cleaning Agreement for the 12 month period beginning July 1, 2015 through June 30, 2016.

5.4 If the Contractor selected fails to execute the Agreement or provide evidence of insurance, an award may be made to the next lowest responsible and eligible bidder.

5.5. The Contractor will be notified by May 13, 2016, whether or not the Town, in its sole discretion, shall exercise its option to renew the contract at the rates provided in the bid stated for FY17. If such renewal option is exercised, the Town and Contractor shall execute an Agreement for FY17. Similarly, if the Town has exercised its renewal option for FY17, the Contractor will be notified by May 12, 2017, whether or not the Town, in its sole discretion, shall exercise its option to renew the contract at the rates provided in the bid stated for FY18. If such renewal option is exercised, the Town and Contractor shall execute an Agreement for FY18.

5.6 The Town reserves the right to use its own personnel and/or supplies and equipment to perform cleaning services when deemed necessary or expedient, and to award additional contracts for cleaning services as deemed necessary.

6.0 **Scope of Work**

6.1 The following is the address of the sites to be cleaned:

DPW Offices & Highway Building – 275 Old Lancaster Road
 Town Hall – 322 Concord Road
 Flynn Building – 278 Old Sudbury Road
 Police Station – 415 Boston Post Road (current building to be vacated November 2015)
 Police Station - 75 Hudson Road (new building to be occupied November 2015)

6.2 The scope and frequency of cleaning services applicable to the building areas are shown under Scope of Services. The Contractor shall comply with the latest industry standards. All cleaning procedures shall be in strict accordance with manufacturers' directions and warnings, OSHA and EPA standards, and all Federal, State and Local laws.

6.3 Cleaning services as outlined in the Scope of Services are required when portion of the building are in use. Cleaning of these portions should be undertaken at the completion of the use or as otherwise agreed with the Facilities Director.

6.4 The Contractor's regularly scheduled employee shall be required to work on regularly scheduled days or when the building areas are closed due to a snow storm, unless notified by the Facilities Director. The Facilities Director will immediately notify the Contractor of emergency closing decisions requiring a scheduling change for the regularly scheduled employee.

6.5 Cleaning services apply to offices, public areas, service desks and counter areas, hallways, staff lounges, staff work areas, lobbies and entrance ways (exterior and interior), and

restrooms. The Contractor shall be responsible for the proper cleaning of these areas of the buildings.

6.6 Any and all adjustments to regularly scheduled work must be approved in advance in writing and signed by the Facilities Director.

6.7 The Contractor shall properly dispose of trash and paper recycling in the dumpster or paper recycling stations provided.

6.8 The Contractor shall be responsible for all permits, fees, and licenses necessary for the proper execution of the required work.

6.9 The Town of Sudbury's responsibilities listed below are not considered part of the contract, and, as such, the Contractor is not responsible for these duties:

Monitoring:

- Receipt and delivery of goods
- Maintenance and repairs
- Utilities
- Smoke and fire alarms
- Fire extinguishers
- Clocks
- Pest Control

Landscaping

Snow removal and sanding.

6.9 It is understood and agreed that only the highest standards of cleanliness are acceptable and are to be maintained; that the specifications are not construed as absolutely complete; but all items not included and considered necessary to properly clean the building shall be construed as part of the specifications. **The Contractor shall be required to redo, at his/her own expense, any work not done according to the schedule; any work in relation to which there shall be doubt or discrepancy; any work done in accordance with verbal instructions not confirmed in writing; or any work done in violation of the law or public authority. In the event that work has been done improperly, the Facilities Director shall have the right to demand immediate corrective action on the part of the Contractor, or have the condition corrected by whatever means necessary and deduct the costs from the monthly invoice.**

7.0 Hours and Conditions of Work

7.1 The cleaning schedule is shown on page 10 (Scope of Services). The Town reserves the right to change the hours for any reason. The Contractor shall be flexible, within reason, so as to alter schedules per the request of the Facilities Director.

7.2 The cleaning shall be accomplished between the hours set forth in the schedule under Labor on page 9.

7.3 Offices are closed on all holidays and during certain emergencies. Scheduling and payment for these days should be discussed with the Facilities Director.

8.0 Supervision and Personnel

8.1 The Contractor acknowledges and agrees that it is responsible as an independent contractor for all services provided under this contract and for all the acts of its employees from and against all claims, damages, losses and expenses, including attorney's fees arising out of, or resulting from, the performance of the services to be performed under this contract, to the extent that any such claim, damage, loss, or expense: (1) is attributable to the destruction of tangible property, including the loss of use resulting there from, and (2) is caused in whole or in part by any negligent or willful act or omission of the Contractor, any of the Contractor's employees or agents, or anyone for whose acts the Contractor may be liable, except to the extent any such claim, damage or loss of expense is caused in part by a party indemnifiable hereunder.

8.2 At the conclusion of each shift, the Contractor's employee must make a detailed inspection of the premises and inform the Facilities Director, or his designee, of any discrepancies from routine work (with explanations), such as, property not serviceable or in operating condition, and supplies needed.

8.3 The Contractor shall have available a sufficient number of personnel, properly trained in contracted cleaning, for absences and emergencies. **Cleaners employed must be direct employees, not sub-contracted.** The Contractor shall assign regularly scheduled employees to town buildings. Repeated turnover in the employees assigned shall be considered in violation of this contract. Contractor will comply with all federal and state laws for verifying eligibility of employees for work.

8.4 The Contractor agrees that it will not discriminate against any employee or applicant for employment because of race, color, religious creed, national origin, sex, age or ancestry in connection with the performance of the services under this Agreement. The Contractor further agrees that it will comply with all laws, local by-laws, and rules and regulations of the Massachusetts Department of Labor and all other regulatory bodies having jurisdiction.

8.5 All employees shall be neat in appearance and business like in demeanor and wear company uniforms or attire such as a shirt with the company name. Town will provide ID tag that must be worn during working hours.

8.6 The town reserves the right to demand a change of personnel at any time.

8.7 No smoking is allowed within town buildings. Walkmans and other portable listening devices are not permitted.

8.8 Contractor employees shall not disturb papers on desks, open drawers or cabinets, use telephones (without permission), radios, television sets or computer equipment or tamper with personal or public property.

8.9 Contractor employees shall schedule and carry out duties in a manner which creates the least amount of disturbance for employees.

9.0 **Equipment and Supplies**

Equipment must be approved for use in town facilities to insure it is adequate for commercial use. The vacuums, mops, buckets, brooms and accessories to clean must be kept on site and are available for town inspection when requested. Items include vacuums, mops, brooms and dusters. Contractor's property brought onto the premises shall be properly inscribed. Storage space is provided in the building for supplies and equipment. Equipment and supplies must be stored properly and kept in order. Paper products, soaps for dispensers and plastic trash liners shall be the responsibility of the Town.

10.0 **Security and Safety**

10.1 The Contractor shall be responsible for all costs incurred in the event that the Contractor fails to follow the required security procedures as specified herein and as may be further specified in writing prior to the execution of the contract, including losses incurred as a result of theft and vandalism, changing locks and keys, etc.

10.2 The Contractor's employee(s) shall be responsible for security password and keys. The Contractor's employees shall enter and leave by assigned doorways. Under no conditions shall keys be duplicated by the Contractor or his employees.

10.3 Town employees are responsible for officially opening and closing the building areas to the public - unlocking and locking all exterior doors at the beginning and end of each day. The Contractor shall keep all exterior doors locked when the buildings are unoccupied. He shall not open any doors for purposes other than cleaning, unless otherwise notified by the Facilities Director. Any property damaged by the Contractor in carrying out the provisions of this contract shall be restored to its original condition by and at the expense of the Contractor.

10.4 The Contractor's employee(s) are not to permit anyone to enter the building before or after normal open hours unless specifically authorized by Town officials.

10.5 The Contractor's employees shall be trained in first safety procedures and first aid. Flammables must be stored in safety cabinets as directed by the Facilities Director.

10.6 The Contractor or his employee(s) shall inspect the areas of the building for which he is responsible for cleaning to ensure that they are free of hazards and, if not, report same to the Facilities Director if unable to remedy the situation.

11.0 **Payment for Services**

11.1 The cost of the base bid should be broken down for monthly costs at each building as follows:

- DPW & Highway Building
- Town Hall
- Flynn Building
- Police Station – currently occupied
- Police Station – to be occupied

The town reserves the right to opt out of one or more buildings with at least 30 days notice to contractor.

11.3 The Town shall pay the Contractor within 30 days of receipt of an invoice for services rendered in the preceding month. The Contractor shall be required to document the days on which work was performed by the submission of daily check sheets. The check sheets shall be in a form acceptable to the Facilities Director.

11.4 The Town reserves the right to adjust the invoice to offset the cost to have the work done by other means. In the event that the Facilities Director, determines that required work has not been performed or has not performed according to these specifications, the Contractor shall be notified of the deficiency and given an opportunity to correct the same at no additional cost to the Town. If the work is not performed within 24 hours of said request to correct the deficiency, or such other amount of time as the parties agree to in writing, then the Town shall have the right to perform the work using its own personnel or other means and deduct the cost of same at the contractor's hourly rate as stated in the bid.

12.0 Insurance

12.1 The Contractor shall, within fifteen (15) days of notification of the award of the contract, provide the town with a Certificate of Insurance, with the amounts and arrangement of coverage as specified in this section, which insurance shall be maintained at all times during the term of the contract. Failure to provide or maintain such insurance shall be grounds for termination.

12.2 The Certificate of Insurance shall provide Public Commercial General Liability coverage for bodily injury and property damage, with a minimum of \$100,000 per occurrence and \$300,000 aggregate, or separate bodily injury and property damage coverage each with the limits specified above. The arrangement of coverage shall specify each of the following: Premises/Operations; Contractual; and Products/Completed Operations. The Certificate shall state the location of the Fairbank Center Complex, and shall name the Town of Sudbury as an additional insured.

12.3 The Certificate of Insurance shall provide Automobile Liability Insurance with bodily injury coverage in the amount of \$100,000 per person, \$300,000 per occurrence; and property damage coverage in the amount of \$250,000 per occurrence. The arrangement of coverage shall specify all owned, leased or hired vehicles of the Contractor.

12.4 The Certificate of Insurance shall provide Worker's Compensation coverage in the amounts required by Massachusetts' Law, and Coverage B in the amount of at least \$500,000.

12.5 The Contractor agrees to guarantee and indemnify the Town of Sudbury against all damages or loss the town may incur or sustain by or through the misconduct or negligence of any agent, servant or employee of the Contractor during the performance of services required by this contract. The Contractor further agrees to maintain adequate insurance to ensure compliance with the above provision.

13.0 **Termination**

13.1 In the case of failure by the Contractor to meet the standards of cleaning specified or to abide by the terms and conditions herein as evidenced by three (3) warnings in writing during any 12 month contracted period, the Town shall have the right to declare the contract terminated by giving thirty (30) days written notice, and to pursue any remedies provided by the contract or at law or in equity.

13.2 In the event that the Contractor undergoes dissolution, termination, of existence, insolvency, appointment of a receiver of any property of, assignment for the benefit of creditors by, or commencement of a proceeding under any bankruptcy or insolvency laws by or against the Contractor or any guarantor of the Contractor, the Town shall have the right to declare the contract terminated and to pursue any remedies provided by the contract or at law or in equity.

13.3 Failure of the Town to pursue its remedies at the time of the commission of a breach of contract by the Contractor will not act as a waiver of the town's right to pursue said remedies at a later time.

13.4 The exercise of each option to renew shall be contingent upon the appropriation of sufficient funds for the fiscal year then in effect. The Town shall terminate the contract in the event that sufficient funds are not appropriated to fund the contract for any such renewal term.

14.0 **Assignment**

The Contractor's duties and obligations under the contract shall not be assigned or subcontracted to another party without the written consent of the Facilities Director. The contract shall be binding on the heirs, personal representatives, successors, and assignees of the Contractor.

15.0 **Governing Law**

The Contractor shall comply with all ordinances of the Town of Sudbury, General Laws and Regulations of the Commonwealth of Massachusetts, Federal Laws and Regulations and Interstate Commerce Commission Rules and Regulations, and all regulations authorized by law, applicable to the provisions of such contract. Any disputes that arise under the contract shall be determined in accordance with Massachusetts law.

16.0 **Severability**

The provisions of this contract are severable. If any provision herein is found unenforceable, the remaining provisions shall remain in full force and effect.

SPECIFICATIONS/SCOPE OF SERVICES

- CONTRACTOR TO PROVIDE ALL LABOR, CLEANING COMPOUNDS (MSDS required to be posted on site) AND MAINTENANCE EQUIPMENT.
- THE TOWN TO SUPPLY PAPER PRODUCTS, SOAPS FOR DISPENSERS AND PLASTIC TRASH LINERS.

LABOR

CONTRACTOR TO PROVIDE EMPLOYEES EXPERIENCED IN ALL ASPECTS OF COMMERCIAL CLEANING AS OUTLINED IN THE SPECIFICATIONS BELOW.

CONTRACTOR TO ASSIGN REGULAR SUPERVISOR TO THE SITES TO SERVICE AS LIAISON

Schedule:

Town Hall – Mon-Fri (completed before 8 a.m. or started after 5 p.m.)

DPW & Highway Offices – Mon-Fri (completed before 7 a.m. or started after 4 p.m.)

Police Station – Mon-Sun (after 4:00 p.m.)

Flynn Building – Mon-Fri (completed before 8 a.m. or started after 5 p.m.)

Or otherwise agreed

SCHEDULE OF SERVICES – DAILY

1. TRASH REMOVAL: Wastebaskets emptied. Soiled trash liners replaced. Trash gathered and removed to the dumpster.
2. RECYCLING BASKETS: Recycling baskets emptied into 16 gallon toter in store room or other designated locations.
3. DUSTING/POLISHING: Office and work areas – desks, file cabinets, shelving units, tables, counter tops, computer terminals – lightly dusted. Public seating areas lightly dusted. Window sills, ledges, baseboards, moldings and other woodwork lightly dusted. Window blinds dusted as needed. Cobwebs removed.
4. BATHROOMS: Cleaned and disinfected including sinks, urinals, and toilets. Mirrors cleaned and polished. Partitions cleaned; tops kept dust free. Doors, light switch areas spot cleaned. Tiled floors washed using germicidal solution. Female sanitary receptacles emptied and waxed liners replaced. Dispensers refilled as needed. Cobwebs removed.
5. SHOWERS AND LOCKER ROOMS: Fixtures cleaned and disinfected. Ceramic tile flooring swept/vacuumed and washed with germicidal solution. Showers washed down with germicidal solution-scoured as necessary. Floor drain traps cleared f hair and other debris. Clean shower stools to remove any soap or mildew buildup. During the winter months, sweep/vacuum sand from locker rooms before washing floors.
6. STAIRWAYS/LANDINGS/HALLWAYS - Vacuumed and washed. Railings kept dust free. Cobwebs removed.
7. HARD FLOOR SURFACES: Vinyl composition tile, sheet linoleum, dry mopped with treated mop head and washed twice weekly
8. CARPETING: All carpets vacuumed. Edges kept clean using crevice tool attachment.
9. KITCHENETTES: Sinks cleaned and polished. Counter tops, refrigerator doors, tables cleaned and kitchen cabinets wiped down. Chairs neatly arranged. Floors vacuumed and washed and polished as needed. Dispensers refilled as needed.
10. GLASS: Entrance(s) door glass, interior partition glass, and service desks' glass spot cleaned for dirt, smudges, fingerprints, etc.
11. DRINKING FOUNTAINS; cleaned, polished and disinfected
12. BUILDING ENTRANCES (exterior and interior): vacuum vestibule, sweep exterior sidewalk at front entrance daily.
13. ELEVATOR (Flynn Building only): interior wall/door surfaces and exterior doors cleaned and polished as needed. Floor surface cleaned.
14. WALLS: Clean wall surfaces in stairways and entrances and hallways when necessary.

DEPARTMENT OF PUBLIC WORKS BUILDINGSchedule

Frequency – Monday through Friday (5) evenings per week, before 7 a.m. after 4 p.m.

- All offices
- Lower level bathroom
- Stairs and landing from office floor to garage
- Floors and carpets throughout main building
- Mens/Womens Room
- Conference Room
- Kitchen
- Copy Room
- Exterior walk at front of building from door to parking lot swept daily.
- Three vestibule areas

HIGHWAY OFFICESSchedule

Frequency – Monday through Friday (5) evenings per week, before 7 a.m. after 4 p.m.

- Front entrance, reception desk, floors and carpets
- Offices on first floor
- Mens/Womens room first floor
- Workers Lounge and break rooms first floor
- 2nd Floor in its entirety
- Kitchen, locker rooms, bathrooms, shower and bunk room
- Office

TOWN HALLSchedule

Frequency – Monday through Friday (5) evenings per week, before 8 a.m. after 5 p.m.

- Rear Stairs and handicap ramp
- Rear vestibule
- Rear hallways
- Veterans Office
- Clerk's Offices, including kitchen
- East side entry stairs and landing
- East side entry vestibule and stairs to Clerk's Office
- Front of Town exterior stairs and portico
- Front foyer and Mens/Womens rooms
- Town Hall Assembly Room and stage
- Town Hall assembly room handicap bathroom
- West side handicap sidewalk and vestibule.

POLICE STATION – 415 Boston Post Road (6,400 sq. ft.)Schedule

Frequency – 7 days: after 4 p.m.

- All offices
- Jail cells
- Bathrooms

- Locker rooms
- Carpets, VCT floor, and tile floor throughout
- Kitchen, in its entirety

POLICE STATION – 75 Hudson Road (14,000 sq. ft)

Schedule

Frequency – 7 days: after 4 p.m.

- All offices
- Jail cells
- Bathrooms
- Locker rooms
- Carpets, VCT floor, and tile floor throughout
- Kitchen, in its entirety

ALAN FLYNN BUILDING:

Schedule

Frequency-Monday through Friday (5) evenings per week, before 8 a.m. after 5 p.m.

- All Offices
- Kitchens
- Conference Rooms
- All bathrooms
- Elevator
- All floors
- Stairs and stairwells
- Entire building – not including basement

Company to provide all labor, cleaning compounds and maintenance equipment. Town to provide paper products, trash liners and personal bath items.

**BID FORM
FY16 CONTRACTED CLEANING SERVICES
TOWN BUILDINGS**

Bid Of: _____
Name of Bidder

Address of Bidder

Telephone (____)_____ / Fax (____)_____

Date: _____

The undersigned proposes to furnish cleaning services at the DPW & Highway Building, Town Hall, Flynn Building, Police Station, Sudbury, Massachusetts, for the period July 1, 2015 through June 30 2016, in accordance with the Contract Documents for the contract price stated below.

The undersigned, having examined carefully the information for bidders, general conditions, specifications and/or scope of work, including all related bulletins and/or addenda promulgated, together with any and all other documents and/or material bound herewith, (all of the foregoing collectively referred to in this proposal as the "Contract Documents"), and having become familiar by investigation with the various conditions which may affect the performance of the work, agrees to furnish all services and otherwise do all things necessary to complete the contract work, in a competent and workmanlike manner and in strict accordance with the Contract Documents, to the complete satisfaction and acceptance of the Town for the sums as follows:

<u>Base Bid:</u>	Monthly Rate
1) DPW & Highway Building – 275 Old Lancaster Rd	\$ _____
2) Town Hall, 322 Concord Road	\$ _____
3) Flynn Building, 278 Old Sudbury Road	\$ _____
4) Police Station – 415 Boston Post Road (currently occupied)	\$ _____
Police Station – 75 Hudson Road (upon occupancy)	\$ _____
Total monthly rate contract cost	\$ _____
Hourly rate for additional requested services	\$ _____

Signature of Individual, or Corporation Name

By: _____
Corporate Officer & Title (if applicable)

FID. No. _____
AFFIX CORPORATE SEAL (if applicable)

Attachment: Cleaning IFB documents - Town Buildings FY16 (1365 : Approve cleaning services contract)

The Contractor must list the names, addresses, telephone numbers and contacts of at least three (3) clients on the attached Bidder's Eligibility & Qualifications sheet.

Contractors must submit a company resume including history, organization, headquarters, field offices, size, work force, management structure, employee system, benefits, training programs and union information.

Attach: Tax Attestation, Certificate of Corporate Bidder, Certificate of Non-Collusion

**BID FORM
FY17 CONTRACTED CLEANING SERVICES
TOWN BUILDINGS**

Bid Of: _____
Name of Bidder

Address of Bidder

Telephone (____) _____ / Fax (____) _____

Date: _____

The undersigned proposes to furnish cleaning services at the Fairbank Center Complex, 40 Fairbank Road, Sudbury, Massachusetts, for the period July 1, 2016 through June 30, 2017, in accordance with the Contract Documents for the contract price stated below.

The undersigned, having examined carefully the information for bidders, general conditions, specifications and/or scope of work, including all related bulletins and/or addenda promulgated, together with any and all other documents and/or material bound herewith, (all of the foregoing collectively referred to in this proposal as the "Contract Documents"), and having become familiar by investigation with the various conditions which may affect the performance of the work, agrees to furnish all services and otherwise do all things necessary to complete the contract work, in a competent and workmanlike manner and in strict accordance with the Contract Documents, to the complete satisfaction and acceptance of the Town for the sums as follows:

<u>Base Bid:</u>	Monthly Rate
1) DPW & Highway Building – 275 Old Lancaster Road	\$ _____
2) Town Hall, 322 Concord Road	\$ _____
3) Flynn Building, 278 Old Sudbury Road	\$ _____
4) Police Station – 415 Boston Post Road (currently occupied)	\$ _____
Police Station – 75 Hudson Road (upon occupancy)	\$ _____
Total monthly rate contract cost	\$ _____
Hourly rate for additional requested services	\$ _____

Signature of Individual, or Corporation Name

By: _____
Corporate Officer & Title (if applicable)

FID. No. _____
AFFIX CORPORATE SEAL (if applicable)

Attachment: Cleaning IFB documents - Town Buildings FY16 (1365 : Approve cleaning services contract)

**BID FORM
FY18 CONTRACTED CLEANING SERVICES
TOWN BUILDINGS**

Bid Of: _____
Name of Bidder

Address of Bidder

Telephone (____)_____ / Fax (____)_____

Date: _____

The undersigned proposes to furnish cleaning services at the Fairbank Center Complex, 40 Fairbank Road, Sudbury, Massachusetts, for the period July 1, 2016 through June 30, 2017, in accordance with the Contract Documents for the contract price stated below.

The undersigned, having examined carefully the information for bidders, general conditions, specifications and/or scope of work, including all related bulletins and/or addenda promulgated, together with any and all other documents and/or material bound herewith, (all of the foregoing collectively referred to in this proposal as the "Contract Documents"), and having become familiar by investigation with the various conditions which may affect the performance of the work, agrees to furnish all services and otherwise do all things necessary to complete the contract work, in a competent and workmanlike manner and in strict accordance with the Contract Documents, to the complete satisfaction and acceptance of the Town for the sums as follows:

<u>Base Bid:</u>	Monthly Rate
1) DPW & Highway Building – 275 Old Lancaster Road	\$ _____
2) Town Hall, 322 Concord Road	\$ _____
3) Flynn Building, 278 Old Sudbury Road	\$ _____
4) Police Station – 415 Boston Post Road (currently occupied)	\$ _____
Police Station – 75 Hudson Road (upon occupancy)	\$ _____
Total monthly rate contract cost	\$ _____
Hourly rate for additional requested services	\$ _____

Signature of Individual, or Corporation Name

By: _____
Corporate Officer & Title (if applicable)

FID. No. _____
AFFIX CORPORATE SEAL (if applicable)

Attachment: Cleaning IFB documents - Town Buildings FY16 (1365 : Approve cleaning services contract)

TAX COMPLIANCE CERTIFICATE

Pursuant to General Laws Chapter 62C Section 49A, the undersigned certifies under the pains and penalties of perjury that _____ is in compliance with
(name of contractor)
the laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

Signature

Print Name

Title

Attachment: Cleaning IFB documents - Town Buildings FY16 (1365 : Approve cleaning services contract)

CERTIFICATE AS TO CORPORATE BIDDER

I _____, certify
that I am the _____ of the Corporation named
as bidder in the within Bid Form; that _____
who signed said Bid Form on behalf of the Bidder was then _____
_____ of said Corporation; that I know his
signature and that his signature hereto is genuine and that said Bid Form was duly
signed, sealed, and executed for and in behalf of said Corporation by authority of its
governing body.

(Corporate Seal)

Title

This Certificate must be completed where Bidder is a Corporation, and should be so completed by its Clerk. In the event that the Clerk is the person signing the Proposal on behalf of the Corporation, this Certificate must be completed by another Officer of the Corporation.

Attachment: Cleaning IFB documents - Town Buildings FY16 (1365 : Approve cleaning services contract)

CERTIFICATE OF NON-COLLUSION

The undersigned certifies under penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

Signature of Individual, or Corporation Name

By: _____
Corporate Officer & Title (if applicable)

Attachment: Cleaning IFB documents - Town Buildings FY16 (1365 : Approve cleaning services contract)

BIDDER'S ELIGIBILITY & QUALIFICATION SHEET

1. Name and address of bidder:

2. When was your company organized?

3. Where was your company incorporated?

4. How many years have you been engaged in the contracting business under the present firm name? _____ years

5. List contracts on hand, showing gross amount of each contract:

6. Have you ever failed to complete any of your contracts for cleaning services?

If so, where and why?

7. List three (3) similar jobs which you are currently performing and work performed for local municipalities should be listed. Include nature of work, awarding authority, year of contract, amount of contract and contact person (name and telephone number).

a).

b).

c).

Signed:

Bidder

Title:

Telephone Number

ATTACH "COMPANY RESUME".

Attachment: Cleaning IFB documents - Town Buildings FY16 (1365 : Approve cleaning services contract)

FISCAL 2016 CLEANING AGREEMENT – TOWN BUILDINGS

This Agreement is entered into this ____ day of _____, 2015, by and between the Town of Sudbury, hereinafter "Town" and _____ with an address of _____, hereinafter "Contractor".

WHEREAS the Town has advertised for bids for the cleaning of Town Buildings and _____, was the lowest eligible and responsible bidder on specifications published by the Town for Fiscal 2016,

NOW THEREFORE the parties agree as follows:

1. This agreement is for the twelve (12) month period July 1, 2015 through June 30, 2016, with an option to renew, at the sole discretion of the Town, for each of the two succeeding twelve (12) month fiscal years, Fiscal 2017 and Fiscal 2018, beginning on July 1 of each year, at the prices set forth in the bids for those contract periods.
2. Incorporated by reference herein are the Invitation to Bid, Information for Bidders/ General Conditions and Specifications/Scope of Services, and all other Contract Documents together with the Bid dated _____.
3. The Contractor has provided evidence of insurance as required prior to commencing work under this contract and shall maintain such insurance throughout the contract period.
4. The Contractor shall provide all labor, supplies, and equipment in accordance with the Specifications/Scope of Services and shall adhere to the schedule contained therein for the base bid and accepted option ____.
5. The Town shall pay the Contractor at the rates set forth in the bid for Fiscal 2016 for the base bid and accepted option ____.
6. The Contractor acknowledges that he understands all of the terms and conditions stated in the Contract Documents and has inspected the various work sites.
7. _____ will indemnify and hold the Town harmless for all injuries, damages, actions or causes of action caused by, its agents, servants, employees or subcontractors.

WITNESS our hands and seals this ____ day of _____, 2015.

CONTRACTOR

TOWN OF SUDBURY

President

Maryanne Bilodeau
Interim Town Manager

Approved as to availability of funds

Town Accountant

Attachment: Cleaning IFB documents - Town Buildings FY16 (1365 : Approve cleaning services contract)

CERTIFICATE OF VOTE

I, _____, Clerk of _____, hereby certify that at a meeting of the Board of Directors of said Corporation duly held on _____, 200__, at which a quorum was present and voting throughout, the following vote was duly passed and is now in full force and effect:

"VOTED: That _____ (name of Officer authorized to sign for Corporation) be and he/she is authorized, directed and empowered for, in the name and on behalf of this Corporation, to sign, seal with the corporate seal, execute, acknowledge and deliver all contracts, bonds and other obligations of the Corporation; the execution of any such contract, bond or obligations by said _____ (name of Officer) to be valid and binding upon this Corporation for all purposes, and that a certificate of the Clerk of the Corporation for all purposes, and that a certificate of the Clerk of the Corporation setting forth this vote shall be delivered to the Town of Sudbury; and that this vote shall remain in full force and effect unless and until the same has been altered, amended or revoked by a subsequent vote of such Directors and a certificate of such later vote attested by the Clerk of this Corporation is delivered to the Town of Sudbury."

I further certify that _____ (Name of Officer) is the duly elected _____ (Title) of said Corporation.

Signed: _____
Clerk/Secretary

Place of Business

Date of Contact

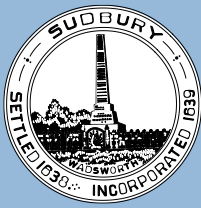
AFFIX CORPORATE SEAL

COUNTERSIGNATURE

Name and Title of Officer

In the event that the Clerk or Secretary is the same person as the Officer authorized to sign the Contract or other instrument for the Corporation, this certificate must be countersigned by another Officer of the Corporation.

Attachment: Cleaning IFB documents - Town Buildings FY16 (1365 : Approve cleaning services contract)



SUDBURY BOARD OF SELECTMEN

Tuesday, June 9, 2015

CONSENT CALENDAR ITEM

22: July 4 road race signs

REQUESTOR SECTION

Date of request: June 4, 2015

Requestor: Graham Taylor

Formal Title: Vote to approve the placement of seven signs announcing the July 4th Road Race at the following locations: west side of Concord Road at Featherland Park; northwest corner of Hudson and Fairbank Roads; southwest corner of Peakham and Old Lancaster Roads; Fire Headquarters, 77 Hudson Road (pending permission of Fire Chief); 221 Goodman's Hill Road; and 46 Union Avenue (Precourt Stone Co.); and northeast corner of Morse and Ridge Hill Road; from June 20th to July 5th, 2015, as requested by Graham R. Taylor, 221 Goodman's Hill Road, in a letter dated June 3, 2015.

Recommendations/Suggested Motion/Vote: Vote to approve the placement of seven signs announcing the July 4th Road Race at the following locations:

west side of Concord Road at Featherland Park; northwest corner of Hudson and Fairbank Roads; southwest corner of Peakham and Old Lancaster Roads; Fire Headquarters, 77 Hudson Road (pending permission of Fire Chief); 221 Goodman's Hill Road; and 46 Union Avenue (Precourt Stone Co.); and northeast corner of Morse and Ridge Hill Road; from June 20th to July 5th, 2015, as requested by Graham R. Taylor, 221 Goodman's Hill Road, in a letter dated June 3, 2015.

Background Information:

Financial impact expected:n/a

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Maryanne Bilodeau	Pending
Barbara Saint Andre	Pending
Charles C. Woodard	Pending
Board of Selectmen	Pending

06/09/2015 7:00 PM

MEETING NOTES SECTION

Board's action taken:

Follow-up actions required:

- Requestor:
- Board of Selectmen:
- Staff:

Future agenda date:

Graham Taylor

To: Sudbury Selectmen
Cc: taylor1776@gmail.com
Subject: July 4th Road Race Signs

Board of Selectmen:

June 3, 2014

On behalf of the July 4th Road Race Committee, I request permission to place road race signs at the following locations:

- West side of Concord Road at Featherland Park
- Northwest corner of Hudson and Fairbank Roads
- Southwest corner of Peakham and Old Lancaster Roads
- Hudson Road at Fire Station. Will get permission from Fire Chief.
- 221 Goodman's Hill Road, my residence
- Precourt Stone Co., 46 Union Ave.
- NE corner Morse + Ridge Hill *RD on Ridge Hill*

These signs will go up on June 20 and come down on July 5.

Graham Taylor, for the July 4th Road Race Committee.
978 443-5024

RECEIVED
BOARD OF SELECTMEN
SUDBURY, MA

2015 JUN -3 P 3:50