

SUDBURY BOARD OF SELECTMEN
TUESDAY DECEMBER 15, 2015
7:30 PM, TOWN HALL - LOWER LEVEL

Item #	Time	Action	Item
	7:30 PM		CALL TO ORDER
			Opening remarks by Chairman
			Reports from Town Manager
			Reports from Selectmen
			Citizen's comments on items not on agenda
TIMED ITEMS			
1.	7:45 PM	<i>VOTE / SIGN</i>	Vote, as the Licensing Authority for the Town of Sudbury, to renew the Alcoholic Beverages, Common Victualler, Entertainment and Sunday Entertainment licenses to expire December 31, 2016; and Motor Vehicle Classes 1, 2, and 3 licenses to expire January 1, 2017, as shown on the attached lists.
2.	7:55 PM	<i>VOTE / SIGN</i>	Vote on whether to approve the application of American Legion Post 191, Inc., d/b/a American Legion Post 191, 676 Boston Post Rd., Sudbury, for a Change of Manager, under G. L. Ch. 138, s.12, Phillip McKenzie, Manager.
PUBLIC HEARING			
3.	8:00 PM	<i>VOTE / SIGN</i>	As the Local Licensing Authority, vote on whether to approve the application of Villa TBR Corp, d/b/a Craft Beer Cellar Sudbury, 365 Boston Post Rd., Sudbury, for a Package Store License for the Sale of Wines & Malt Beverages, under G. L. Ch. 138, s.15, Gustavo Villatoro, Manager.
MISCELLANEOUS			
4.			Discuss Conservation Restriction Offer from Wayside Inn. Jody Kablack, Director of Planning & Community Development, to attend.
5.		<i>VOTE</i>	Continue Remote Participation policy discussion, and possible vote on whether or not to adopt this policy.
6.		<i>VOTE</i>	Discussion and possible vote to revise Budget Strategy Task Force mission statement
7.		<i>VOTE</i>	Update on developments concerning the Minuteman Vocational High School regional agreement. Discussion and potential vote on calling a Special Town Meeting to approve an amended agreement.

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
8.			Discussion regarding Town's new Facebook page
9.			Discussion concerning the Selectmen's policy on issuing proclamations.
10.			Discuss upcoming agenda items
CONSENT CALENDAR			
11.		<i>VOTE</i>	Vote to authorize the Chairman of the Board of Selectmen to sign the Massachusetts Housing Partnership (MHP) Application for Technical Assistance, as requested by Jody Kablack, Director of Planning & Community Development.
12.		<i>VOTE</i>	Vote to approve the regular session minutes of 11/17/15, and 12/1/15.
13.		<i>VOTE</i>	Vote to accept the donation of \$13,100 from Lincoln-Sudbury Youth Baseball for the renovation of the Upper Featherland Field and vote to approve award of a contract by the Town Manager to install a new fence at Featherland Field for \$13,100.
14.		<i>VOTE</i>	Vote to accept a donation of \$2600 from the Friends of the Park and Recreation in order to add to the approved scope of work on the Melone project and to allow the Town Manager to issue an addendum to the contract with Geoinsight in order to look at any possible contamination at Davis Field per the request of the Park and Recreation Commission.
15.		<i>VOTE</i>	Vote to accept \$5000 for the Davis Field Traffic Study from the Friends of Park and Recreation.
16.		<i>VOTE</i>	Vote to approve award of contract by the Town Manager to Tanko Street Lighting, Inc. for Energy Management Services, specifically, the replacement of the Town's streetlights to LED Lamps. (Jim Kelly, Combined Facilities Director, to attend.)
17.		<i>VOTE</i>	Vote to approve award of contract by the Town Manager for Town rubbish and recyclables removal and disposal services to the lowest eligible and responsible bidder as determined by Town Counsel for Calendar 2016 and any successive periods at the option of the Town Manager.
18.		<i>VOTE / SIGN</i>	Vote to approve and sign acceptance of a Conservation Restriction granted under M.G.L. c.40 §8C by Gary Warzynski and Mary D. Warzynski, on a 0.79+- a. Portion of a 1.6 a. Parcel (Lot 5) known as 369 Dutton Road, said Conservation Restriction being shown as "Conservation Restriction Easement" on a plan entitled "Easement Plan of Land in Sudbury, MA" prepared by Sullivan, Connors and Associates, dated January 28, 2003, revised December 5, 2013.
19.		<i>VOTE</i>	Vote to accept the donation of \$145,000 from the Sudbury Historical Society for use by the Town of Sudbury in connection with the proposed repurposing of the Loring Parsonage for a Sudbury History Center and Museum under the direction of the Permanent Building Committee, said funds to be accepted under guidelines set forth by the Massachusetts Office of Tourism, including return of unspent funding to the State by June 30, 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.

Item #	Time	Action	Item
20.		<i>VOTE</i>	Vote to approve award of a phased design contract by the Town Manager to Spencer & Vogt Group in connection with the repurposing of the Loring Parsonage as a Sudbury History Center and Museum on the recommendation of the Permanent Building Committee/Designer Selection Committee; said project to be managed by the Permanent Building Committee.
21.		<i>VOTE</i>	Vote to accept, on behalf of the Town, a \$250 donation from Daybreak Crossfit, for the Halloween 4K and Fun Run, to the Recreation Program Contributions and Donations Account, (as requested by the Park & Recreation Department, in a memo dated October 30, 2015), said funds to be expended under the direction of the Park and Recreation Department.
22.		<i>VOTE</i>	Vote to accept grant of \$4,460 toward the FY16 Emergency Management Performance Grant Program through MEMA for a two-way radio receiver. Said funds to be expended under the direction of the Fire Chief.
23.		<i>VOTE</i>	Vote to appoint Sudbury registered voters Ellen M. Fraize, Unenrolled, 150 North Road, Unit 37; Carol H. DeBold, Democrat, 25 Raynor Road; Dorothy A. Cabral, Democrat, 9 Russet Lane Democrat; Dorothy A. Oldroyd, Democrat, 15 Blacksmith Drive and Elaine J. Burkley, Unenrolled, 35 Maple Avenue, Unit 202 as Election Officers with terms to expire on August 14, 2016, as recommended by the Town Clerk, Rosemary B. Harvell.
24.		<i>VOTE</i>	Vote to accept a \$2500 check from the Attorney for Verizon Wireless to be placed in the Cell Tower Communication Donation Account to be used toward purchase and/or operation of Town public safety equipment, and expended under the direction of the Town Manager, as requested by Jody Kablack, Director of Planning & Community Development.

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

To The BOS
15 DEC 2015

handout citizen
Comments

On 1DEC2015 I stood before you and reported a discussion at the 18NOV2015 CPC meeting. That discussion was the Selectmen's arguments in support of accelerating funding for a 75% design of the BFRT.

The video of the CPC meeting has been posted. At video time 01:17:20 (in response to questions from the Conservation Commission concerning local ConCom participation and project administration of the bylaws) the Town Planner stated: "We anticipate approval of this project for construction. MASDOT will be the applicant and MADOT will not be subject to local bylaw".

Mr. Friedlander, ConCom representative to the CPC then questioned "Are you implying that the Selectmen as proponents for the requested appropriation do not intend to comply with Sudbury's bylaws?"

The Town Planner said she was not making any such implication.

Selectman Simon interrupted the discussion at video time 1:19:21 and stated "the motion adopted and approved by the selectmen (for the BFRT) does not include adherence to the bylaws".

I cannot find any motions accepted and approved by the Selectman that specifically state Sudbury's bylaws are not applicable to any project.

I continue to have difficulty understanding Selectman Simon's disregard for our bylaws as they apply to the BFRT. The Town has been building roads, walkways and other major projects in full compliance with the bylaws for decades. Why can't we build a Rail Trail in compliance with the bylaws? Or, better yet, why can't MADOT build a Trail IAW Sudbury's bylaws?

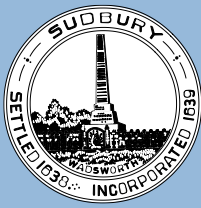
In any case, the selectmen's current request to fund the 75% design is presumptive of the bylaws not applying and, I believe, should be withdrawn.

Please note the Selectmen need to take action on this issue because the CPC, as a committee, does not consider compliance with bylaws as their duty or responsibility.

As previously stated, I am available for discussion.

Thank you,

D.A. Longini
Haynes Rd



SUDBURY BOARD OF SELECTMEN
Tuesday, December 15, 2015

TIMED ITEM

1: 2016 Annual License Renewals

REQUESTOR SECTION

Date of request:

Requested by: Leila S. Frank

Formal Title: Vote, as the Licensing Authority for the Town of Sudbury, to renew the Alcoholic Beverages, Common Victualler, Entertainment and Sunday Entertainment licenses to expire December 31, 2016; and Motor Vehicle Classes 1, 2, and 3 licenses to expire January 1, 2017, as shown on the attached lists.

Recommendations/Suggested Motion/Vote: Vote, as the Licensing Authority for the Town of Sudbury, to renew the Alcoholic Beverages, Common Victualler, Entertainment and Sunday Entertainment licenses to expire December 31, 2016; and Motor Vehicle - Classes 1, 2, and 3 licenses to expire January 1, 2017, as shown on the "2016 License Renewal Applications," attached and incorporated herein; and to forward the appropriate renewal forms to the Alcoholic Beverages Control Commission where applicable; said licenses to be held subject to payment of the required license fees, compliance with the Selectmen's Alcohol Training Policy, correction of any/all outstanding health, safety or zoning violations, receipt of verification of Workers' Compensation Insurance for the licensing period, and the payment of all outstanding personal property taxes, real estate taxes and state taxes; said licenses shall also be subject to all previous restrictions.

Background Information:

Please see attached

Financial impact expected: Application Fees

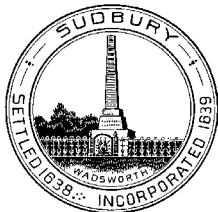
Approximate agenda time requested: 10 minutes

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Patricia A. Brown	Pending
Board of Selectmen	Pending

12/15/2015 7:30 PM



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: selectmenoffice@sudbury.ma.us

December 9, 2015

TO: Board of Selectmen

From: Leila S. Frank

RE: **2016 Alcohol, Common Victualler and Motor Vehicle License Renewals**

Please see attached the list of all licenses that have been submitted for renewal. The columns list materials required to complete an application (i.e. Tax Attestation Form, proof of Workers Compensation and Liquor Liability insurance, roster of trained personnel and the Food Service Requirement form) and the date of submission is reflected underneath each category.

All required materials have been received for all current licensees.

Building and Fire Department inspections have been completed and there are no issues, concerns or deficiencies to be brought before the Selectmen. As no license is in effect for Erica's Restaurant, no inspection of the premises was conducted.

Please note, as there are pending applications for Chili Basil and the American Legion, their licenses must be renewed with current information (i.e. as an All Alcohol license in the case of Chili Basil and with the former manager in the case of the American Legion).

Please also find attached a report from the Treasurer's Office regarding tax balances. There are new owners at several of the businesses with outstanding personal property taxes and a reminder will be given to current owners with outstanding balances.

Sincerely,

Leila S. Frank
Office Supervisor/Information Officer

2016 License Renewal Applications

Business Name	ADDRESS	License Type(s)	Fee Paid	Tax Attest	Food Serv Req.	WrksCmp Ins.	Liq Ins.	TIPS Training	Inspection Cert
Duck Soup	365 Boston Post Road	AA Package	\$2,275.00	11/3/2015		11/3/2015	11/3/2015	11/3/2015	
Kappy's Distributors	474 Boston Post Road	AA Package	\$2,275.00	11/16/2015		11/16/2015	11/9/2016	11/16/2015	
Stony Brook Market OPENING SOON	29 Hudson Road	AA Package	\$2,275.00	11/19/2015		11/19/2015	11/19/2015	11/19/2015	
Sudbury Farms	439 Boston Post Road	W&M Package	\$1,525.00	11/19/2015		11/24/2015	11/19/2015	12/7/2015	
Sudbury Wine, Spirits and Provisions	410 Boston Post Road	AA Package	\$2,275.00	11/20/2015		11/20/2015	11/20/2015	11/20/2015	
Acapulcos	694 Boston Post Road	AA Restrnt; CV	\$3,575	10/28/2015	10/28/2015	10/29/2015	6/10/2016	10/29/2015	11/30/2015
American Legion Post #191	676 Boston Post Road	AA Club; CV; (Pool Table=May)	\$575	11/20/2015	11/20/2015	11/20/2015	11/20/2015	11/20/2015	11/30/2015
Bosse Sports & Health Club	141 Boston Post Road	AA Restrnt; CV; Ent	\$3,625	11/18/2015	11/18/2015	11/18/2015	11/18/2015	11/18/2015	11/30/2015
Bullfinch's	730 Boston Post Road	AA Restrnt; CV; Ent	\$3,625	11/17/2015	11/17/2015	11/17/2015	11/17/2015	11/17/2015	11/30/2015
Chili Basil	385 Boston Post Road	AA Restrnt; CV	\$1,875	11/10/2015	11/16/2015	11/12/2015	11/12/2015	11/12/2015	11/30/2015
Conrad's	120 Boston Post Road	AA Restrnt; CV	\$3,575	11/17/2015	11/17/2015	11/17/2015	11/17/2015	11/17/2015	11/30/2015
Erica's Restaurant	470 North Road	AA Restrnt; CV	\$575	11/19/2015	11/19/2015	11/19/2015	11/19/2015	11/19/2015	
Franco's Trattoria	365 Boston Post Road	W & M w/Cordials; CV	\$1,875	11/20/2015	11/20/2015	11/20/2015	11/20/2015	11/20/2015	11/30/2015
Fugakyu Café	621 Boston Post Road	AA Restrnt; CV; Ent	\$3,625	11/10/2015	11/10/2015	11/10/2015	11/10/2015	11/10/2015	11/30/2015
Lavender Asian Cuisine	519A Boston Post Road	AA Restrnt; CV; Ent	\$3,625	11/23/2015	11/23/2015	11/23/2015	11/23/2015	11/23/2015	11/30/2015
Longfellow's Wayside Inn	72 Wayside Inn Road	AA Restrnt; CV/Innkeeper; Ent	\$3,625	11/12/2015	11/12/2015	11/12/2015	11/12/2015	11/12/2015	11/30/2015
Lotus Blossom	394 Boston Post Road	AA Restrnt; CV	\$3,575	11/16/2015	11/16/2015	11/16/2015	11/16/2015	10/19/2015	11/30/2015
No. 29 Sudbury	29 Hudson Road	AA Restrnt; CV; Ent; Sunday Ent.	\$3,875	11/18/2015	11/18/2015	11/23/2015	11/23/2015	11/24/2015	11/30/2015
Oishii Too Sushi Bar	365 Boston Post Road	W&M Restrnt; CV	\$1,525	11/17/2015	11/17/2015	11/17/2015	11/17/2015	11/17/2015	11/30/2015
Paani-Pure Indian Cuisine	621A Boston Post Road	W & M w/Cordials; CV	\$1,875	11/16/2015	11/16/2015	11/16/2015	11/16/2015	11/19/2015	11/30/2015
Rossini's	418 Boston Post Road	W&M Restrnt; CV	\$1,575	11/12/2015	11/12/2015	11/12/2015	11/12/2015	11/12/2015	11/30/2015
Soul of India	103 Boston Post Road	AA Restrnt; CV	\$3,575	11/12/2015	11/12/2015	11/12/2015	11/12/2015	11/12/2015	11/30/2015
Victory Cigar Bar	615 Boston Post Road	AA Restrnt; CV	\$25	11/20/2015	11/20/2015	11/23/2015	11/23/2015	11/20/2015	11/30/2015
CJ's Pizza	29 Hudson Road # 100	CV	\$50	12/10/2015		12/10/2015			
Dunkin' Donuts	378 Boston Post Road	CV	\$50	11/19/2015		11/19/2015			
Fairfield Inn	738 Boston Post Road	CV	\$50	11/16/2015		11/16/2015			
Impact Functional & Sports Training	505 Boston Post Road	CV	\$50	11/23/2015		11/23/2015			
Karma Coffee	100 Boston Post Road	CV	\$50	11/23/2015		11/23/2015			
Papa Gino's	104 Boston Post Road	CV	\$50	10/19/2015		10/19/2015			
Petros' Pizzeria & Grill	730 Boston Post Road	CV	\$50	11/18/2015		11/18/2015			
Shaw's	509 Boston Post Road	CV	\$50	10/19/2015		10/19/2015			
Starbucks	513 Boston Post Road	CV	\$50	10/19/2015		10/19/2015			
Subway	435 Boston Post Road	CV	\$50	10/7/2015		10/7/2015			
Sudbury Coffee Works	15 Union Avenue	CV	\$50	11/16/2015		11/16/2015			
Sudbury Pizza	426 Boston Post Road	CV	\$50	10/21/2015		10/21/2015			
T-Wisted Frozen Yogurt	410 Boston Post Road	CV	\$50	10/13/2015		10/13/2015			
BMW of Sudbury	68 Old County Road	New Car Class 1	\$50	11/30/2015		11/30/2015			
Jaguar Sudbury	83 Boston Post Road	New Car Class 1	\$50	11/6/2015		11/6/2015			
Land Rover Sudbury	83 Boston Post Road	New Car Class 1	\$50	11/6/2015		11/6/2015			
Mosher Auto Body	34 Station Road	Used Car Class 3	\$50	11/16/2015		11/17/2015			
Sales Approach, Inc.	49 Brimstone Lane	Used Car Class 2	\$50	11/12/2015		11/12/2015			
Station Road Auto Body	40 Station Road	Used Car Class 2	\$50	11/4/2015		11/4/2015			
Sudbury Sundries, Inc.	100 Boston Post Road	Used Car Class 2	\$50	12/8/2015		11/12/2015			

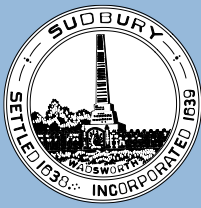
Outstanding Tax Amounts as of 11/03/2015

Personal Property Tax:

Address	D/B/A	Tax Years	Amount Due
418 Boston Post Road	Rossini's	2009-2011	\$ 599.91
738 Boston Post Road	Clarion Inn	2009	\$ 331.30
100 Boston Post Road	Auto Diagnostics	2008-2009	\$ 3,600.14
365 Boston Post Road	Chili Basil	2016	\$ 93.28

Real Estate Taxes:

Address	D/B/A	Tax Years	Amount Due
470 North Road	Sierra's	2012-2016	\$ 49,619.22



SUDBURY BOARD OF SELECTMEN
Tuesday, December 15, 2015

TIMED ITEM

2: American Legion Change of Manager

REQUESTOR SECTION

Date of request:

Requestor: American Legion Post 191, Inc.

Formal Title: Vote on whether to approve the application of American Legion Post 191, Inc., d/b/a American Legion Post 191, 676 Boston Post Rd., Sudbury, for a Change of Manager, under G. L. Ch. 138, s.12, Phillip McKenzie, Manager.

Recommendations/Suggested Motion/Vote: Vote on whether to approve the application of American Legion Post 191, Inc., d/b/a American Legion Post 191, 676 Boston Post Rd., Sudbury, for a Change of Manager, under G. L. Ch. 138, s.12, Phillip McKenzie, Manager.

Background Information:
Please see application attached.

Financial impact expected:\$2,250 Application Fee

Approximate agenda time requested: 15 minutes

Representative(s) expected to attend meeting: Jim Weigel, Treasurer American Legion Post 191, Inc.

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Patricia A. Brown	Pending
Board of Selectmen	Pending

12/15/2015 7:30 PM



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

RECEIVED
BOARD OF SELECTION
SUDBURY, MA

2015 NOV 20 A 10:47

PETITION FOR CHANGE OF LICENSE

125000008

Sudbury, MA

ABCC License Number

City/Town

The licensee American Legion Sudbury Post 191, Inc. respectfully petitions the Licensing Authorities to approve the following transactions:

- Change of Manager (checked)
Alteration of Premises
Pledge of License/Stock
Cordial & Liqueurs
Change of Corporate Name/DBA
Change of Location
Change of License Type (\$12 ONLY, e.g. "club" to "restaurant")

Change of Manager (checked)

Last-Approved Manager: Spencer R. Goldstein

Requested New Manager: Phillip M. McKenzie

Pledge of License /Stock

Loan Principal Amount: \$ Interest Rate:

Payment Term: Lender:

Change of Corporate Name/DBA

Last-Approved Corporate Name/DBA:

Requested New Corporate Name/DBA:

Change of License Type

Last-Approved License Type:

Requested New License Type:

Alteration of Premises: (must fill out attached financial information form)

Description of Alteration:

Change of Location: (must fill out attached financial information form)

Last-Approved Location:

Requested New Location:

Signature of Licensee

[Handwritten Signature]

Date Signed

11/19/15

(If a Corporation/LLC, by its authorized representative)



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

MANAGER APPLICATION

All proposed managers are required to complete a Personal Information Form, and attach a copy of the corporate vote authorizing this action and appointing a manager.

1. LICENSEE INFORMATION:

Legal Name of Licensee: Business Name (dba):

Address:

City/Town: State: Zip Code:

ABCC License Number: (If existing licensee) Phone Number of Premise:

2. MANAGER INFORMATION:

A. Name: B. Cell Phone Number:

C. List the number of hours per week you will spend on the licensed premises:

3. CITIZENSHIP INFORMATION:

A. Are you a U.S. Citizen: Yes No B. Date of Naturalization: C. Court of Naturalization:

(Submit proof of citizenship and/or naturalization such as U.S. Passport, Voter's Certificate, Birth Certificate or Naturalization Papers)

4. BACKGROUND INFORMATION:

A. Do you now, or have you ever, held any direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages? Yes No
If yes, please describe:

B. Have you ever been the Manager of Record of a license to sell alcoholic beverages that has been suspended, revoked or cancelled? Yes No
If yes, please describe:

C. Have you ever been the Manager of Record of a license that was issued by this Commission? Yes No
If yes, please describe:

D. Please list your employment for the past ten years (Dates, Position, Employer, Address and Telephone):

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature Date

Additional Space

Please note which question you are using this space for.

2013-2015, Mechanic, South Acton Gas, 2014 Main Street, Acton, MA 01720, (978) 263-7111

AMERICAN LEGION POST 191 INC.

676 BOSTON POST ROAD



SUDBURY MA 01776

We the Board of Directors of American Legion Sudbury Post 191 Inc. met on the 14th day of October to elect a veteran member of this Post to be manager of the business operation known as American legion Post 191 of Sudbury Massachusetts. This has been done to be in compliance with The American Legion Department of Massachusetts customs and directives. Commander Phillip McKenzie has been elected to the position of Post 191 manager.

President

Jeremy Young

Handwritten signature of Jeremy Young in black ink.

Treasurer

Jim Wiegel

Handwritten signature of Jim Wiegel in black ink. Below the signature, the text "in absentia" and "expense for 8" is written in cursive.

Clerk

Kenneth Hiltz

Handwritten signature of Kenneth Hiltz in black ink.

Director

Anthony Gargone

Handwritten signature of Anthony Gargone in black ink.

Director

Bruce Katz

Handwritten signature of Bruce Katz in black ink.

Director

James Shortway

Handwritten signature of James Shortway in black ink.

American Legion – Change of Manager
Department Feedback

Fire Department Approval:

From: Whalen, John
Sent: Tuesday, November 24, 2015 10:30 AM
Subject: RE: American Legion Change of Manager Application

Hello Leila,

The Fire Department has **NO ISSUE** with this Change of Manager Application.

John M. Whalen
Assistant Fire Chief

Board of Health Approval:

From: Murphy, Bill
Sent: Tuesday, November 24, 2015 10:04 AM
Subject: RE: American Legion Change of Manager Application

I have **NO ISSUES** with this application.

Building Department Approval:

From: Herweck, Mark
Sent: Monday, November 23, 2015 4:32 PM
Subject: Re: American Legion Change of Manager Application

Hi Leila, I have **NO ISSUES**.

Police Department Approval:

From: Nix, Scott
Sent: Tuesday, November 24, 2015 3:47 PM
Subject: RE: American Legion Change of Manager Application

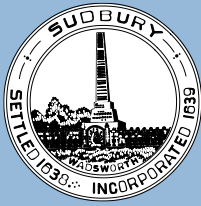
Leila,

The police department **DOES NOT HAVE ANY ISSUE** with the application.

Respectfully,

Scott Nix

Chief of Police



SUDBURY BOARD OF SELECTMEN
Tuesday, December 15, 2015

PUBLIC HEARING

3: Craft Beer Cellar W&M Beverages Package Store License

REQUESTOR SECTION

Date of request:

Requestor: Villa TBR Corp, d/b/a Craft Beer Cellar Sudbury

Formal Title: As the Local Licensing Authority, vote on whether to approve the application of Villa TBR Corp, d/b/a Craft Beer Cellar Sudbury, 365 Boston Post Rd., Sudbury, for a Package Store License for the Sale of Wines & Malt Beverages, under G. L. Ch. 138, s.15, Gustavo Villatoro, Manager.

Recommendations/Suggested Motion/Vote: As the Local Licensing Authority, vote on whether to approve the application of Villa TBR Corp, d/b/a Craft Beer Cellar Sudbury, 365 Boston Post Rd., Sudbury, for a Package Store License for the Sale of Wines & Malt Beverages, under G. L. Ch. 138, s.15, Gustavo Villatoro, Manager.

Background Information:
Please see application attached. Time for 8:00 pm.

Financial impact expected:\$1650 Application Fee

Approximate agenda time requested: 15 minutes

Representative(s) expected to attend meeting: Gustavo Villatoro, Manager Craft Beer Cellar Sudbury

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Patricia A. Brown	Pending
Board of Selectmen	Pending

12/15/2015 7:30 PM

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
MONETARY TRANSMITTAL FORM

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

ECRT CODE: RETA

CHECK PAYABLE TO ABCC OR COMMONWEALTH OF MA: \$200.00

(CHECK MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL)

CHECK NUMBER

IF USED EPAY, CONFIRMATION NUMBER

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

LICENSEE NAME

ADDRESS

CITY/TOWN STATE ZIP CODE

TRANSACTION TYPE (Please check all relevant transactions):

- Alteration of Licensed Premises
- Change Corporate Name
- Change of License Type
- Change of Location
- Change of Manager
- Other
- Cordials/Liqueurs Permit
- Issuance of Stock
- Management/Operating Agreement
- More than (3) \$15
- New License
- New Officer/Director
- New Stockholder
- Pledge of Stock
- Pledge of License
- Seasonal to Annual
- Transfer of License
- Transfer of Stock
- Wine & Malt to All Alcohol
- 6-Day to 7-Day License

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

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

APPLICATION FOR RETAIL ALCOHOLIC BEVERAGE LICENSE

RECEIVED
BOARD OF SELECTMEN
SUDBURY, MA

City/Town

2015 NOV 23 A 11:34

1. LICENSEE INFORMATION:

A. Legal Name/Entity of Applicant:(Corporation, LLC or Individual)

B. Business Name (if different) : C. Manager of Record:

D. ABCC License Number (for existing licenses only) :

E. Address of Licensed Premises: City/Town: State: Zip:

F. Business Phone: G. Cell Phone:

H. Email: I. Website:

J. Mailing address (If different from E.): City/Town: State: Zip:

2. TRANSACTION:

- New License
- New Officer/Director
- Transfer of Stock
- Issuance of Stock
- Pledge of Stock
- Transfer of License
- New Stockholder
- Management/Operating Agreement
- Pledge of License

The following transactions must be processed as new licenses:

- Seasonal to Annual
- (6) Day to (7)-Day License
- Wine & Malt to All Alcohol

IMPORTANT ATTACHMENTS (1): The applicant must attach a vote of the entity authorizing all requested transactions, including the appointment of a Manager of Record or principal representative.

3. TYPE OF LICENSE:

- §12 Restaurant
- §12 Hotel
- §12 Club
- §12 Veterans Club
- §12 Continuing Care Retirement Community
- §12 General On-Premises
- §12 Tavern (No Sundays)
- §15 Package Store

4. LICENSE CATEGORY:

- All Alcoholic Beverages
- Wines & Malt Beverages
- Wines
- Malt
- Wine & Malt Beverages with Cordials/Liqueurs Permit

5. LICENSE CLASS:

- Annual
- Seasonal

6. CONTACT PERSON CONCERNING THIS APPLICATION (ATTORNEY IF APPLICABLE)

NAME:

ADDRESS:

CITY/TOWN: STATE: ZIP CODE:

CONTACT PHONE NUMBER: FAX NUMBER:

EMAIL:

7. DESCRIPTION OF PREMISES:

Please provide a complete description of the premises. Please note that this must be identical to the description on the Form 43. Your description MUST include: number of floors, number of rooms on each floor, any outdoor areas to be included in licensed area, and total square footage, i.e.: "Three story building, first floor to be licensed, 3 rooms, 1 entrance 2 exits (3200 sq ft); outdoor patio (1200 sq ft); Basement for storage (1200 sq ft). Total sq ft = 5600."

1231 square feet on retail sales floor and 1034 square feet of storage space. The sales floor is approximately (59 feet at length by 20 feet wide). There are 2 entrance points to the space, street side facing Boston Post Road and rear access in parking facility.

Total Square Footage: Number of Entrances: Number of Exits:

Occupancy Number: Seating Capacity:

IMPORTANT ATTACHMENTS (2): The applicant must attach a floor plan with dimensions and square footage for each floor & room.

8. OCCUPANCY OF PREMISES:

By what right does the applicant have possession and/or legal occupancy of the premises?

IMPORTANT ATTACHMENTS (3): The applicant must submit a copy of the final lease or documents evidencing a legal right to occupy the premises. Other:

Landlord is a(n): Other:

Name: Phone:

Address: City/Town: State: Zip:

Initial Lease Term: Beginning Date Ending Date

Renewal Term: Options/Extensions at: Years Each

Rent: Per Year Rent: Per Month

Do the terms of the lease or other arrangement require payments to the Landlord based on a percentage of the alcohol sales?
 Yes No

If Yes, Landlord Entity must be listed in Question # 10 of this application.

If the principals of the applicant corporation or LLC have created a separate corporation or LLC to hold the real estate, the applicant must still provide a lease between the two entities.

3 a

CEN

The Applicant is a(n):

Other :

If the applicant is a Corporation or LLC, complete the following:

Date of Incorporation/Organization:

State of Incorporation/Organization:

Is the Corporation publicly traded? Yes No

Packet Pg. 18

10. INTERESTS IN THIS LICENSE:

List all individuals involved in the entity (e.g. corporate stockholders, directors, officers and LLC members and managers) and any person or entity with a direct or indirect, beneficial or financial interest in this license.

IMPORTANT ATTACHMENTS (4):

A. All individuals or entities listed below are required to complete a Personal Information Form.

B. All shareholders, LLC members or other individuals with any ownership in this license must complete a CORI Release Form (unless they are a landlord entity)

Name	All Titles and Positions	Specific % Owned	Other Beneficial Interest
Gustavo Villatoro	President	50%	
Jessica Villatoro	Treasurer	50%	

*If additional space is needed, please use last page.

11. EXISTING INTEREST IN OTHER LICENSES:

Does any individual listed in §10 have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes No **If yes, list said interest below:**

Name	License Type	Licensee Name & Address
	<input type="text" value="Please Select"/>	
	<input type="text" value="Please Select"/>	
	<input type="text"/>	
	<input type="text"/>	
	<input type="text"/>	
	<input type="text"/>	

*If additional space is needed, please use last page.

3.a PREVIOUSLY HELD INTERESTS IN OTHER LICENSES:

Is any individual listed in §10 who has a direct or indirect beneficial interest in this license ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes No If yes, list said interest below:

Name	Licensee Name & Address	Date	Reason Terminated

13. DISCLOSURE OF LICENSE DISCIPLINARY ACTION:

Have any of the disclosed licenses to sell alcoholic beverages listed in §11 and/or §12 ever been suspended, revoked or cancelled? Yes No If yes, list said interest below:

Date	License	Reason of Suspension, Revocation or Cancellation

14. CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR A (§15) PACKAGE STORE LICENSE ONLY :

A.) For Individual(s):

- 1. Are you a U.S. Citizen? Yes No
- 2. Are you a Massachusetts Residents? Yes No

B.) For Corporation(s) and LLC(s) :

- 1. Are all Directors/LLC Managers U.S. Citizens? Yes No
- 2. Are a majority of Directors/LLC Managers Massachusetts Residents? Yes No
- 3. Is the License Manager a U.S. Citizen? Yes No

C.) For Individual(s), Shareholder(s), Member(s), Director(s) and Officer(s):

- 1.. Are all Individual(s), Shareholders, Members, Directors, LLC Managers and Officers involved at least twenty-one (21) years old? Yes No

15. CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR (§12) RESTAURANT, HOTEL, CLUB, GENERAL ON PREMISE, TAVERN, VETERANS CLUB LICENSE ONLY:

A.) For Individual(s):

- 1. Are you a U.S. Citizen? Yes No

B.) For Corporation(s) and LLC(s) :

- 1. Are a majority of Directors/LLC Managers **NOT** U.S. Citizen(s)? Yes No
- 2. Is the License Manager or Principal Representative a U.S. Citizen? Yes No

C.) For Individual(s), Shareholder(s), Member(s), Director(s) and Officer(s):

- 1.. Are all Individual(s), Shareholders, Members, Directors, LLC Managers and Officers involved at least twenty-one (21) years old? Yes No

COSTS ASSOCIATED WITH LICENSE TRANSACTION:

A. Purchase Price for Real Property:	\$5000
B. Purchase Price for Business Assets:	\$6000
C. Costs of Renovations/Construction:	\$2000
D. Initial Start-Up Costs:	\$1000
E. Purchase Price for Inventory:	0
F. Other: (Specify)	0
G: TOTAL COST	\$14,000
H. TOTAL CASH	\$14,000
I. TOTAL AMOUNT FINANCED	0

IMPORTANT ATTACHMENTS (5): Any individual, LLC, corporate entity, etc. providing funds of \$50,000 or greater towards this transaction, must provide proof of the source of said funds. Proof may consist of three consecutive months of bank statements with a minimum balance of the amount described, a letter from your financial institution stating there are sufficient funds to cover the amount described, loan documentation, or other documentation.

The amounts listed in subsections (H) and (I) must total the amount reflected in (G).

17. PROVIDE A DETAILED EXPLANATION OF THE FORM(S) AND SOURCE(S) OF FUNDING FOR THE COSTS IDENTIFIED ABOVE (INCLUDE LOANS, MORTGAGES, LINES OF CREDIT, NOTES, PERSONAL FUNDS, GIFTS):

Personal Funds - Bank statement included.

*If additional space is needed, please use last page.

18. LIST EACH LENDER AND LOAN AMOUNT(S) FROM WHICH "TOTAL AMOUNT FINANCED" NOTED IN SUB-SECTIONS 16(I) WILL DERIVE:

A.

Name	Dollar Amount	Type of Financing

*If additional space is needed, please use last page.

B. Does any individual or entity listed in §17 or §18 as a source of financing have a direct or indirect, beneficial or financial interest in this license or any other license(s) granted under Chapter 138? Yes No

If yes, please describe:

19. PLEDGE: (i.e. COLLATERAL FOR A LOAN)

A.) Is the applicant seeking approval to pledge the license? Yes No

1. If yes, to whom:

2. Amount of Loan: 3. Interest Rate: 4. Length of Note:

5. Terms of Loan :

B.) If a corporation, is the applicant seeking approval to pledge any of the corporate stock? Yes No

1. If yes, to whom:

2. Number of Shares:

C.) Is the applicant pledging the inventory? Yes No

If yes, to whom:

IMPORTANT ATTACHMENTS (6): If you are applying for a pledge, submit the pledge agreement, the promissory note and a vote of the Corporation/LLC approving the pledge.

20. CONSTRUCTION OF PREMISES:

Are the premises being remodeled, redecorated or constructed in any way? If YES, please provide a description of the work being performed on the premises: Yes No

Repaint beginning week of December 1st 2015, New floors installed by Acurra Construction on the week of December 3rd 2015, shelving from IKEA put together after December 14th 2015; Decorating with Craft Beer Cellar signage after week of December 28th 2015.

21. ANTICIPATED OPENING DATE:

IF ALL OF THE INFORMATION AND ATTACHMENTS ARE NOT COMPLETE THE APPLICATION WILL BE RETURNED

APPLICANT'S STATEMENT

I, the: sole proprietor; partner; corporate principal; LLC/LLP member
 Authorized Signatory

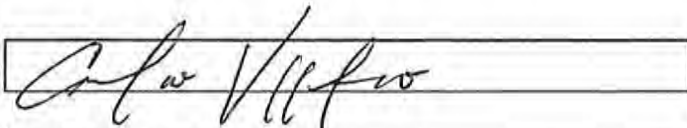
of , hereby submit this application for
 Name of the Entity/Corporation Transaction(s) you are applying for

(hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statement and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises does not violate any requirement of the ABCC or other state law or local ordinances;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the Application information as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of, the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.

Signature:



Date:

November 16, 2015

Title:

Member, Manager of Record

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
 239 Causeway Street
 Boston, MA 02114
www.mass.gov/abcc

MANAGER APPLICATION

All proposed managers are required to complete a Personal Information Form,
 and attach a copy of the corporate vote authorizing this action and appointing a manager.

1. LICENSEE INFORMATION:

Legal Name of Licensee: Business Name (dba):

Address:

City/Town: State: Zip Code:

ABCC License Number: (If existing licensee) Phone Number of Premise:

2. MANAGER INFORMATION:

A. Name: B. Cell Phone Number:

C. List the number of hours per week you will spend on the licensed premises:

3. CITIZENSHIP INFORMATION:

A. Are you a U.S. Citizen: Yes No B. Date of Naturalization: C. Court of Naturalization:

(Submit proof of citizenship and/or naturalization such as US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers)

4. BACKGROUND INFORMATION:

A. Do you now, or have you ever, held any direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages? Yes No

If yes, please describe:

B. Have you ever been the Manager of Record of a license to sell alcoholic beverages that has been suspended, revoked or cancelled? Yes No

If yes, please describe:

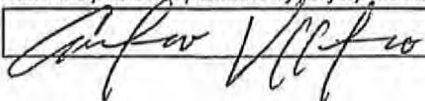
C. Have you ever been the Manager of Record of a license that was issued by this Commission? Yes No

If yes, please describe:

D. List your employment for the past ten years (Dates, Position, Employer, Address and Telephone):

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature



Date

Additional Space

Please note which question you are using this space for.

4. D. List your employment for the past ten years (Dates, Position, Employer, Address and Telephone):

April 2014- March 2015 - Operations Manager -Enterprise Cleaning Corporation - 75 Main Street Boylston MA - 508-890-1000

January 2012 - April 2014 - Facilities Manager - UGL Services at Lesley University - 1 International Pl. Boston MA - 617-330-7878

July 2007 - July 2011 - Account Manager - UGL Services at Simmons College - 1 Internatinal Pl. Boston MA - 617-330-7878

January 2005 - July 2007 - Account Manager - UGL UNICCO at Massachusetts Water Resources Authority - 1 International Pl. Boston MA - 617-330-7878

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
 239 Causeway Street
 Boston, MA 02114
www.mass.gov/abcc

MANAGER APPLICATION

All proposed managers are required to complete a Personal Information Form,
 and attach a copy of the corporate vote authorizing this action and appointing a manager.

1. LICENSEE INFORMATION:

Legal Name of Licensee: Business Name (dba):

Address:

City/Town: State: Zip Code:

ABCC License Number: (If existing licensee) Phone Number of Premise:

2. MANAGER INFORMATION:

A. Name: B. Cell Phone Number:

C. List the number of hours per week you will spend on the licensed premises:

3. CITIZENSHIP INFORMATION:

A. Are you a U.S. Citizen: Yes No B. Date of Naturalization: C. Court of Naturalization:

(Submit proof of citizenship and/or naturalization such as US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers)

4. BACKGROUND INFORMATION:

A. Do you now, or have you ever, held any direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages? Yes No

If yes, please describe:

B. Have you ever been the Manager of Record of a license to sell alcoholic beverages that has been suspended, revoked or cancelled? Yes No

If yes, please describe:

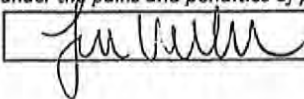
C. Have you ever been the Manager of Record of a license that was issued by this Commission? Yes No

If yes, please describe:

D. List your employment for the past ten years (Dates, Position, Employer, Address and Telephone):

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature



Date

Additional Space

Please note which question you are using this space for.

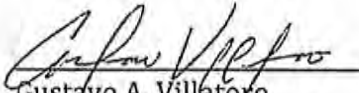

4. D. List your employment for the past ten years (Dates, Position, Employer, Address and Telephone):

September 1, 2004 - June 30, 2011, Special Education Teacher, The Education Cooperative, 141 Mansion Dr. Walpole, MA
781-326-2473

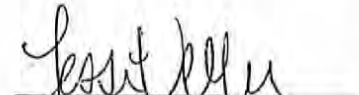

October 21, 2015

VILLA TBR Corp., State Identification number 001190659, was formed in the state of MA on 9/25/2015. We are formed as General Partnership as a Corporation under MA law. There are two partners, Gustavo A. Villatoro and Jessica L. Villatoro, both having 50% control of company and both being members of the Corporation. For your information Gustavo A. Villatoro is the "Manager of Record", in the eyes of the state of MA.

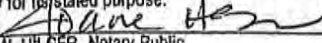
This document is signed in agreement by both members of VILLA TBR Corp., on this twenty third day of October, 2015.

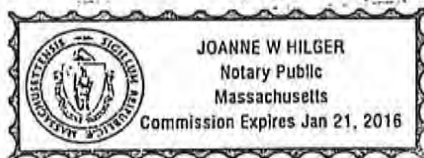

Gustavo A. Villatoro
6 Hanna Road
Framingham MA 01701


11/10/15
Date


Jessica L. Villatoro
6 Hanna Road
Framingham, MA 01701


11/10/15
Date

The Commonwealth of Massachusetts
On this 16 day of November, 2015
before me, the undersigned notary public, personally appeared
Gustavo Villatoro and Jessica Villatoro
proved to me through satisfactory evidence of identification which were
David L, to be the person whose name is signed on the preceding
or attached document and acknowledged to me that he/she signed it
voluntarily for its stated purpose.

JOANNE W. HILGER, Notary Public
My Commission Expires January 21, 2016



LEASE

REFERENCE DATA PAGES

In this Lease the following terms shall have the meanings set forth below:

EXECUTION DATE: November 23, 2015

LANDLORD: Old World Realty Corp., Trustee of Mill Village Realty Trust under Declaration of Trust filed with the Middlesex County Registry of Deeds and the Middlesex County Registry District of the Land Court.

LANDLORD'S INITIAL ADDRESS FOR PAYMENT: Old World Realty Corp., Trustee
Mill Village Realty Trust
c/o Intrum Corp.
60 Wells Avenue, Suite 100
Newton, MA 02459

TENANT: Villa TBR Corp.

TENANT'S PRESENT ADDRESS: 6 Hanna Road
Framingham, MA 01701

PROPERTY: The land with the on-site parking, buildings and improvements now and hereafter situated thereon owned by Landlord known as Mill Village, located generally at 365 Boston Post Road (Route 20), Sudbury, Massachusetts.

BUILDING: Building A at the Property located as shown on Exhibit A-1 to this Lease.

PREMISES: The portion of the first floor of the Building depicted as Suite No. 103, plus the portion of basement space 003 all as shown on Exhibit A hereto annexed. For the purpose of determining Premises Rentable Area, Yearly Fixed Rent, and Tenant's Pro Rata Share, the basement space is not included.

PREMISES RENTABLE AREA: The approximately 1,275 rentable square feet within the Premises.

PERMITTED USE: As a retail franchise operating under the name Craft Beer Cellars and principally selling craft beer and other alcoholic and non-alcoholic beverages (consisting of at least 80% of the retail floor area) as found in other Craft Beer Cellar franchise locations, and other related items on a non-principal basis (in the aggregate those items from no more than 20% of the retail floor area) such as pretzels, chips, condiments, and cheese only. All licenses and permits required by local, state and any other authorities necessary for Tenant to conduct Tenant's business at the Property shall be Tenant's responsibility to obtain.

The full lease document is available at the Selectmen's Office.

- P. This Lease is executed as a sealed instrument and in multiple counterparts, all copies of which are identical, and any one of which is to be deemed to be complete in itself and may be introduced in evidence or used for any purpose without the production of any other copy. Time is of the essence of the obligations of the parties to be performed within a specific time frame in this Lease.
- Q. No payment by the Tenant or acceptance by the Landlord of a lesser amount than shall be due the Landlord from the Tenant shall be deemed to be anything but payment on account, and the acceptance by the Landlord of a check for a lesser amount with an endorsement or statement thereon, or upon a letter accompanying said check, that said lesser amount is payment in full shall not be deemed an accord and satisfaction, and the Landlord may accept said check without prejudice to recover the balance due or pursue any other remedy.
- R. Tenant and Landlord hereby waive, to the fullest extent permitted by law, any present or future right to trial by jury in any action or proceeding relating directly or indirectly to or arising out of this Lease or in any manner relating to the Premises, the Building or the Property. This waiver of right to trial by jury is given knowingly and voluntarily by Landlord and Tenant.
- S. Tenant represents and warrants that it is not listed, nor is it owned or controlled by, or acting for or on behalf of any person or entity, on the list of Specially Designated Nationals and Blocked Persons maintained by the Office of Foreign Assets Control of the United States Department of the Treasury, or any other list of persons or entities with whom Landlord is restricted from doing business ("**OFAC List**"). Notwithstanding anything to the contrary herein contained, Tenant shall not permit the Premises or any portion thereof to be used, occupied or operated by or for the benefit of any person or entity that is on the OFAC List. Tenant shall provide documentary and other evidence of Tenant's identity and ownership as may be reasonably requested by Landlord at any time to enable Landlord to verify Tenant's identity or to comply with any applicable legal requirement.

LANDLORD:

TENANT:

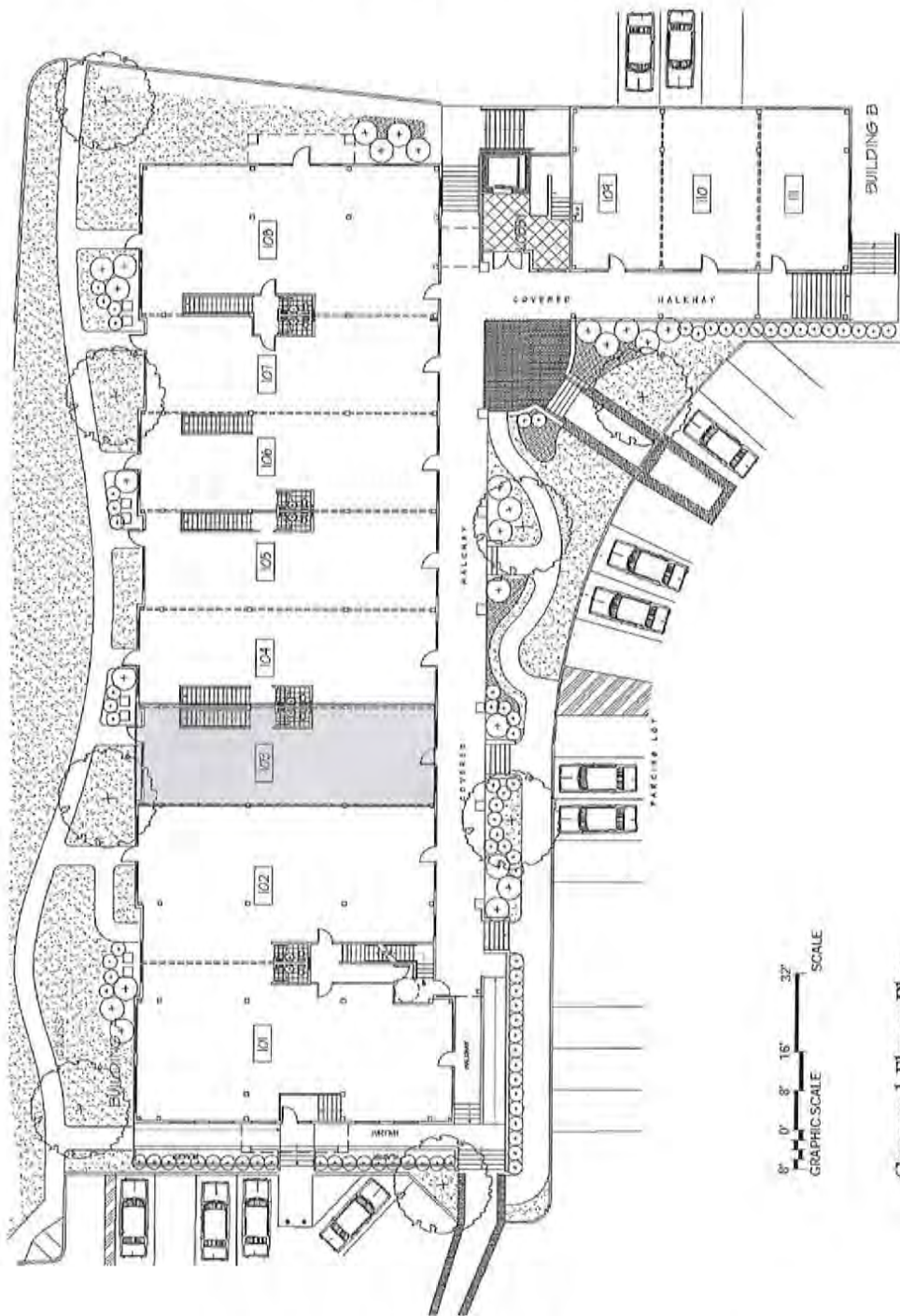
MILL VILLAGE REALTY TRUST
By: OLD WORLD REALTY CORP.,
Trustee (and not for itself)

Villa TBR Corp.

By: 
Randy A. Goldberg, Executive Vice President

By: 
Gustavo Villatoro, President

EXHIBIT A
THE PREMISES (Page 1 of 2)

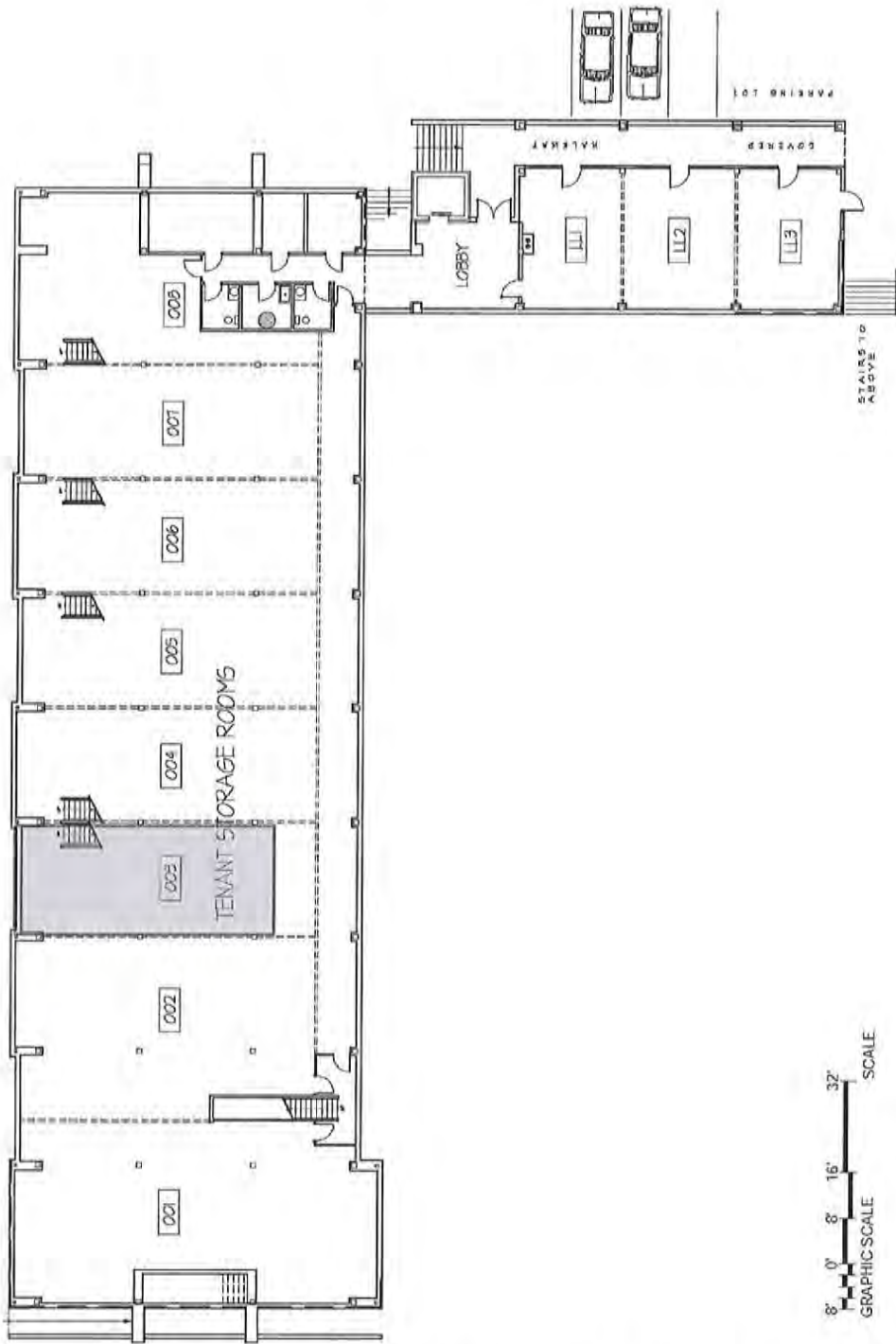


Ground Floor Plan
MILL VILLAGE - SUDBURY, MASSACHUSETTS

Note: Not to scale. Layout is approximate.

Landlord Initial _____
Tenant Initial _____

EXHIBIT A
THE PREMISES (Page 2 of 2)

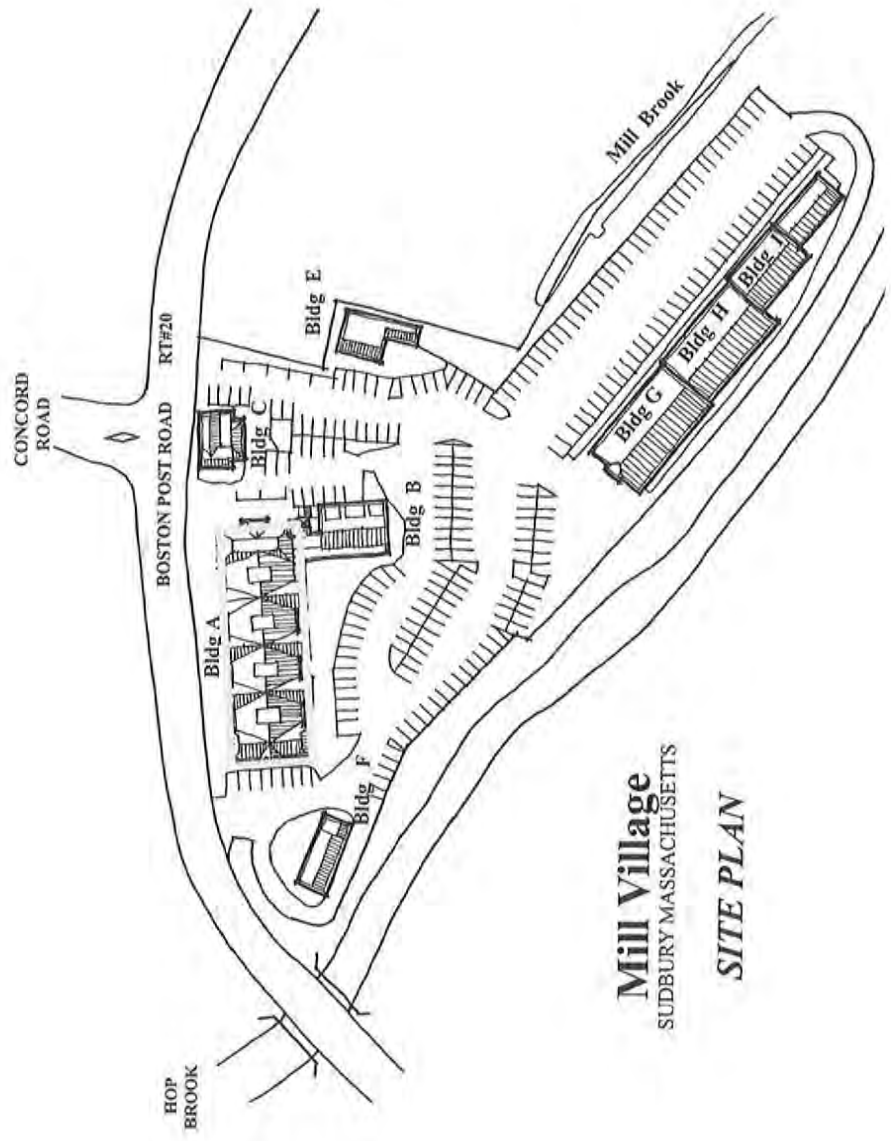


Note: Not to scale. Layout is approximate.

Basement Plan
MILL VILLAGE - SUDBURY, MASSACHUSETTS

Landlord Initial
Tenant Initial

EXHIBIT A-1
THE BUILDING



Mill Village
SUDBURY MASSACHUSETTS
SITE PLAN

Landlord Initial
 Tenant Initial

Sudbury Alcohol License Quota & Availability

ABCC QUOTA of Licenses: 32 Total

Section 12: Restaurant All Alcohol: 18 Restaurant Wine & Malt: 5
 Section 15: Package Store All Alcohol: 4 Package Store Wine & Malt: 5



Licenses ISSUED:

Restaurant All Alcohol: 13 Restaurant Wine & Malt: 5
 Package Store All Alcohol: 4 Package Store Wine & Malt: 3

Licenses AVAILABLE:

Restaurant All Alcohol: 5	Restaurant Wine & Malt: 0
Package Store All Alcohol: 0	Package Store Wine & Malt: 2

ALCOHOL LICENSEES

RESTAURANT/CLUB (Section 12)		PACKAGE STORE (Section 15)	
			
All Alcohol	Wine & Malt	All Alcohol	Wine & Malt
Acapulcos	Chili Basil PENDING	Duck Soup	Craft Beer Cellar PENDING
American Legion Post #191	Franco's Trattoria	Kappy's	Sperry's Wine PENDING
Bosse Sports & Health Club	Oishii Too Sushi Bar	Stony Brook	Sudbury Farms
Bullfinch's	Paani-Pure Indian Cuisine	Sudbury Wines, Spirits	1- Available
Conrad's	Rossini's	None Available	2- Available
Erica's Restaurant PENDING	None Available		
Fugakyu Café			
Lavender Asian Cuisine			
Longfellow's Wayside Inn			
Lotus Blossom			
No. 29 Sudbury			
Soul of India			
Victory Cigar Bar			
1- Available			
2- Available			
3- Available			
4- Available			
5- Available			
Quota:	18 5	4 5	
Total Issued:	13 5	4 3	
Available:	5 0	0 2	

handout from 12/15
#1



CRAFT BEER CELLAR

- Personal Introductions
 - Jessica and Gustavo Villatoro
- Who is Craft Beer Cellar
 - About us
 - Locations
 - Our products
 - Store layout
- Craft Beer Cellar - Trinity
- Education - Cicerone Certification Program
- Craft Beer Cellar Sudbury
 - Invested and committed to the community and safety

Personal Introductions

Gustavo Villatoro

Grew up in Malden, MA

Resides in North Framingham

Local to Metro-West for over 7 years

Graduate of Newbury College

A beer geek - enthusiast of all types of beer

14 years of facilities management experience -
Facilities Manager and Operations Manager

Currently working for REMAX on The Charles in
Waltham MA

Passionate about playing competitive sports and
staying active

Jessica Villatoro

Grew up in Dedham and Dover

Resides in North Framingham

Graduate of Fairfield University

A wine enthusiast-especially enjoys learning
about the winemaking process and food pairings

Master's degree in Severe and Moderate Special
Education from Lesley University

Middle School Special Education teacher in
Wayland

Passionate about animals and enjoys horse riding

CRAFT BEERCELLAR

THE BRAND TEAM

Ownership

- Suzanne Schalow - suzanne@craftbeercellar.com
- Kate Baker - kate@craftbeercellar.com
- Marla Yarid-De La Cruz - marla@craftbeercellar.com

Marketing & Communications

- Kelsey Roth - kelsey@craftbeercellar.com

CRAFT BEER CELLAR

WHO IS CRAFT BEER CELLAR?

Founded in 2010 by ex-restaurateurs Suzanne Schalow and Kate Baker on a desire to create a beer store that they would want to shop at, a passion for the industry, and a commitment for changing the world of beer. They fell in love with craft beer in the late 1990's, and began a quest (which they are still on) for amazing beer the people behind it and all that it entails!

We are a craft beer bottle shop, whose primary focus has always been the best beer that we can get our hands on. We spend our lives in search of beers made in breweries just down the street or on the other side of the world, that are well-crafted and good examples of either their style or what we think excellent beer should be, keeping in mind that "style" is not everything. We are not snobs, we are beer geeks! We are students of our trade and take great pride in learning everything we can about beer; how it's made, what the ingredients are, what we should drink it from, what food a beer pairs well or can be made with. We are your local beer bottle shop and are all about good beer, good people, and good times!

CRAFT BEER CELLAR

LOCATIONS

Belmont, MA
Winchester, MA
Westford, MA
Newton, MA
Braintree, MA
Waterbury, VT
Portsmouth, NH
Brandon, FL
Clayton, MO
Nashua, NH
Portland, ME
Warwick, NY
Columbia, MO
West Hartford, CT
Plymouth, MA
Bozeman, MT
Amesbury, MA

Fort Collins, CO
Port Washington, NY
Los Angeles, CA
Framingham, MA
Gardiner, ME

IN PLANNING

Boston, MA (Fenway)
Boston, MA (Roslindale)
St. Louis, MO
Oakland, CA
Torrance, CA
Washington, DC
Houston, TX
Dallas, TX
Swampscott, MA
Hickory, NC
Sudbury, MA
Billings, MT

CRAFT BEER CELLAR

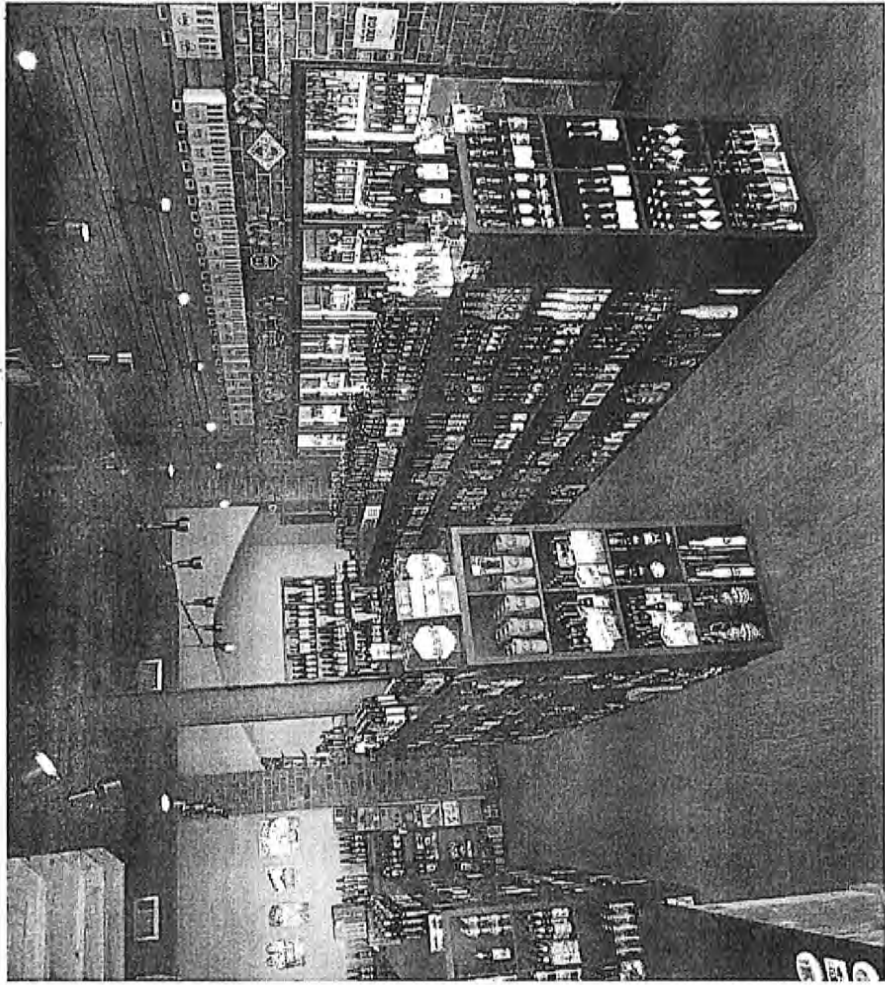
OUR PRODUCTS

We sell amazing beer!

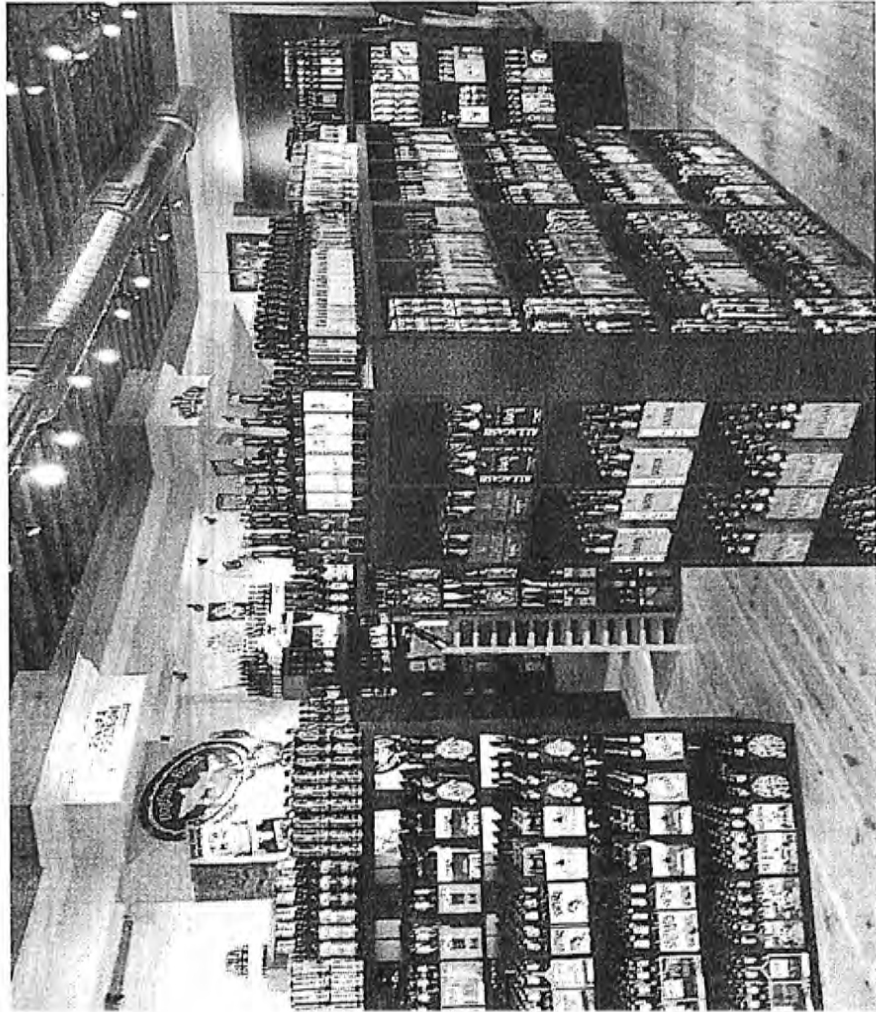
Craft Beer Cellar is focused on craft, micro, or artisanal brewed beers from the United States and beyond. Our mission has been to create an amazing beer store; a place with a central focus on beer not wine or spirits. While you may not be familiar with everything on our shelves, we are confident that you'll leave our shop with something spectacular.

- Strong focus towards regionally local beers and beers from the US.
- International beers from Belgium, Germany, Czech Republic, Denmark, Netherlands, Japan etc, with similar small focus.
- Small selections of cider, mead, sake and some wine.
- Complementary products such as foods (sauces made with beer), pickles and pretzels, brewing supplies, glassware and branded apparel.

CRAFT BEER CELLAR



CRAFT BEER CELLAR

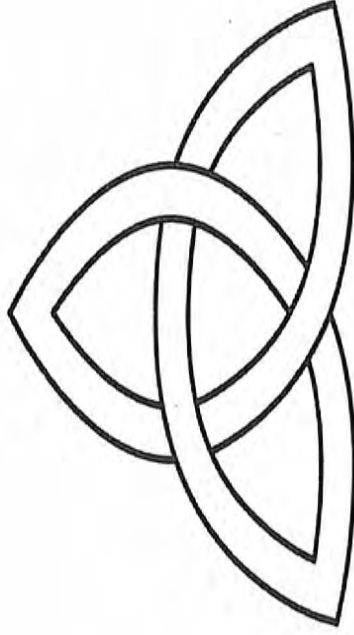


CRAFT BEER CELLAR

CRAFT BEER CELLAR TRINITY

The Craft Beer Cellar trinity provides focus on awesome beer, education that allows customers to understand the product and where the product is coming from and hospitality, our customers are the reason why we exist.

BEER



EDUCATION

HOSPITALITY

CRAFT BEER CELLAR

EDUCATION

The Cicerone Certification Program certifies and educates beer professionals in order to elevate the beer experience for consumers.

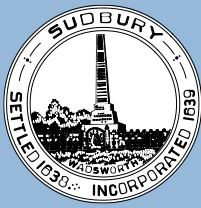
All beer geeks in all of our stores are, at minimum, Cicerone Certified Beer Servers, which is the first level of certification.

Followed by Certified Cicerone and Master Cicerone, which is the ultimate test of beer expertise.

CRAFT BEER CELLAR

COMMUNITY INVESTMENT

- Committed to community safety and following town regulations
 - No sale of spirits, tobacco or lottery tickets
- Obtained Massachusetts TIPS Alcohol Certification
- Desire to become active and engaged members of the Sudbury Community



SUDBURY BOARD OF SELECTMEN
Tuesday, December 15, 2015

MISCELLANEOUS (UNTIMED)

4: Discuss Conservation Restriction Offer from Wayside Inn

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Discuss Conservation Restriction Offer from Wayside Inn. Jody Kablack, Director of Planning & Community Development, to attend.

Recommendations/Suggested Motion/Vote: Discuss Conservation Restriction Offer from Wayside Inn. Jody Kablack, Director of Planning & Community Development, to attend.

Background Information:

Attached letter to Pat Brown from Lily A. Gordon, President Wayside Inn Board of Trustees

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Patricia A. Brown	Pending
Board of Selectmen	Pending

12/15/2015 7:30 PM



Longfellow's WAYSIDE INN

Sudbury, Massachusetts 01776

November 22, 2015

Patricia Brown, Chairwoman
Board of Selectmen
Town of Sudbury
Sudbury, MA 01776

RE: The Wayside Inn
Conservation Restriction Offer

RECEIVED
BOARD OF SELECTMEN
SUDBURY, MA
2015 NOV 24 P 5:40

Dear Chairwoman Brown:

Following our presentation to the Board of Selectmen on October 20, 2015, the Wayside Inn Board of Trustees has accepted and approved a valuation report of the Inn's campus by LandVest, Inc. The LandVest report has calculated the value of a Conservation Restriction on the Inn's campus in the amount of \$6,325,000 (the "CR Value").

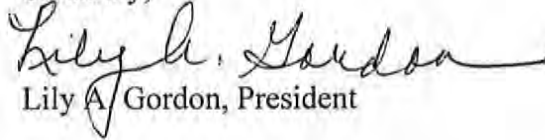
In its analysis, LandVest made two assumptions that the Board has discussed and modified. The first of these assumptions was that the CR Value should be discounted by \$1,250,000 equal to the retained value of the land surrounding the Inn (resulting in a CR Value of \$5,100,000). This may normally be the case for a private property owner, who retains the benefit of restricted land both in terms of the land remaining in private use as well as the positive impact the land may have to a private development (such as a residential home surrounded by acres of conservation land). In the case of the Inn, however, the Board felt very strongly that preservation of the land surrounding the Inn provides a general benefit to all in the Town, as evidenced by centuries of public use and enjoyment of the Inn's campus for activities ranging from the Annual Muster of Fife and Drum to casual picnics at the Grist Mill. As such, the Board did not believe that the discounting was appropriate.

The second assumption in the LandVest report was that the land under the Inn, as well as the barn and parking area across Wayside Inn Road, should be excluded from the Conservation Restriction (comprising approximately 19.2 acres). This assumption was made in order to allow the Inn maximum flexibility for on-going Inn needs. While the Board fully intends to continue the Inn's operations, and will need the flexibility to use and modify improvements associated with the Inn, the Board felt very strongly that the land under the Inn should also be preserved in perpetuity, and made part of the Conservation Restriction.

For these reason, the Board has voted to offer a permanent Conservation Restriction to the Town on the entirety of the Inn's campus (comprising approximately 110 acres) in exchange for payment of \$6,325,000, to be funded through the Community Preservation Act. As you may know, an application to the Sudbury CPC is pending at this time, and our first full presentation to the CPC is scheduled for December 2, 2015.

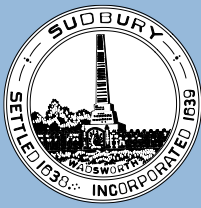
As we have previously stated, a successful grant of a Conservation Restriction to the Town will allow for the Inn to continue to function as it has for centuries, while providing for permanent protection of the Inn's campus, and ensuring public enjoyment for generations. All funds generated through the Conservation Restriction will be used to endow the recently established Wayside Inn Historic Preservation Fund. We look forward to a successful negotiations with the Board on this very important endeavor, as we embark on a year-long celebration of the Inn's 300ths Anniversary in 2016.

Sincerely,



Lily A. Gordon, President

Enclosure



SUDBURY BOARD OF SELECTMEN
Tuesday, December 15, 2015

MISCELLANEOUS (UNTIMED)
5: Remote Participation Discussion

REQUESTOR SECTION

Date of request:

Requestor: Chairman Brown

Formal Title: Continue Remote Participation policy discussion, and possible vote on whether or not to adopt this policy.

Recommendations/Suggested Motion/Vote: Continue Remote Participation policy discussion, and possible vote on whether or not to adopt this policy.

Background Information:
Attached documents

Financial impact expected:

Approximate agenda time requested: 15 minutes

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Patricia A. Brown	Pending
Board of Selectmen	Pending

12/15/2015 7:30 PM

From: Elena Kleifges <ekleifges@verizon.net>

Sent: Sunday, November 22, 2015 7:38 AM

To: Golden, Patricia

Subject: remote participation

Hello Patty,

Radha Gargeya forwarded me the email regarding remote participation feedback. Sorry I got this late but just wanted to confirm that we received it. The policy looks fine however I am not sure that Sudbury's vote includes LS since we are a regional district and as noted, need to a majority vote of our own. Just wanted to confirm this. Thanks

Elena Kleifges

Chair of LS School Committee

From: Bill Braun <b.braun@mindspring.com>

Sent: Friday, November 20, 2015 8:56 AM

To: Golden, Patricia

Cc: Energy and Sustainability Green Ribbon Committee

Subject: RE: Remote Participation Policy - your review and feedback requested by 11/20 (Reminder)

Hi Patty,

Sorry for the delay in responding; I wanted to discuss this with the committee I chair before offering comments.

Remote participation has not so far been a real-world issue for our committee. In principle it seems like a good idea to promote participation in meetings by all committee members and to enhance flexibility in meeting scheduling, however there are some practical concerns that may limit the value or workability of the policy overall.

* The policy may be premature in that we typically don't have the means to implement it, and it seems to put the burden of providing the means for remote participation onto the volunteer committees (with some vague help from the Town on VoIP conferencing). Locally, speakerphones on conference room walls are almost never effective. A cell phone on the table can work in some situations, but would obviously not be adequate in others. There are a lot of concurrent evening meetings and limited technical resources. Perhaps we should defer adopting the policy until we can specify the minimal requirements for remote participation and the appropriate technology is installed, tested and supported in all the various venues used.

* This problem may never occur in practice, but the discretion of the chair in allowing or not allowing remote participation could present opportunities to manipulate the discussion or vote when a committee is divided. The chair ostensibly has this power anyway insofar as he or she determines when meetings are scheduled, but any inconsistency in the determinations by the chair as to whether to allow remote participation could present problems in charged situations. What to do if communication fails during the course of a meeting is also presumably at the

discretion of the chair, which could present similar problems if a member is participating remotely because his or her input or vote is pivotal.

* This policy could lead to a requirement to allow remote participation, for example if a committee member feels disenfranchised because his or her circumstances have changed so as to make it difficult to attend meetings, but feels that his or her contribution is important.

* The merit of executive sessions is open to question, but the policy in effect eliminates any practical assurance of confidentiality for those sessions, notwithstanding its provisions to the contrary.

These are just some considerations. Overall, facilitating participation in committee meetings is a good idea, and it may be that remote participation can be made to work on the infrequent occasions when it's needed, but in our present circumstances, widespread remote participation could create as many problems as it solves. Hope this helps.

Bill Braun

Chairman

Sudbury Energy Committee

From: Susan Berry <namaberry@gmail.com>

Sent: Friday, November 20, 2015 7:19 AM

To: Golden, Patricia

Cc: Susan Iuliano

Subject: Re: FW: Remote Participation Policy - your review and feedback requested by 11/20 (Reminder)

Patty,

At our meeting Monday night, the Finance Committee voted unanimously in favor of the BoS adopting the Remote Participation Policy. We had a couple of minor comments which I believe Susan Iuliano, who was at our meeting, recorded: 1) making the requirements on page 1 and page 2 re the availability of documents consistent, and 2) concern over the requirement that, if using video, all parties be able to see one another (which we were concerned may not always be possible)

Susan

From: Bob Morrison <bob_morrison@verizon.net>
Sent: Thursday, November 19, 2015 5:26 PM
To: Golden, Patricia
Cc: Elizabeth Rust; Kablack, Jody
Subject: RE: Remote Participation Policy - your review and feedback requested by 11/20 (Reminder)

Patricia,

I believe that a remote participation option will benefit the Sudbury Housing Trust and encourage the Board of Selectmen to implement the proposed policy. The SHT encounters a wide range of issues associated with housing policy, finance and construction. The committee membership includes a diversity of expertise. The views of trustees unable to personally attend are missed opportunities. Allowing remote participation will result in better-informed decisions.

Thank you,

Robert Morrison, Sudbury Housing Trust
Chairman

From: Ellen Gitelman <ellen.gitelman@gmail.com> on behalf of Ellen Gitelman <elleng@americangraphiti.com>
Sent: Thursday, November 19, 2015 4:42 PM
To: Golden, Patricia
Subject: Re: FW: Remote Participation Policy - your review and feedback requested by 11/20 (Reminder)

In today's technological society, remote participation is great, but reading the material overly onerous for people who are volunteering out of the goodness of their hearts. I skimmed the attached because it went into way too much detail, but it seems fine. It seems as though this could have been written much more simply, though.

Ellen Gitelman
Chair, Sudbury Cultural Council

From: Lyn Maclean <lyn_m_2000@yahoo.com>

Sent: Wednesday, November 18, 2015 10:01 AM

To: Golden, Patricia

Subject: Re: Remote Participation Policy - your review and feedback requested by 11/20

The Sudbury Historical Commission agreed with this policy at its meeting on Tuesday, 17 November 2015. A few of our members travel and would use the phone for remote participation when out of the area and not able to attend our monthly meetings.

Lyn MacLean, Chairman

Sudbury Historical Commission

From: C MORELY <blastoff3210@msn.com>

Sent: Friday, October 30, 2015 1:09 PM

To: Golden, Patricia

Subject: Re: Remote Participation Policy - your review and feedback requested by 11/20

Patty-

Hopefully this e-mail is an appropriate enough format for my comments.

My main question is the one that I asked the Selectmen at their recent meeting on this topic. Why, if the IT Director and others have determined (for apparently very good reasons), that a certain remote-participation technology is the best, and is the technology that will be used by the Selectmen, is there an option for other boards to utilize different technologies?

It's possible, for example, that a board Chair could prefer for whatever reason a medium whereby the quality and consequent impact of a member's remote participation might be comparatively diminished. I see no reason for this lack of consistency-- save for the very small dollars mentioned to acquire additional equipment. I believe in general that the manner or rules by which all of the Town's various committees are operated should, to the extent possible, be identical. Remote participation is just another aspect of committee operation.

Chris Morely

Chair, CPC

Member, Planning

From: Laura Abrams <mcbala3@gmail.com>

Sent: Friday, October 30, 2015 12:07 PM

To: Golden, Patricia

Subject: Re: FW: Remote Participation Policy - your review and feedback requested by 11/20

Having used conference calls many times, I'm not sure how well this would work for some Boards; such as Selectmen, Planning, Zoning..... as it is difficult to always have an "audible" connection. Many times, the Chair is so involved in the discussion that they forget about the person on the phone.

I'm a little confused on whether or not the person on the phone is suppose to be visible. (4) indicates clearly audible - and (6) indicates that if using video the person needs to be clearly visible. Visible to the Chair or everyone in the room?

Since the Board/Committee has to have a quorum in the room; then does a Town Board really need to have remote participation?

Just my personal thoughts.....

Laura B. Abrams

REMOTE PARTICIPATION POLICY

Town of Sudbury, MA

PURPOSE STATEMENT

The Office of the Attorney General amended the *Open Meeting Law* regulations at 940 CMR 29.00 to allow members of public bodies, in limited circumstances, to participate remotely in meetings. While all members of Town Boards and Committees should try to attend meetings in person, the new regulations seek to promote greater participation in government meetings by allowing members to participate remotely when certain specific circumstances prevent them from being physically present.

The intent of this policy is to establish clear guidelines on the practice of remote participation by Town Boards and Committees under the *Open Meeting Law*, M.G.L. c.30A, §§18-25.

ENABLING AUTHORITY- 940 CMR 29.10(8)

A municipality may adopt a policy that prohibits or further restricts the use of remote participation by public bodies within its jurisdiction.

ADOPTION OF REMOTE PARTICIPATION

In accordance with 940 CMR 29.10(2)(a), the Board of Selectmen, on XXXXX, 2015, voted to authorize the adoption of 940 CMR 29.10 so that remote participation is permitted in the Town. In accordance with 940 CMR 29.10(3), the Board of Selectmen may revoke its adoption of 940 CMR 29.10 by simple majority vote at any time.

This policy and 940 CMR 29.10 shall apply to all Town boards, committees, commissions, sub-committees and other public bodies, regardless of whether such public bodies are appointed or elected. Where the Remote Participation Policy is more stringent than 940 CMR 29.10, the Policy shall control.

Deleted: working groups

MINIMUM REQUIREMENTS FOR REMOTE PARTICIPATION

Members of the public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other.

A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location, as required by M.G.L. c.30A, §20(d).

Members of the public body who participate remotely must have access to the same materials being used at the meeting location.

Members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of Article III, Section 8 of the Town General By-laws and M.G.L. c. 39, §23D.

Section 23D (a): Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for 1 or more types of adjudicatory hearings, a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements.

PERMISSIBLE REASONS FOR REMOTE PARTICIPATION

It is the express desire of the Board of Selectmen that remote participation in meetings be an infrequent event, for both individual board members and Town Boards and Committees as a whole. Chairs of public bodies are encouraged to interpret these rules in a strict fashion and to continue to induce all members to attend meetings in person as a general rule, due to the inherent benefits of physical presence in a meeting.

A Board member may attend a meeting through electronic conferencing if his or her physical presence at the meeting is prevented due to one of the following extenuating circumstances: personal illness or disability; a family or other emergency; military service; geographic distance (due to personal employment or business on behalf of the Town, and excluding leisure travel).

Deleted: such as

Due consideration should be given regarding associate members on Boards and Committees, Associate members should be utilized in the absence of members of Boards and Committees when deemed appropriate by the Chair. Any determination by the person chairing the meeting to allow or not to allow remote participation shall be final and shall not be appealable.

The commission on disability may by majority vote of the commissioners at a regular meeting authorize remote participation applicable to a specific meeting or generally to all of the commission's meetings. If the commission on disability utilizes remote participation, a physical quorum of that commission's members shall not be required to be present at the meeting location; provided, however, that the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location. The commission shall comply with all other requirements of law and this policy.

ACCEPTABLE METHODS OF REMOTE PARTICIPATION

The following media are acceptable methods for remote participation. Remote participation by any other means is not permitted. Accommodations shall be made for any public body member who requires TTY service, video relay service, or other form of adaptive communications.

Deleted: Reasonable a

- (i) Telephone, internet, or satellite enabled audio or video conferencing.
- (ii) Any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible and, if possible, clearly visible to all persons present at the meeting location.
- (iii) If technical difficulties arise as a result of utilizing remote participation, the Chair should suspend discussion while reasonable efforts are made to correct any problem that interferes with remote participant's ability to hear or be heard clearly by all persons at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred and subsequent reconnection if achieved shall be noted in the meeting minutes. If a public hearing occurs after disconnection, the member shall be noted as absent.

PROCEDURES FOR REMOTE PARTICIPATION

Any member of a public body who wishes to participate remotely shall, at least 48 hours or as soon as reasonably possible prior to the meeting, notify the chair or person chairing the meeting of his or her desire to do so and the reason for and facts supporting his or her request.

- (i) If the Chair approves the request for remote participation, he or she shall make any necessary arrangements with appropriate Town personnel to ensure that the required equipment is available and, to the greatest extent practical, provide access to all meeting materials. THE TOWN DOES NOT GUARANTEE AVAILABILITY OF REQUIRED EQUIPMENT AT ANY PARTICULAR TIME OR LOCATION.

Formatted: Indent: Left: 0.75", No bullets or num

- (ii) At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason for his or her remote participation. This information shall also be recorded in the meeting minutes.
- (iii) All votes taken during any meeting in which a member participates remotely shall be by roll call vote. Members may participate remotely even if they are not qualified to vote.
- (iv) Remote participants shall preserve the confidentiality of the executive session (where applicable). The remote participant shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by simple majority vote of the public body, and that the session is not being remotely recorded by any device.
- (v) The Town shall not be responsible for the reimbursement of any out-of-pocket costs associated with the remote participation of Board members.
- (vi) Members participating remotely are cautioned that the same obligations of consideration apply as in any physical meeting. Remote participants should direct all their attention to the meeting, and should make their decisions based upon the same information as is available to all the other participants in the meeting. The remote participant shall also state at the beginning of any meeting that no other person is in proximity who could exert undue influence on the participant, in either executive or public session, and shall inform the chair if that situation changes.
- (vii) The chair of any committee which has agreed to allow remote participation shall provide to the Board of Selectmen, no later than June 30 and December 31 of each year, a report that indicates the date(s) of any meetings for which remote participation was requested, the name(s) of individuals making the request, the determination of the chair for each request, and a summary of any logistical, technical and compliance issues related to remote participation.
- (viii) ↓
- (ix) Remote participation shall be limited to one member per scheduled meeting.
- (x) Remote participants shall not operate a motor vehicle or otherwise jeopardize personal or public safety while participating in a meeting.

Deleted: under 940CMR 29.10(5)

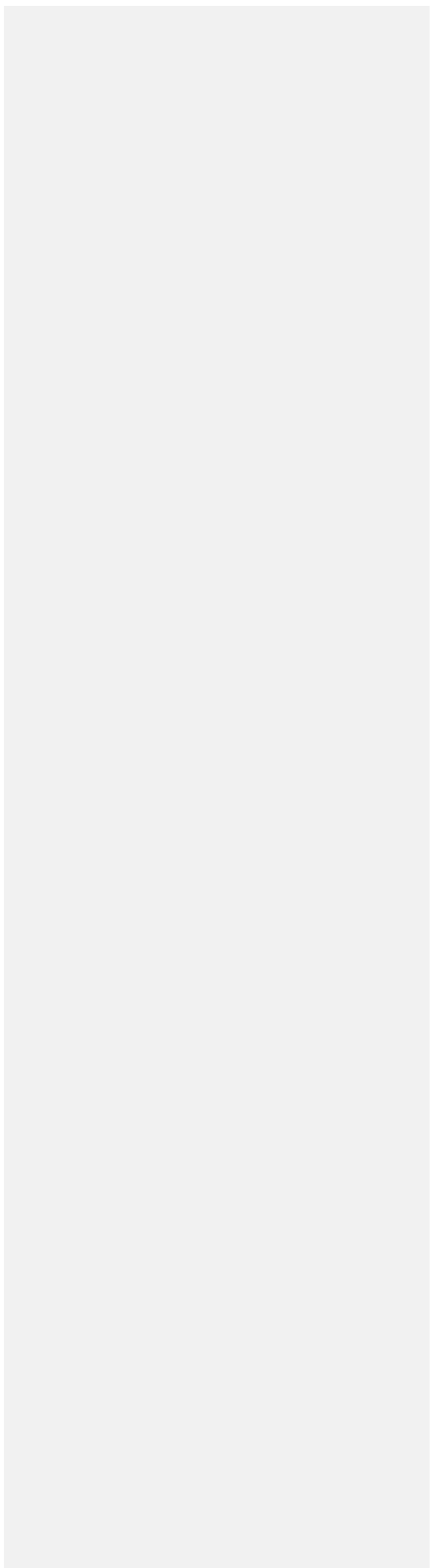
Deleted: To the greatest extent practical, and to ensure informed discussion and decision-making, members of Town Board who participate remotely should have access to materials being used at the meeting location

Deleted: .

REMOTE PARTICIPATION POLICY
Town of Sudbury

Approved by the Board of Selectmen on XXXXX, 2015

ATTEST:



Attachment5.b: 2015 10 14 Remote Participation Policy (1914-00) 10-15-15 (1577 : Remote Participation Discussion)

29.10: Remote Participation

(1) Preamble. Remote participation may be permitted subject to the following procedures and restrictions. However, the Attorney General strongly encourages members of public bodies to physically attend meetings whenever possible. By promulgating these regulations, the Attorney General hopes to promote greater participation in government. Members of public bodies have a responsibility to ensure that remote participation in meetings is not used in a way that would defeat the purposes of the Open Meeting Law, namely promoting transparency with regard to deliberations and decisions on which public policy is based.

(2) Adoption of Remote Participation. Remote participation in meetings of public bodies is not permitted unless the practice has been adopted as follows:

(a) Local Public Bodies. The Chief Executive Officer, as defined in [M.G.L. c. 4, sec. 7](#), must authorize or, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that authorization or vote applying to all subsequent meetings of all local public bodies in that municipality.

(b) Regional or District Public Bodies. The regional or district public body must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(c) Regional School Districts. The regional school district committee must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(d) County Public Bodies. The county commissioners must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of all county public bodies in that county.

(e) State Public Bodies. The state public body must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(f) Retirement Boards. A retirement board created pursuant to [M.G.L. c. 32, sec. 20](#) or [M.G.L. c. 34B, § 19](#) must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(3) Revocation of Remote Participation. Any person or entity with the authority to adopt remote participation pursuant to 940 CMR 29.10(2) may revoke that adoption in the same manner.

(4) Minimum Requirements for Remote Participation.

(a) Members of a public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other;

(b) A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location, as required by [M.G.L. c. 30A, sec 20\(d\)](#);

(c) Members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of [M.G.L. c. 39, sec. 23D](#).

(5) Permissible Reasons for Remote Participation. If remote participation has been adopted in accordance with 940 CMR 29.10(2), a member of a public body shall be permitted to participate remotely in a meeting, in accordance with the procedures described in 940 CMR 29.10(7), if the chair or, in the chair's absence, the person chairing the meeting, determines that one or more of the following factors makes the member's physical attendance unreasonably difficult:

(a) Personal illness;

(b) Personal disability;

(c) Emergency;

(d) Military service; or

(e) Geographic distance.

(6) Technology.

(a) The following media are acceptable methods for remote participation. Remote participation by any other means is not permitted. Accommodations shall be made for any public body member who requires TTY service, video relay service, or other form of adaptive telecommunications.

(i) telephone, internet, or satellite enabled audio or video conferencing;

(ii) any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.

(b) When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.

(c) The public body shall determine which of the acceptable methods may be used by its members.

(d) The chair or, in the chair's absence, the person chairing the meeting, may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged, wherever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred shall be noted in the meeting minutes.

(e) The amount and source of payment for any costs associated with remote participation shall be determined by the applicable adopting entity identified in 940 CMR 29.10(2).

(7) Procedures for Remote Participation.

(a) Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the chair or, in the chair's absence, the person chairing the meeting, of his or her desire to do so and the reason for and facts supporting his or her request.

(b) At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason under 940 CMR 29.10(5) for his or her remote participation. This information shall also be recorded in the meeting minutes.

(c) All votes taken during any meeting in which a member participates remotely shall be by roll call vote.

(d) A member participating remotely may participate in an executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by a simple majority vote of the public body.

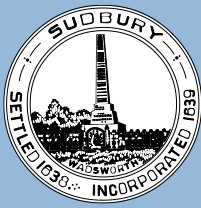
(e) When feasible, the chair or, in the chair's absence, the person chairing the meeting, shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that he or she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with [M.G.L. c. 30A, sec. 22](#).

(8) Further Restriction by Adopting Authority. These regulations do not prohibit any person or entity with the authority to adopt remote participation pursuant to 940 CMR 29.10(2) from enacting policies, laws, rules or

regulations that prohibit or further restrict the use of remote participation by public bodies within that person or entity's jurisdiction, provided those policies, laws, rules or regulations do not violate state or federal law.

(9) Remedy for Violation. If the Attorney General determines, after investigation, that 940 CMR 29.10 has been violated, the Attorney General may resolve the investigation by ordering the public body to temporarily or permanently discontinue its use of remote participation.

[To Top](#)



SUDBURY BOARD OF SELECTMEN
Tuesday, December 15, 2015

MISCELLANEOUS (UNTIMED)

6: Budget Strategy Task Force - mission statement

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Discussion and possible vote to revise Budget Strategy Task Force mission statement

Recommendations/Suggested Motion/Vote: Discussion and possible vote to revise Budget Strategy Task Force mission statement

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting: Chuck Woodard

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Patricia A. Brown	Pending
Board of Selectmen	Pending

12/15/2015 7:30 PM

Budget Strategies Task Force

Mission Statement:

The Board of Selectmen is creating this committee to enhance the Town of Sudbury's budgeting process by means of collaboration and communication among the three major cost centers – Sudbury Public Schools, Lincoln Sudbury Regional High School and the Town of Sudbury – through the sharing of information about budget pressures and anticipated unusual expenses or cost savings, through the exploring of possibilities for cost sharing among and across cost centers, through eliciting proposals for improving the budget hearing and pre-budget hearing process, and through discussion of other procedures that might result in an improved budgeting process for the Town of Sudbury. The Task Force shall meet with the Finance Committee at the direction of the Chairman, if deemed necessary by the Finance Committee, to discuss the amount of any proposed budget increases and the allocation of those increases among the three major cost centers, and to develop recommendations regarding same to be considered by each of the two school committees and the Board of Selectmen.

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

Membership:

Members of Budget Strategies Task Force shall be appointed by the Board of Selectmen according to the following list. All appointments shall expire on June 30, 2016, but may be extended by the Board of Selectmen.

- Two members of the Board of Selectmen
- Two members of the Finance Committee (with one member being the Chairman)
- Two members of the Sudbury Public Schools Committee
- Two members of the Lincoln-Sudbury Regional School Committee
- Town of Sudbury Town Manager
- Sudbury Public Schools Superintendent
- Lincoln-Sudbury Regional High School Superintendent

The Chairman of this Committee shall be the Chairman of the Finance Committee.

The Committee shall elect a Vice-chair and a Clerk from among its members.

The Chair will run meetings, be the designated communications link with the Town Manager and School Superintendents or other Town staff, and schedule committee meetings.

Compliance with State and Local Laws and Town Policies

The members of the Budget Strategies Task Force are responsible for conducting their activities in a manner which is in compliance with all relevant state and local laws and regulations including but not limited to the Open Meeting Law, Public Records Law, and Conflict of Interest Law, as well as all Town policies which affect committee membership. In particular, all appointments are subject to the following:

The Code of Conduct for Selectmen Appointed Committees

Deleted:

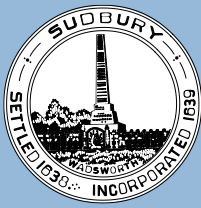
The Town's Email Communication for Committee Members Policy

Anyone appointed to serve on a Town committee by the Board of Selectmen agrees that

he/she will use email communication in strict compliance with the Town of Sudbury's email policy, and further understands that any use of email communication outside of this policy can be considered grounds for removal from the committee by the Selectmen.

Use of the Town's Web site

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



SUDBURY BOARD OF SELECTMEN
Tuesday, December 15, 2015

MISCELLANEOUS (UNTIMED)
7: Special Town Meeting discussion

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Update on developments concerning the Minuteman Vocational High School regional agreement. Discussion and potential vote on calling a Special Town Meeting to approve an amended agreement.

Recommendations/Suggested Motion/Vote: Update on developments concerning the Minuteman Vocational High School regional agreement. Discussion and potential vote on calling a Special Town Meeting to approve an amended agreement.

Background Information:
See attached provided by Len Simon

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Patricia A. Brown	Pending
Board of Selectmen	Pending

12/15/2015 7:30 PM


XFINITY Connect

lensimon@comcast.net

+ Font Size -

Minuteman Agreement**From :** Dan Matthews <mattlaw@comcast.net>

Fri, Dec 04, 2015 12:06 PM

Subject : Minuteman Agreement 2 attachments**To :** lensimon@comcast.net

Len-

Following on Wednesday's area selectmen group meeting, I've discussed the attached material with Ed Bouquillon and Dan Dunn (Arlington BOS), and expect that it or something similar will be going to the stakeholders group for further discussion.

The attachments include:

- draft text for a revised regional agreement intended to accomplish the purposes of the consensus of the Wednesday meeting.

- the text of the 2014 proposed agreement, which is the base text for this draft.

If this approach is satisfactory, an essential element would be for the leadership of each town considering withdrawing to decide whether or not to ask that their community be listed as withdrawing under Section II (C). Those decisions would need to be made on an expedited basis.

Thanks.

Dan Matthews
339-225-1677

 **Proposed Minuteman District Agreement 3_11_14.pdf**

2 MB

 **Draft 2016 Revised Agreement 12-03-15.docx**18 KB

12/3/15, Dan Matthews
Draft for proposed 2016 revised Minuteman School Regional Agreement

1. Main Text

The proposed text is identical to the proposed 2014 revised agreement, with the following changes and additions.

2. Membership

Retitle SECTION II TYPE OF REGIONAL SCHOOL DISTRICT:

SECTION II TYPE OF REGIONAL SCHOOL DISTRICT AND DISTRICT MEMBERSHIP

Renumber first paragraph of SECTION II as (A) and add:

- (B) Subject to the provisions of paragraph (C) the members of the district shall be the towns of Acton, Arlington, Belmont, Bolton, Boxborough, Carlisle, Concord, Dover, Lancaster, Lexington, Lincoln, Needham, Stow, Sudbury, Wayland, and Weston.
- (C) The towns of [Boxborough(?), Sudbury(?), [?], [?], Wayland, and Weston] ("reorganization withdrawing towns" or "RWTs") shall withdraw from and cease to be members of the District on the first July 1 after the first December 1 following approval of this agreement by the State Commissioner of Education.
- (D) The terms of School Committee members representing RWTs shall end on the withdrawal date. No RWT shall have any right or claim onto the assets of the District. RWTs shall continue to be responsible for their respective shares of the District's indebtedness as of the withdrawal date, except that no RWT shall be responsible for District debt incurred after December 10, 2015.

3. Host Community Provisions

Replace Section III LOCATION OF THE REGIONAL DISTRICT SCHOOL in its entirety with:

SECTION III LOCATION OF THE REGIONAL DISTRICT SCHOOL

- (A) The regional district school shall be located the within the geographical limits of the District, provided that if a community where the school is located ceases to be a district member, the school may continue to be located in that community.
- (B) The parties anticipate that for the foreseeable future the regional district school will continue to be located at the present campus which consists of land in the towns of Lexington and Lincoln located along the boundary between those towns. In consideration thereof, beginning in FY2018, the District shall pay \$138,000 to the Town of Lincoln as a host community contribution. The annual payment shall be made by June 1 of each fiscal year, and shall be adjusted annually in accordance with the change in the Greater Boston Consumer Price Index, All Items, during the preceding complete fiscal year. In the event that the regional district school ceases to be located at the above described campus, the effect of provisions of this paragraph (B) will cease, and no further such payments will be due after that date.

4. Out of District Tuitions

In Section X TUITION STUDENTS:

Renumber first paragraph as (A) and add:

- (B) Subject to state law, effective June 30, 2018, it shall be the policy of the District to admit out of district students only based on tuitions and charges equal or greater than the District's similarly calculated average per pupil cost for in-district communities as determined by the School Committee. Exceptions to this policy may only be made by two-thirds weighted vote of the School Committee.

XFINITY Connect

lensimon@comcast.net

+ Font Size -

Minuteman Regional Agreement effort - 12/4 Update**From :** Dan Dunn <dunster@dandunn.org>

Fri, Dec 04, 2015 06:39 PM

Subject : Minuteman Regional Agreement effort - 12/4 Update

📎 1 attachment

To : Vince Amoroso <amorosovm@gmail.com>, Doug Gillespie <Gillespie.d@westonmass.org>, Dan Matthews, BOS Needham <mattlaw@comcast.net>, charlie kern <charlie.kern@verizon.net>, candacemccann87@gmail.com, peterselect@comcast.net, lensimon@comcast.net, townadministrator@townofbolton.com, mlawson@concordma.gov, linorm@comcast.net, petercjkelley@gmail.com, rmcnuttt@lancaasterma.net, mpaolillo@belmont-ma.gov, mcooley@nethorizons.com, lesfox@comcast.net, pbrownian@me.com, mantes2@verizon.net, landerson@wayland.ma.us, creiss@concordma.gov, jkajeg@msn.com, norwaydawn@gmail.com, rhunter@doverma.org, Adam Chapdelaine <achapdelaine@town.arlington.ma.us>, cvalente@lexingtonma.gov, Donna VanderClock <VanderClock.D@westonmass.org>, higginst@lincolntown.org, sharon antia <sharon.antia@gmail.com>, Joe Pato <jpato@lexingtonma.gov>, Mark Paolillo <mark.paolillo@ryan.com>

Hello all,

It has been a productive 48 hours since we all met.

We've progressed to the point where I can ask each of you to take these questions to your respective boards:

A) Can your board, in principle, support a revised regional agreement that

1) is based on the 2014 draft regional agreement

2) permits specified towns to withdraw (Any town that is considering withdrawal must announce that fact through a vote of their Board of Selectmen in the next couple of weeks. Those towns will be named explicitly in the new regional agreement proposal, and will thus be clearly known during Town Meeting season. Any town that has so announced its consideration of withdrawal must take a vote of Town Meeting on the question of withdrawal, and approve the new regional agreement.)

3) pays a host community consideration of \$138k/year, indexed to inflation, to Lincoln

4) requires out-of-district students to pay their fair share of operating and capital, where exemptions to this can be made by a weighted 2/3 vote of the school committee (see draft attached doc)

B) Can your board commit to calling a special town meeting by 2/15 to approve the same?

C) Can your board decide promptly whether or not it is considering withdrawing from the district?

The details of (A) should be much clarified by the attached Word document.

Please note that the word document also includes an alternate version of the withdrawal language. We heard on Wednesday some concern about the ambiguity of the withdrawal process - towns will be voting on a regional agreement without quite knowing for sure which towns will be in or out of the region. That concern was repeated over the last couple of days, particularly by Dan Matthews. In the alternate language, the departing towns are set in black and white later this month. Some towns will find that very challenging. For now, I'm sticking with the version we all talked about on Wednesday. I expect there will be further debate in the next few days, and perhaps we will all come to agree that the alternate language is preferred.

However, that debate shouldn't stop you from talking to your respective boards!

The questions (A, B, and C) above can be answered with the information in hand. We need all 16 towns to answer YES to A and B, and towns considering withdrawal must also answer C.

One other brief update: I talked to Supt. Bouquillon today and he is both working with legal counsel and seeking a joint meeting with DESE, him, and me.

Please call or email with any questions. I'm also happy to appear at any of your board meetings, or arrange anyone else to attend that you think would be helpful in getting to YES.

Thanks,

③

Dan
617.710.4081

On Tue, Dec 1, 2015 at 10:57 PM Dan Dunn <dunster@dandunn.org> wrote:

Dear Selectmen,

Since we all last met just before Halloween, I'm happy to report that there have been many productive side meetings, both individuals and in groups.

I strongly agree with Vince's call for us to seize this opportunity to get a deal done. This is the time, and tomorrow is the day.

My intent with this email is to provide a framework for us to work from. In a perfect world, we will all agree with the suggested terms laid out below in the first 5 minutes, and then we all go home to our respective boards to make the case there. More pragmatically, I expect us to take longer than that while we discuss and iterate on this framework! However, I implore each of us to stick to specific proposals that can "get us to yes" in the short time we have together.

My goal for this meeting is for us to leave the meeting with a set of concrete terms that we all support that we can take back to our respective boards. If we get 16 Boards of Selectmen* to agree to a framework, we have good prospects to get this deal done at the subsequent Town Meetings. We need all 16 boards, and all 16 meetings. I have a sketch of a timeline of this process below.

Here is the regional agreement that I propose we all adopt, in short form. Longer form below.

- a) The base document is the 2014 regional agreement proposal that 10 out of 16 towns voted to approve.
- b) Include the "Boxborough Protocol." We can make this happen by editing the 2014 draft's "Withdrawal" section, as outlined in the attached Word doc. I have made a minor edit to Vince's proposal, explained below.
- c) Include recognition of Lincoln as the host community, for which they receive 4 free tuitioned students. (I don't have formal regional agreement language for this to propose yet)
- d) Include recognition of Lincoln as the host community, and include language that Lincoln gets fair payment for public services rendered, without specific terms as to dollar amount or how it is determined. (no formal regional agreement language)
- e) Include language that commits withdrawing towns to pay capital costs for students that they send back to Minuteman. (no formal regional agreement language)

Longer explanation of the previous terms:

- a) We all have received several analyses of the 2014 draft over the last 2 years, so I won't repeat.
- b) The intent of this section is that any town that wishes to leave the regional agreement may do so upon the district successfully adopting the new regional agreement. My modification to Vince's original protocol is outlined in the attached Word doc. Stated briefly: Any town that is considering withdrawal must announce that fact through a vote of their Board of Selectmen by January 15th (or some similar date). Those towns will be named explicitly in the new regional agreement proposal, and will thus be clearly known during Town Meeting season. Any town that has so announced its consideration of withdrawal must take a vote of Town Meeting on the question of withdrawal, and approve the new regional agreement. I discussed this version with Vince this morning, and he thought it was reasonable.
- c and d) Of the 6 towns that didn't approve the 2014 regional agreement, Lincoln's concerns were unique. The 2014 regional agreement would increase their annual costs. The envisioned building project will be inside their town's boundaries, which precludes them from leaving the district and giving up all control of the land use. It's a set of factors that has made it difficult for Lincoln to get to yes. I had several discussions with Peter Braun, and we finally reached a set of terms that he thought would satisfy Lincoln, and I thought would be acceptable to the other 15 towns (including my own). These terms will mitigate the impact on Lincoln's finances, and will do so using the currency that is cheapest for Minuteman to spend: education. I strongly endorse these proposed terms as necessary to get the regional agreement done at a price that is reasonable.
- e) This particular term is inspired by Belmont's call for fairness and equity. It is not exactly what Belmont has requested, but I think it is a practical distillation of their aspirations. In my serial conversations over the last few weeks, every town that is considering withdrawing has volunteered that they think it is fair that they pay capital for their students. I believe that there is a lot of common ground, and the challenge here is simply to settle on language and form.

I have had the opportunity over the last 2 days to share this proposal with representatives of Belmont, Boxborough, Lexington, Lincoln, Needham, and Sudbury (and with other parties in Arlington). The response has ranged from explicit endorsement to a more restrained "It's not the deal that I'd prefer, but if it's the one that gets this done, then I won't block it." In my estimation, each of these towns can get to yes with this proposal.

I regret that I haven't been able to talk to the other 9 towns, and I hope that no offense is taken. None was intended.

A Possible Timeline

I think that a lot of this is more easily understood in a timeline format. This timeline is only a sketch, and is not the last word. There are many viable alternatives. This particular timeline is conflicts with the one proposed by Minuteman, but I expect that if we get to 16 Boards of Selectmen approving a regional agreement framework, they will be readily convinced to change their timeline to accommodate that.

12/2: 16 selectmen from 16 towns meet and agree on a framework.
 12/3: DESE is informed that we are nearing a draft, and will need their feedback soon.
 12/3-12/10: any final bullet points are resolved in side conversations, and an explicit proposal reflecting the 12/2 consensus is shared
 12/14-1/4: 16 boards of selectmen endorse the 12/2 framework
 12/14-1/15: any town that wishes to withdraw takes a BoS vote and informs Minuteman
 1/15-2/15: Minuteman, legal counsel, and DESE finalize a draft regional agreement and send to 16 towns for approval.
 3/1-4/30: 16 regular Town Meetings approve the regional agreement (need to verify what town has the final TM date). TMs also discuss the new building proposal.
 5/1: Minuteman SC proposes the new building bonding, and/or sets a district-wide election.

Specific concern: DESE

In my conversations, more than one person has raised the concern that all of this needs DESE's consent. I agree that this is a risk, but I believe that the first and necessary step is to get 16 towns to get to an agreement. Only then should we start worrying about DESE. Until we get to 16, DESE is just a distraction.

Closing

I hope that we can, each and every one of us, reach consensus at the meeting tomorrow night. We need 16 towns to say yes. Towards that end, I repeat my plea that our conversation be sharply focused on issues and proposals that "get us to yes." I feel like that is within reach. Writing you all tonight, I am more optimistic that this deal can get done than at any time in the last 18 months.

If anyone wishes to discuss, question, or disagree with this proposal before our full meeting, I am at your disposal. Please call me at **617.710.4081**.

Please feel free to forward this to anyone you wish.

Thank you,

Dan Dunn
Arlington Selectman
617.710.4081

* I understand that Lexington has a Special Town Meeting, and will not be able to attend our gathering. I hope and expect we can include their feedback and still make progress in their absence.

On Wed, Nov 25, 2015 at 5:51 PM Vince Amoroso <amorosovm@gmail.com> wrote:

Please see the emails below.

I am pleased to report that the MM school committee has expressed support for our effort if we can accomplish it expeditiously.

All the selectmen at the meeting should be prepared to discuss the **minimum** conditions they need to reach consensus. We have one chance to get this done and I encourage everyone to seize it. That will mean participating with a sincere willingness to accommodate the **essential** needs of our fellow members while refraining from asking for the nonessential or unobtainable.

Thanks and Happy Thanksgiving.

-Vince

Vincent M. Amoroso, Esq.
351 Liberty Square Road
Boxborough, MA 01719

(5)

h-978-263-7522
w-617-877-8076

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

From: **Vince Amoroso** <amorosovm@gmail.com>
Date: Wed, Nov 25, 2015 at 5:34 PM
Subject: Re: Comments on Minuteman Regional agreement effort
To: Stulin Jeffrey <jwstulin@comcast.net>
Cc: Ed Bouquillon <e.bouquillon@minuteman.org>, CAROLYN FLOOD <carrief15@msn.com>, Horton David <paulrevereroad@aol.com>, "Rozan, Elizabeth" <e.rozan@minuteman.org>

Jeff,

I do intend to discuss it at the Dec. 2 meeting of selectmen and will attempt to have them reach an agreement in principle as soon as possible. If we are successful and the school committee submits a revised set of amendments incorporating those new provisions we can ask the member towns to consider them at the same special meeting that will be triggered by the school committee's anticipated vote to proceed under MGL c. 71. sect. 16 (d).

Thank you for your support, and happy thanksgiving.

-Vince

Vincent M. Amoroso, Esq.
351 Liberty Square Road
Boxborough, MA 01719
h-978-263-7522
w-617-877-8076

On Wed, Nov 25, 2015 at 2:48 PM, Stulin Jeffrey <jwstulin@comcast.net> wrote:
November 25, 2015

Dear Vince:


During a recent meeting the Minuteman School Committee officers discussed your proposal to move forward with a new regional agreement. As indicated during the last school committee meeting there is support for a new regional agreement, as long as it does not negatively impact the building project or the ability of the district to bond for the project. This means that for a new regional agreement to be enacted before the building project, the agreement would need to be accepted by all member towns by February 15 2016 at the latest. This is the latest date that allows us to move forward without timing issues significantly impacting the project.

The officers are willing to recommend that the full school committee support this effort. Since the timeframe is so short we have asked the administration to show your proposed amendment to legal counsel. We also believe it essential that you present your ideas to the December 2 gathering of Selectmen. The key to success is achieving quick agreement by all member towns on the details of a new regional agreement.

Thank you for your effort on behalf of the district, and have a great Thanksgiving.

The Officers of the Minuteman School Committee

Jeffrey Stulin Chair
Carrie Flood Vice Chair
David Horton Secretary

 Draft 2016 Revised Agreement 12-04-15.docx
18 KB

12/4/15, Dan Dunn
(Drafting assistance: Dan Matthews and Douglas Heim)

Draft for proposed 2016 revised Minuteman School Regional Agreement

1. Main Text

The proposed text is identical to the proposed 2014 revised agreement, with the following changes and additions.

2. Membership/Withdrawal

Modify SECTION IX: WITHDRAWAL

- 1. General Withdrawal Process...
- 2. Initial Procedure for Withdrawal. Consistent with 603 CMR 41.03(2), the communities of...

[Insert "Declarant" Communities]

...withdraw from the District effective the beginning of the fiscal year following the Commissioner of Education's approval of the 2016 Amended Regional Agreement, all of the following requirements having been met by each departing member:

- (a) Voted by simple majority of its legislative body to confirm its commitment to withdraw from the District on or before February 16, 2016;
- (b) Voted to approve the 2016 Amended Regional Agreement on or before February 16, 2016; and
- (c) Approval of the 2016 Amended Regional Agreement by the Commissioner of Education.

A vote by any member to adopt the 2016 Amended Regional Agreement shall also constitute approval of the withdrawal of...[Insert Declarants] from the District pursuant to the Initial Withdrawal Process.

3. Host Community Provisions

Replace Section III LOCATION OF THE REGIONAL DISTRICT SCHOOL in its entirety with:

SECTION III LOCATION OF THE REGIONAL DISTRICT SCHOOL

- (A)The regional district school shall be located the within the geographical limits of the District, provided that if a community where the school is located ceases to be a district member, the school may continue to be located in that community.
- (B) The parties anticipate that for the foreseeable future the regional district school will continue to be located at the present campus which consists of land in the towns of Lexington and Lincoln located along the boundary between those towns. In consideration thereof, beginning in FY2018, the District shall pay \$138,000 to the Town of Lincoln as a host community contribution. The annual payment shall be made by June 1 of each fiscal year, and shall be adjusted annually in accordance with the change in the Greater Boston Consumer Price Index, All Items, during the preceding complete fiscal year. In the event that the regional district school ceases to be located at the above described campus, the effect of provisions of this paragraph (B) will cease, and no further such payments will be due after that date.

4. Out of District Tuitions

*In Section X TUITION STUDENTS:
Rename first paragraph as (A) and add:*

(B) Subject to state law, effective June 30, 2018, it shall be the policy of the District to admit out of district students only based on tuitions and charges equal or greater than the District's similarly calculated average per pupil cost for in-district communities as determined by the School Committee. Exceptions to this policy may only be made by two-thirds weighted vote of the School Committee.

Alternate version of (2), Membership/Withdrawal

Retitle SECTION II TYPE OF REGIONAL SCHOOL DISTRICT:

SECTION II TYPE OF REGIONAL SCHOOL DISTRICT AND DISTRICT MEMBERSHIP

Renumber first paragraph of SECTION II as (A) and add:

- (B) Subject to the provisions of paragraph (C) the members of the district shall be the towns of Acton, Arlington, Belmont, Bolton, Boxborough, Carlisle, Concord, Dover, Lancaster, Lexington, Lincoln, Needham, Stow, Sudbury, Wayland, and Weston.
- (C) The towns of [Boxborough(?), Sudbury(?), [?], [?], Wayland, and Weston] ("reorganization withdrawing towns" or "RWTs") shall withdraw from and cease to be members of the District on the first July 1 after the first December 1 following approval of this agreement by the State Commissioner of Education.
- (D) The terms of School Committee members representing RWTs shall end on the withdrawal date. No RWT shall have any right or claim onto the assets of the District. RWTs shall continue to be responsible for their respective shares of the District's indebtedness as of the withdrawal date, except that no RWT shall be responsible for District debt incurred after December 10, 2015.

XFINITY Connect

lensimon@comcast.net

+ Font Size -

Re: Minuteman Regional Agreement effort - 12/4 Update**From :** Carmin Reiss <creiss@concordma.gov>

Sun, Dec 06, 2015 05:34 PM

Subject : Re: Minuteman Regional Agreement effort - 12/4 Update**To :** Dan Dunn <dunster@dandunn.org>

Cc : Vince Amoroso <amorosovm@gmail.com>, Doug Gillespie <Gillespie.d@westonmass.org>, Dan Matthews, BOS Needham <mattlaw@comcast.net>, charlie kern <charlie.kern@verizon.net>, candacemccann87@gmail.com, peterselect@comcast.net, lensimon@comcast.net, townadministrator@townofbolton.com, mlawson@concordma.gov, linorm@comcast.net, petercjkelley@gmail.com, rmcnuttt@lancasterma.net, mpaolillo@belmont-ma.gov, mcooley@nethorizons.com, lesfox@comcast.net, pbrownian@me.com, mantes2@verizon.net, landerson@wayland.ma.us, jkajeg@msn.com, norwaydawn@gmail.com, rhunter@doverma.org, Adam Chapdelaine <achapdelaine@town.arlington.ma.us>, cvalente@lexingtonma.gov, Donna VanderClock <VanderClock.D@westonmass.org>, higginst@lincolntown.org, sharon antia <sharon.antia@gmail.com>, Joe Pato <jpato@lexingtonma.gov>, Mark Paolillo <mark.paolillo@ryan.com>, Alice Kaufman <akaufman@concordma.gov>, sng@concordma.gov, Michael Lawson <mlawson@concordma.gov>, Jane Hotchkiss <jhotchkiss@concordma.gov>, cwhelan@concordma.gov

Dan and All:

On Saturday morning, the Concord Select Board discussed the three questions posed in Dan's email. The consensus of the Board was that It is willing to place the amended agreement as proposed on an STM warrant in Concord prior to February 15th. The Board will not determine its own recommendation until completion of the pre-town meeting hearing process, as is its practice.

That said, the Concord Select Board has grave doubts about the likelihood of Concord voters accepting the Lincoln host community payment, and believe that an amendment from the floor to delete that aspect of the proposed amended regional agreement or a NO vote based upon that aspect is very likely.

Carmin Reiss

Sent from my iPhone

On Dec 4, 2015, at 6:39 PM, "Dan Dunn" <dunster@dandunn.org> wrote:

Hello all,

It has been a productive 48 hours since we all met.

We've progressed to the point where I can ask each of you to take these questions to your respective boards:

- A) Can your board, in principle, support a revised regional agreement that
- 1) is based on the 2014 draft regional agreement
 - 2) permits specified towns to withdraw (Any town that is considering withdrawal must announce that fact through a vote of their Board of Selectmen in the next couple of weeks. Those towns will be named explicitly in the new regional agreement proposal, and will thus be clearly known during Town Meeting season. Any town that has so announced its consideration of withdrawal must take a vote of Town Meeting on the question of withdrawal, and approve the new regional agreement.)
 - 3) pays a host community consideration of \$138k/year, indexed to inflation, to Lincoln
 - 4) requires out-of-district students to pay their fair share of operating and capital, where exemptions to this can be made by a weighted 2/3 vote of the school committee (see draft attached doc)

B) Can your board commit to calling a special town meeting by 2/15 to approve the same?

C) Can your board decide promptly whether or not it is considering withdrawing from the district?

The details of (A) should be much clarified by the attached Word document.

10

XFINITY Connect

lensimon@comcast.net

+ Font Size -

sudbury special

From : Dan Dunn <dunster@dandunn.org>

Sun, Dec 06, 2015 11:18 PM

Subject : sudbury special

To : Leonard Simon <lensimon@comcast.net>

Hello Len,

I'm seeking clarification for the rules on Sudbury special town meeting.

In Arlington, if the Board of Selectmen receives a petition, we have 60 days to call a special. But, if we choose to do it on our own account, it's only 14 days.

Can you confirm for me the rules in Lexington, if your board chooses to call a special?

Thanks

Dan

XFINITY Connect

lensimon@comcast.net

+ Font Size -

Minuteman Regional Agreement effort - 12/7 Update**From :** Dan Dunn <dunster@dandunn.org>

Mon, Dec 07, 2015 11:56 PM

Subject : Minuteman Regional Agreement effort - 12/7 Update

To : Vince Amoroso <amorosovm@gmail.com>, Doug Gillespie <Gillespie.d@westonmass.org>, Dan Matthews, BOS Needham <mattlaw@comcast.net>, charlie kern <charlie.kern@verizon.net>, candacemccann87@gmail.com, peterselect@comcast.net, lensimon@comcast.net, townadministrator@townofbolton.com, mlawson@concordma.gov, linorm@comcast.net, peterckelley@gmail.com, rmcnut@lancasterma.net, mpaolillo@belmont-ma.gov, mcooley@nethorizons.com, lesfox@comcast.net, pbrownian@me.com, mantes2@verizon.net, landerson@wayland.ma.us, creiss@concordma.gov, jkajeg@msn.com, norwaydawn@gmail.com, rhunter@doverma.org, Adam Chapdelaine <achapdelaine@town.arlington.ma.us>, cvalente@lexingtonma.gov, Donna VanderClock <VanderClock.D@westonmass.org>, higginst@lincolntown.org, sharon antia <sharon.antia@gmail.com>, Joe Pato <jpato@lexingtonma.gov>, Mark Paolillo <mark.paolillo@ryan.com>

Hello,

Updates, and a couple requests.

- 1) Three towns have already met and considered the points I outlined in A, B, and C below.
 - a) Concord shared their response with the full list already. On board with the special town meeting, but "grave doubts" about the host community payment.
 - b) Lexington has taken a formal vote, on board with the special, but not supportive of the host community payment.
 - c) Arlington met tonight and formally supported the revision, has already called a special, and explicitly voted against any consideration of departing the district. Fully supportive.
- 2) I have had a couple more conversations with Supt. Bouquillon that have been productive, but no specific outcomes to report.
- 3) Please reply to me privately with your town's decision timeline. I'm putting together a shared Google doc so we can all see the progress towards 16 yes's.

Thanks,

Dan Dunn
617.710.4081

On Fri, Dec 4, 2015 at 6:39 PM Dan Dunn <dunster@dandunn.org> wrote:

Hello all,

It has been a productive 48 hours since we all met.

We've progressed to the point where I can ask each of you to take these questions to your respective boards:

- A) Can your board, in principle, support a revised regional agreement that
- 1) is based on the 2014 draft regional agreement
 - 2) permits specified towns to withdraw (Any town that is considering withdrawal must announce that fact through a vote of their Board of Selectmen in the next couple of weeks. Those towns will be named explicitly in the new regional agreement proposal, and will thus be clearly known during Town Meeting season. Any town that has so announced its consideration of withdrawal must take a vote of Town Meeting on the question of withdrawal, and approve the new regional agreement.)
 - 3) pays a host community consideration of \$138k/year, indexed to inflation, to Lincoln
 - 4) requires out-of-district students to pay their fair share of operating and capital, where exemptions to this can be made by a weighted 2/3 vote of the school committee (see draft attached doc)
- B) Can your board commit to calling a special town meeting by 2/15 to approve the same?
- C) Can your board decide promptly whether or not it is considering withdrawing from the district?

(12)

XFINITY Connect

lensimon@comcast.net

+ Font Size -

Re: Minuteman Regional Agreement effort - 12/7 Update**From :** Doug Gillespie <Gillespie.d@westonmass.org>

Tue, Dec 08, 2015 08:50 AM

Subject : Re: Minuteman Regional Agreement effort - 12/7 Update**To :** Dan Dunn <dunster@dandunn.org>

Cc : Vince Amoroso <amorosovm@gmail.com>, Dan Matthews, BOS Needham <mattlaw@comcast.net>, charlie kern <charlie.kern@verizon.net>, candacemccann87@gmail.com, peterselect@comcast.net, lensimon@comcast.net, townadministrator@townofbolton.com, mlawson@concordma.gov, linorm@comcast.net, peterckelley@gmail.com, rmcnuutt@lancasterma.net, mpaolillo@belmont-ma.gov, mcooley@nethorizons.com, lesfox@comcast.net, pbrownian@me.com, mantes2@verizon.net, landerson@wayland.ma.us, creiss@concordma.gov, jkajeg@msn.com, norwaydawn@gmail.com, rhunter@doverma.org, Adam Chapdelaine <achapdelaine@town.arlington.ma.us>, cvalente@lexingtonma.gov, Donna VanderClock <VanderClock.D@westonmass.org>, higginst@lincolntown.org, sharon antia <sharon.antia@gmail.com>, Joe Pato <jpato@lexingtonma.gov>, Mark Paolillo <mark.paolillo@ryan.com>

I have reserved the lower level conference room at Weston Town Hall for Thursday, December 17 at 7pm. Let's get together one more time to keep things moving.

I see 2 issues to discuss:

(1) Lincoln PILOT- several town are uncomfortable with this. If any town amends the motion at STM the whole agreement is dead. I suggest we consider a different approach: amending the agreement so that the school is not required to be in a member town. Then Lincoln can decide their position like the rest of us.

(2) support for the Building Project- I want to make sure that once membership in the district is clear, those towns remaining are prepared to support the project. That is what we all came together originally, and we need to make sure the project has solid support.

See you Thursday, December 17 again in Weston.

Thanks

Doug Gillespie

Sent from my iPhone

On Dec 7, 2015, at 11:57 PM, Dan Dunn <dunster@dandunn.org> wrote:

Hello,

Updates, and a couple requests.

- 1) Three towns have already met and considered the points I outlined in A, B, and C below.
 - a) Concord shared their response with the full list already. On board with the special town meeting, but "grave doubts" about the host community payment.
 - b) Lexington has taken a formal vote, on board with the special, but not supportive of the host community payment.
 - c) Arlington met tonight and formally supported the revision, has already called a special, and explicitly voted against any consideration of departing the district. Fully supportive.

2) I have had a couple more conversations with Supt. Bouquillon that have been productive, but no specific outcomes to report.

3) Please reply to me privately with your town's decision timeline. I'm putting together a shared Google doc so we can all see the progress towards 16 yes's.

Thanks,

Dan Dunn
617.710.4081

On Fri, Dec 4, 2015 at 6:39 PM Dan Dunn <dunster@dandunn.org> wrote:

Hello all,

XFINITY Connect

lensimon@comcast.net

+ Font Size -

Re: Minuteman Regional Agreement effort - 12/7 Update**From :** Carmin Reiss <creiss@concordma.gov>

Tue, Dec 08, 2015 09:27 AM

Subject : Re: Minuteman Regional Agreement effort - 12/7 Update**To :** Doug Gillespie <Gillespie.d@westonmass.org>

Cc : Dan Dunn <dunster@dandunn.org>, Vince Amoroso <amorosovm@gmail.com>, Dan Matthews, BOS Needham <mattlaw@comcast.net>, charlie kern <charlie.kern@verizon.net>, candacemccann87@gmail.com, peterselect@comcast.net, lensimon@comcast.net, townadministrator@townofbolton.com, mlawson@concordma.gov, linorm@comcast.net, peterckelley@gmail.com, rmcnuutt@lancastrerma.net, mpaolillo@belmont-ma.gov, mcooley@nethorizons.com, lesfox@comcast.net, pbrownian@me.com, mantes2@verizon.net, landerson@wayland.ma.us, jkajeg@msn.com, norwaydawn@gmail.com, rhunter@doverma.org, Adam Chapdelaine <achapdelaine@town.arlington.ma.us>, cvalente@lexingtonma.gov, Donna VanderClock <VanderClock.D@westonmass.org>, higginst@lincolntown.org, sharon antia <sharon.antia@gmail.com>, Joe Pato <jpato@lexingtonma.gov>, Mark Paolillo <mark.paolillo@ryan.com>

Doug,

Many thanks for organizing. I propose that we also discuss reducing the minimum number of students to 1.

Carmin Reiss

Sent from my iPhone

On Dec 8, 2015, at 8:50 AM, "Gillespie, Doug" <Gillespie.d@westonmass.org> wrote:

I have reserved the lower level conference room at Weston Town Hall for Thursday, December 17 at 7pm. Let's get together one more time to keep things moving.

I see 2 issues to discuss:

- (1) Lincoln PILOT- several town are uncomfortable with this. If any town amends the motion at STM the whole agreement is dead. I suggest we consider a different approach: amending the agreement so that the school is not required to be in a member town. Then Lincoln can decide their position like the rest of us.
- (2) support for the Building Project- I want to make sure that once membership in the district is clear, those towns remaining are prepared to support the project. That is what we all came together originally, and we need to make sure the project has solid support.

See you Thursday, December 17 again in Weston.

Thanks

Doug Gillespie

Sent from my iPhone

On Dec 7, 2015, at 11:57 PM, Dan Dunn <dunster@dandunn.org> wrote:

Hello,

Updates, and a couple requests.

- 1) Three towns have already met and considered the points I outlined in A, B, and C below.
 - a) Concord shared their response with the full list already. On board with the special town meeting, but "grave doubts" about the host community payment.
 - b) Lexington has taken a formal vote, on board with the special, but not supportive of the host community payment.
 - c) Arlington met tonight and formally supported the revision, has already called a special, and explicitly voted against any consideration of departing the district. Fully supportive.
- 2) I have had a couple more conversations with Supt. Bouquillon that have been productive, but no specific outcomes to report.

XFINITY Connect

lensimon@comcast.net

+ Font Size -

Re: Minuteman Regional Agreement effort - 12/7 Update**From :** Candace McCann <candacemccann87@gmail.com>

Tue, Dec 08, 2015 12:20 PM

Subject : Re: Minuteman Regional Agreement effort - 12/7 Update**To :** Dan Dunn <dunster@dandunn.org>

Cc : Vince Amoroso <amorosovm@gmail.com>, Doug Gillespie <Gillespie.d@westonmass.org>, Dan Matthews, BOS Needham <mattlaw@comcast.net>, charlie kern <charlie.kern@verizon.net>, peterselect@comcast.net, lensimon@comcast.net, townadministrator@townofbolton.com, mlawson@concordma.gov, linorm@comcast.net, peterckelley@gmail.com, rmcnuttt@lancafterma.net, mpaolillo@belmont-ma.gov, mcooley@nethorizons.com, lesfox@comcast.net, pbrownian@me.com, mantes2@verizon.net, landerson@wayland.ma.us, creiss@concordma.gov, jkajeg@msn.com, norwaydawn@gmail.com, rhunter@dooverma.org, Adam Chapdelaine <achapdelaine@town.arlington.ma.us>, cvalente@lexingtonma.gov, Donna VanderClock <VanderClock.D@westonmass.org>, higginst@lincolntown.org, sharon antia <sharon.antia@gmail.com>, Joe Pato <jpato@lexingtonma.gov>, Mark Paolillo <mark.paolillo@ryan.com>

Dan,

Having just spoken with our Special Town Counsel, in the interest of synchronicity and efficiency, Bob Ritchie requests "common language" for the BOS to vote upon. I explained about indicating the intent to withdraw from or remain in the district, but a simple statement, a single draft motion, for all town Boards of Selectmen would help in the process.

To save you a moment, could you live with.....?

"Based upon current information and recognizing that circumstances may change between now and a town-wide vote, the Board of Selectmen conditionally agrees that it is in the best interest of our town to withdraw from the Minuteman school district, effective only with the unanimous approval of all sixteen (16) towns in the district approving the new 2016 Agreement and the approval of DESE."

Thank you,
Candace McCann.
Dover Selectman

On Mon, Dec 7, 2015 at 11:56 PM, Dan Dunn <dunster@dandunn.org> wrote:

Hello,

Updates, and a couple requests.

1) Three towns have already met and considered the points I outlined in A, B, and C below.

a) Concord shared their response with the full list already. On board with the special town meeting, but "grave doubts" about the host community payment.

b) Lexington has taken a formal vote, on board with the special, but not supportive of the host community payment.

c) Arlington met tonight and formally supported the revision, has already called a special, and explicitly voted against any consideration of departing the district. Fully supportive.

2) I have had a couple more conversations with Supt. Bouquillon that have been productive, but no specific outcomes to report.

3) Please reply to me privately with your town's decision timeline. I'm putting together a shared Google doc so we can all see the progress towards 16 yes's.

Thanks,

Dan Dunn
617.710.4081

On Fri, Dec 4, 2015 at 6:39 PM Dan Dunn <dunster@dandunn.org> wrote:

Hello all,

It has been a productive 48 hours since we all met.

15

Re: Minuteman Regional Agreement effort - 12/7 Update**From :** Doug Gillespie <Gillespie.d@westonmass.org>

Wed, Dec 09, 2015 10:09 AM

Subject : Re: Minuteman Regional Agreement effort - 12/7 Update**To :** Dan Dunn <dunster@dandunn.org>

Cc : Candace McCann <candacemccann87@gmail.com>, Vince Amoroso <amorosovm@gmail.com>, Dan Matthews, BOS Needham <mattlaw@comcast.net>, charlie kern <charlie.kern@verizon.net>, peterselect@comcast.net, lensimon@comcast.net, townadministrator@townofbolton.com, mlawson@concordma.gov, linorm@comcast.net, petercjkelley@gmail.com, rmcnuttt@lancasterma.net, mpaolillo@belmont-ma.gov, mcooley@nethorizons.com, lesfox@comcast.net, pbrownian@me.com, mantes2@verizon.net, landerson@wayland.ma.us, creiss@concordma.gov, jkajeg@msn.com, norwaydawn@gmail.com, rhunter@doverma.org, Adam Chapdelaine <achapdelaine@town.arlington.ma.us>, cvalente@lexingtonma.gov, Donna VanderClock <VanderClock.D@westonmass.org>, higginst@lincolntown.org, sharon antia <sharon.antia@gmail.com>, Joe Pato <jpato@lexingtonma.gov>, Mark Paolillo <mark.paolillo@ryan.com>, TownAdministrator@stow-ma.gov

Weston Board of Selectmen voted last night to call a Special Town Meeting for February 8th. Based on current information we would encourage voters to approve the amended regional agreement and vote to withdraw from the district. If, however, we can eliminate the five student minimum from the capital formula, Weston would likely remain in the district. There was concern over the Lincoln PILOT because it could kill the entire amendment.

Doug Gillespie

Sent from my iPhone

On Dec 9, 2015, at 12:43 AM, Dan Dunn <dunster@dandunn.org> wrote:

Candace,

I think that language is fine. A couple thoughts.

1) The exact form of the language doesn't matter too much. The vital part of this is that the Minuteman School Committee be able to approve an accurate list of potentially departing towns to be included in the language of the regional agreement proposal. It's a matter of intent, and clarity, not exact language. I'm happy to talk to your town counsel if there are concerns, and include others in the conversation as necessary.

2) I would propose a minor variation. Some boards might not be ready to say "we think we should leave." Some boards, notably Boxborough, are more comfortable saying that they are considering it. Their language is:

"Move to notify the Minuteman Regional School District of Boxborough's intent to seek a vote at a Special Town Meeting, to be held on a date in February 2015 yet to be determined, on:

1) whether or not to approve any proposed amendments to the Regional Agreement, and

2) whether or not to withdraw from the District, pursuant to the Initial Withdrawal provisions of such proposed amendments.

Adoption of this Motion shall constitute a request that the Minuteman Regional School District name Boxborough as a declarant in the Initial Withdrawal section of such proposed amendments."

Of course, that's not a vote to be taken lightly. If a larger sending town (Arlington, Belmont, Lexington, Needham, etc.) were to take that vote, it would crash the whole deal. The process

we are following only can work if the (potentially) departing towns are sending a handful of students.

Thanks,

Dan

On Tue, Dec 8, 2015 at 12:20 PM Candace McCann <candacemccann87@gmail.com> wrote:

Dan,

Having just spoken with our Special Town Counsel, in the interest of synchronicity and efficiency, Bob Ritchie requests "common language" for the BOS to vote upon. I explained about indicating the intent to withdraw from or remain in the district, but a simple statement, a single draft motion, for all town Boards of Selectmen would help in the process.

To save you a moment, could you live with.....?

"Based upon current information and recognizing that circumstances may change between now and a town-wide vote, the Board of Selectmen conditionally agrees that it is in the best interest of our town to withdraw from the Minuteman school district, effective only with the unanimous approval of all sixteen (16) towns in the district approving the new 2016 Agreement and the approval of DESE."

Thank you,
Candace McCann.
Dover Selectman

On Mon, Dec 7, 2015 at 11:56 PM, Dan Dunn <dunster@dandunn.org> wrote:

Hello,

Updates, and a couple requests.

- 1) Three towns have already met and considered the points I outlined in A, B, and C below.
 - a) Concord shared their response with the full list already. On board with the special town meeting, but "grave doubts" about the host community payment.
 - b) Lexington has taken a formal vote, on board with the special, but not supportive of the host community payment.
 - c) Arlington met tonight and formally supported the revision, has already called a special, and explicitly voted against any consideration of departing the district. Fully supportive.
- 2) I have had a couple more conversations with Supt. Bouquillon that have been productive, but no specific outcomes to report.
- 3) Please reply to me privately with your town's decision timeline. I'm putting together a shared Google doc so we can all see the progress towards 16 yes's.

Thanks,

Dan Dunn
617.710.4081

On Fri, Dec 4, 2015 at 6:39 PM Dan Dunn <dunster@dandunn.org> wrote:

Hello all,

It has been a productive 48 hours since we all met.

We've progressed to the point where I can ask each of you to take these questions to your respective boards:

- A) Can your board, in principle, support a revised regional agreement that
 - 1) is based on the 2014 draft regional agreement
 - 2) permits specified towns to withdraw (Any town that is considering withdrawal must announce that fact through a vote of their Board of Selectmen in the next couple of weeks. Those towns will be named explicitly in the new regional agreement proposal, and will thus be



**REGULAR MEETING
MINUTEMAN SCHOOL COMMITTEE
TUESDAY DECEMBER 15, 2015 7:00 PM
PAUL REVERE ROOM 758 MARRETT ROAD, LEXINGTON, MA
AGENDA**

7:00 PM [Note: All times are approximate.]

1. **CALL TO ORDER: OPEN SESSION**
2. **PUBLIC COMMENT**
3. **CHAIR'S REPORT, Jeff Stulin**

4. **PRINCIPAL'S REPORT, Jack Dillon**

- a. **Request for Approval of Overnight Field Trip: Horticultural Students**

VOTE: To approve the Overnight Field Trip for Horticultural Students to attend the Future Farmers of American Annual Winter Leadership Camp Jan. 8-9, 2016, as presented

5. **ASSISTANT SUPERINTENDENT'S REPORT, Kevin Mahoney**

- a. **Informational: Certified E & D as of 7.1.15**
- b. **Preliminary Status of FY 17 Budget**
- c. **Appointment of Chief Procurement Officer**

VOTE: To appoint Kevin Mahoney as Chief Procurement Officer

6. **SUBCOMMITTEE REPORTS**

- a. **Special Policy Task Force, Alice DeLuca**

VOTE: To approve Policy DN School Properties Disposal Procedure for 2nd Reading

7. **SUPERINTENDENT'S REPORT, Ed Bouquillon**

- a. **Communications Update**
- b. **Update on MSBA Process**
- c. **Host Community Considerations**
POSSIBLE VOTE
- d. **Discussion and Vote to Amend Draft Regional Agreement (v. 3.11.14)**

VOTE: That the District School Committee approve the proposed amendments to the Draft Regional Agreement (v. 3.11.14).

FURTHER VOTED: That within seven (7) days from the date on which this vote is adopted, the Secretary notify the Boards of Selectmen of each member town of the District of this vote and request that a special Town Meeting be called prior to February 15, 2016 to consider approval.

- e. **Discussion and Vote to Bond under MGL Ch. 71 Sec. 16 (d)**

VOTE: That the Minuteman Regional Vocational Technical School District (the "District") hereby appropriates the amount of \$144,922,478 for the purpose of paying costs of designing, constructing and originally equipping a new district school, to be located at 758 Marrett Road, Lexington, Massachusetts, and for the payment of all other costs incidental and related thereto (the "Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of the School Building Committee. To

meet this appropriation, the District is authorized to borrow said amount, under and pursuant to Chapter 71, Section 16(d) of the General Laws, and the District Agreement, as amended, or pursuant to any other enabling authority. The District acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities; provided further that any grant that the District may receive from the MSBA shall not exceed the lesser of (i) forty four and three quarters percent (44.75%) of eligible, approved Project costs, as determined by the MSBA, or (ii) the total maximum grant amount determined by the MSBA, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA.

FURTHER VOTED: That within seven (7) days from the date on which this vote is adopted, the Secretary be and hereby is instructed to notify the Boards of Selectmen of each member town of the District as to the amount and general purposes of the debt herein authorized, as required by the District Agreement and by Chapter 71, Section 16(d) of the General Laws.

8. ADJOURNMENT

7. Superintendent's Report

e. Discussion and Vote to Bond under MGL Ch. 71 Sec. 16 (d)

VOTE: That the Minuteman Regional Vocational Technical School District (the "District") hereby appropriates the amount of \$144,922,478 for the purpose of paying costs of designing, constructing and originally equipping a new district school, to be located at 758 Marrett Road, Lexington, Massachusetts, and for the payment of all other costs incidental and related thereto (the "Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of the School Building Committee. To meet this appropriation, the District is authorized to borrow said amount, under and pursuant to Chapter 71, Section 16(d) of the General Laws, and the District Agreement, as amended, or pursuant to any other enabling authority. The District acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities; provided further that any grant that the District may receive from the MSBA shall not exceed the lesser of (i) forty four and three quarters percent (44.75%) of eligible, approved Project costs, as determined by the MSBA, or (ii) the total maximum grant amount determined by the MSBA, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA.

FURTHER VOTED: That within seven (7) days from the date on which this vote is adopted, the Secretary be and hereby is instructed to notify the Boards of Selectmen of each member town of the District as to the amount and general purposes of the debt herein authorized, as required by the District Agreement and by Chapter 71, Section 16(d) of the General Laws.

Amendments to the Regional Agreement

From : Elizabeth Rozan <e.rozan@minuteman.org>
Subject : Amendments to the Regional Agreement
To : Elizabeth Rozan <e.rozan@minuteman.org>

Mon, Dec 14, 2015 03:40 PM

8 attachments

TO MINUTEMAN SCHOOL COMMITTEE, THE SCHOOL BUILDING COMMITTEE, TOWN MANAGERS, AND SELECTMEN ON BEHALF OF ED BOUQUILLON:

SUMMARY: As of December 12, 2015 the Regional Agreement revisions have been drafted. The Department of Elementary and Secondary Education (DESE) has offered preliminary endorsement and is now reviewing the final draft for full endorsement. The Massachusetts School Building Authority (MSBA) has reviewed pertinent components of the language of related votes and has no issues. Both bond counsel and our district counsel have reviewed the revisions to the 2013 revised Regional Agreement (dated 3/11/14, and shown as Attachment #2), the related language of the votes to be taken, and have no issues. The pathway to YES is clear.

The changes are noted in the attached "redlined" PDF document (dated 12/10/15, Attachment #3, and #4 (clean). This document uses the 2013 revisions as its source document, and is referred to as the 2016 Amendments to the Regional Agreement. Key changes from the 2013 revision include:

- a) The elimination of the 5 pupil minimum in the Capital Assessment Formula and the inclusion of a 1 pupil minimum (Section IV).
- b) A process by which towns could exit the district without additional debt obligation (Section IX (e)).
- c) A declaration that non-member communities shall pay a capital fee equivalent to the average per pupil capital assessment as a member (Section X).

Host Community considerations are removed from the Regional Agreement revisions and will be addressed in an Inter-municipal Agreement between the District and the host community.

Impacts on Capital Costs of the Revised Agreement on remaining members are provided in the attached spreadsheets (Attachments #5,6,7,8). As there are dozens of possible scenarios, the spreadsheets show a range of impact. The spreadsheets attached are:

- V13.0 Capital Costs: 5 Student Min: 16 Member Towns
- V13.1 Capital Costs: 1 Student Min: 16 Member Towns
- V13.2 Capital Costs: 1 Student Min: 13 Member Towns
- V13.3 Capital Costs: 5 Student Min: 11 Member Towns

Special Town Meetings:

All towns will likely have to hold a special town meeting.

In the member towns where Selectmen have declared their intention to leave the district, there will be two (2) warrant articles.

The FIRST article must be a vote by Town Meeting on its desire to leave the District.

The SECOND article must be a vote by Town Meeting to APPROVE the 2016 Amendments to the Regional Agreement.

These votes are independent from one another, and the language in the 2016 Regional Agreement has been designed to accommodate all, some, or none of these towns leaving the District.

In the towns that intend to remain in the district, there will be ONE (1) article approving the 2016 Amendments to the Regional Agreement.

In all Towns, a third (in the case of departing towns) or a second (in the remaining towns) warrant article could be considered. That article would be a discussion and possible vote by TM approving the bonding for the new school.

Remarks:

The efforts of district selectman and local stakeholders have provided a reasonable set of amendments that offer communities options and opportunities. Most importantly, this work has honored our students and acknowledged the overwhelming benefits of continuing to offer robust academics within high quality career and technical education in a new building.

These amendments will be considered at the December 15, 2015 School Committee meeting.

Edward Bouquillon, PhD
Superintendent-Director

Elizabeth Rozan, M.A.
District Assistant

Minuteman High School
758 Marrett Road, Lexington, MA 02421
T 781.861.6500 x7449
F 781.863-1747
e.rozan@minuteman.org
www.minuteman.org

MINUTEMAN

A REVOLUTION IN LEARNING

Prepare for College and Life | Learn from the Experts | Make a Fresh Start | Be More Than Just Another Student | Experience The Modern American High School | Believe In Yourself

-
- **1. 20151214 SUP SUMMARY.pdf**
 72 KB
 - **2. Minuteman District Agreement 3_11_14 FINAL.PDF**
 2 MB
 - **3. Minuteman District Agreement 12-10-15 DRAFT w changes.PDF**
 141 KB
 - **4. Minuteman District Agreement 12-10-15 DRAFT clean.PDF**
 140 KB
 - **5. V 13.0-NewBldg Proj-RevisedAgree-FY16enroll-5stdmin.pdf**
 247 KB
 - **6. V 13.1-NewBldg Proj-RevisedAgree-FY16enroll-1stdmin.pdf**
 245 KB
 - **7. V 13.2-NewBldg Proj-RevisedAgree-FY16enroll-1stdmin-13towns.pdf**
 246 KB
 - **8. V 13.3-NewBldg Proj-RevisedAgree-FY16enroll-5stdmin-11towns.pdf**
 246 KB
-

REGIONAL AGREEMENT

This Agreement is entered into pursuant to Chapter 71 of the General Laws of Massachusetts, as amended, among the towns of Acton, Arlington, Belmont, Boxborough, Carlisle, Concord, Lexington, Lincoln, Stow, Sudbury, Wayland, Weston, Bolton, Dover, Lancaster, and Needham, hereinafter sometimes referred to as member towns. In consideration of the mutual promises herein contained, it is hereby agreed as follows:

SECTION I: THE REGIONAL DISTRICT SCHOOL COMMITTEE

(A) Composition

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

(B) Staggering of Terms

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

(C) Appointing Authority

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

(D) Subsequent Terms of Office

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

(E) Vacancies

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

(F) Organization

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

(G) Power and Duties

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

(H) Weighted Voting

Each member of the Regional School Committee will exercise a weighted vote, rounded to the nearest hundredth of a percent, which will be calculated and established as of July 1 of each year as follows. The first half of the weighted vote for all of the member communities will be the same. (For example, if hypothetically there were 16 member communities, then the first half of each member's weighted vote will be 1/16 of 50%, which would be 3.125%). The second half of each member community's weighted vote will be computed as follows. Based on the official October 1 student enrollment figures as determined by the Department of Elementary and Secondary Education ("DESE"), or its successor agency, a four year "rolling average" of the school's enrollment from member communities, using the most recent year's October 1 enrollment figures and those from the three preceding years, will be established. Using the same methodology, each member community's average percentage of student enrollment from all of the member communities for that period, rounded to the nearest hundredth of a percent, will be established and will be used as the second half of that member community's weighted vote to become effective on the following July 1. (For example, if over the four year period a member community supplied an average of 8.67% of the school's enrollment from all of the member communities, then, beginning on the following July 1 and extending for the next year, the second half of that member community's weighted vote would be 8.67% of 50%, which would be 4.335%). The two halves will then be added together, and rounded to the nearest hundredth of a percent, to establish that community's total weighted vote. (For example, using the hypotheticals expressed above in this paragraph, the hypothetical community's total weighted vote as of the July 1 in question would be 3.125% plus 4.335%, which would add to 7.46%). Assuming that a quorum as defined in subsection (I) below is present, and except for a vote to approve the annual budget, to incur debt, or to approve an amendment to this Agreement, a combined total of weighted votes amounting to over 50% of the weighted votes present shall constitute majority approval.

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

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

(I) Quorum

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

SECTION II TYPE OF REGIONAL SCHOOL DISTRICT

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

SECTION III LOCATION OF THE REGIONAL DISTRICT SCHOOL

The regional district school shall be located within the geographical limits of the District, or within a radius of 5 miles from the intersection of Route 2 and Bedford Road, which intersection is in the town of Lincoln, provided that if a community where the school is located ceases to be a district member, the school may continue to be located in that community.

SECTION IV APPORTIONMENT AND PAYMENT OF COSTS

(A) Classification of Costs

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

(B) Capital Costs

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

(C) Operating Costs

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

(D) Apportionment of Capital Costs

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

After first deducting any other sources of revenue that are appropriately applied against capital costs, capital costs shall be annually apportioned to the towns which were members of the District as of June 30, 2014 for the ensuing fiscal year in the following manner. Each member town's share of capital costs for each fiscal year shall be determined by computing the ratio which the town's pupil enrollment in the regional district school on October 1 of the fiscal year next preceding the fiscal year for which the apportionment is determined bears to the total pupil enrollment from all the member towns on the said date, except that if there is an enrollment of fewer than five pupils from any member town in the regional district school on said date, such member town shall be deemed to have an enrollment of five pupils in the regional district school. For the purpose of this subsection, in computing this apportionment the persons enrolled in courses or programs referred to in subsection IV (F) shall not be included.

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

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

a. Fifty percent (50%) of the capital costs will be apportioned to each of the member communities by computing the ratio which that community's pupil enrollment in the regional district school, using a rolling average based on the four (4) most recent annual October 1 enrollment figures, bears to total pupil enrollment in the regional district school from member communities, using a rolling average based on the four (4) most recent annual October 1 enrollment figures, except that if there were an enrollment of fewer than ~~five (5) pupils~~ one (1) pupil from any member community in the regional district school on any of the four (4) most recent October 1 dates, such member community will be deemed to have had an enrollment of ~~five (5) pupils~~ one (1) pupil in the regional district school on said date.

b. An additional one percent (1%) of these costs will be apportioned to each of the member communities regardless of student enrollment.

c. The balance of these costs will be apportioned by applying DESE's combined effort yield (a measure of a community's ability to pay for education using property values and household incomes) to the percentage of each community's students (as defined by foundation enrollment) that are enrolled at Minuteman. The specific calculation is as follows:

- Each member community's pupil enrollment in the regional district school, using a rolling average based on the four (4) most recent annual October 1 enrollment figures, including the ~~five (5) pupils~~ one (1) pupil minimum spoken of in 2,a above, will be identified.
- This average regional enrollment figure for each member community will be compared to that community's most recent October 1 "foundation enrollment" figure (determined by DESE), and the percentage of that community's most recent foundation enrollment figure which is comprised of that town's average regional enrollment figure will be computed.
- This percentage amount will be multiplied by the lesser of the "combined effort yield" or 100% of the "foundation budget" (using the most recent "final" numbers determined by DESE) for that community, resulting in a number to be called "combined effort yield at

Minuteman”.

- The numbers representing each community’s “combined effort yield at Minuteman” will be totaled, and each community’s percentage of that total (this percentage to be called “combined effort capital assessment share”) will be computed.
- Each community’s “combined effort capital assessment share” will be used to calculate the apportionment of the capital costs under this paragraph. (An example of the calculations described in this paragraph is found in the chart headed “Calculation Factor – Ch. 70 Combined Effort Capital Allocation” appearing on page 2 of Appendix A.)

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

(E) Apportionment of Operating Costs

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

(F) Special Operating Costs

The Committee shall determine the operating costs for each fiscal year for any courses or programs which are offered by the District to persons other than secondary students attending the regular day regional vocational school. Each member community’s share of such special operating costs shall be apportioned by identifying each member community’s enrollment and/or participation rate in said courses or programs as compared to the overall enrollment and/or participation rate in said courses or programs. Normally said share shall be paid by the members as a special assessment in the fiscal year following the year of the course or program offering, although exceptions may be made whereby the payment will be made during the fiscal year of the course or program offering.

(G) Times of Payment of Apportioned Costs

Each member shall pay to the District in each fiscal year its proportionate share, certified as provided in subsection V(B), of the capital and operating costs. The annual share of each member community shall be paid in such amounts and at such times that at least the following percentages of such annual share shall be paid on

or before the dates indicated, respectively:

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

(H) Apportionment of Costs to New Members

1. The share of operating costs which will be paid by a new member community will be determined consistent with subsection IV(E) except that, for purposes of calculating that community's four (4) year rolling average of pupil enrollment, the number of "out of district" students from that community which were enrolled in the regional district school during each of the applicable four (4) years will be regarded as that community's "pupil enrollment" during those years for purposes of this calculation.

2. The Regional School Committee, prior to the admittance of a new member community, will have the option of negotiating a phase in of the amount of capital costs which will be assessed to that new member community during the first three years of membership in the District. Beginning no later than the fourth year of membership and thereafter, however, the new member community will be assessed the full capital cost apportionment that will result from an application of subsection IV(D).

(I) Incurring of Debt

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

SECTION V BUDGET

(A) Tentative Operating and Maintenance Budget

28

The Committee shall annually prepare a tentative operating and maintenance budget for the ensuing fiscal year, attaching thereto provision for any installment of principal or interest to become due in such fiscal year on any bonds or other evidence of indebtedness of the District and any other capital costs to be apportioned to the member communities. The said Committee shall mail a copy to the chairman of the Board of Selectmen and the Finance or Advisory Committee, if any, of each member town at least fifteen days prior to the date on which the final operating and maintenance budget is adopted by the Committee, said copy to be itemized in a fashion consistent with DESE's chart of accounts.

(B) Final Operating and Maintenance Budget

After conducting a public hearing consistent with G.L. Chapter 71, section 38M, the Committee shall adopt an annual operating and maintenance budget for the ensuing fiscal year not later than forty-five days prior to the earliest date on which the business session of the annual town meeting of any member town is to be held, but in no event later than March 31, provided that said budget need not be adopted earlier than February 1. Said adoption of the budget will require a combined total of weighted votes equal to or exceeding 66.7% of the weighted vote of the entire Regional School Committee (i.e., not merely two-thirds of the weighted vote of those present at the meeting). Said annual operating and maintenance budget shall include debt and interest charges and any other current capital costs as separate items, and the said Committee shall apportion the amounts necessary to be raised in order to meet the said budget in accordance with the provisions of Section IV. The amounts so apportioned to each member community shall be certified by the district treasurer to the treasurer of such member community within thirty days from the dates on which the annual operating and maintenance budget is adopted by the Committee, and each such community shall, at the next annual town meeting or meeting of the city council, appropriate the amounts so certified. The annual Regional School District budget shall require approval by the local appropriating authorities of at least two-thirds (2/3) of the member communities consistent with G.L. Chapter 71, section 16B.

SECTION VI TRANSPORTATION

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

SECTION VII AMENDMENTS

(A) Limitation

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

(B) Procedure

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

(C) Approval by Commissioner

All amendments to this Agreement are subject to the approval of the Commissioner.

SECTION VIII ADMISSION OF NEW COMMUNITIES

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

SECTION IX WITHDRAWAL

(A) Procedure

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

30

Once this notice of withdrawal is given, it may not be rescinded without the unanimous consent of the members of the Regional School Committee. The withdrawal of a community will be allowed only if it is approved by a majority of the other member communities. A failure of the legislative body of a member community to vote disapproval of a requested withdrawal within sixty (60) days of the notice of withdrawal being submitted to the Regional School Committee will constitute approval. During this three (3) year notice period, the departing member will continue to be responsible for the following:

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

(B) Continuing Obligations After Withdrawal

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

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

(C) Commissioner's Approval

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

(D) Amendment to Agreement

The withdrawal of a member which occurs consistent with ~~this Section~~ the above will, upon its completion, constitute an amendment to the Regional Agreement, regardless of the fact that said amendment was not processed via the procedure contained in Article VII.

(E) Initial Procedure for Withdrawal

Consistent with 603 CMR 41.03(2), the communities of Boxborough, Dover, Sudbury, Wayland,

31

and Weston may withdraw from the District effective on the first July 1 after the first December 1 following the Commissioner of Education's approval of the 2016 Amended Regional Agreement, all of the following requirements having been met by each departing member:

(a) On or before February 16, 2016, voted by simple majority of its legislative body to confirm its commitment to withdraw from the District;

(b) On or before February 16, 2016, voted to approve the 2016 Amended Regional Agreement;

(c) Approval of the 2016 Amended Regional Agreement by the Commissioner of Education.

A vote by any member to adopt the 2016 Amended Regional Agreement shall also constitute approval of the withdrawal of any or all of the communities of Boxborough, Dover, Sudbury, Wayland, and Weston from the District pursuant to the Initial Procedure for Withdrawal.

The terms of School Committee members representing communities which withdraw under this Initial Procedure for Withdrawal shall end on the withdrawal date of the community which the member represents. No such community shall have any right or claim onto the assets of the District. Such communities shall continue to be responsible for their respective shares of the District's indebtedness as of the withdrawal date, except that no community withdrawing under this Initial Procedure for Withdrawal shall be responsible for District debt incurred after December 10, 2015.

SECTION X TUITION STUDENTS

(A)

The Committee may accept for enrollment in the regional district school pupils from communities other than member communities on a tuition basis. Income received by the District from tuition pupils and not previously deducted from operating costs shall be deducted from the total operating costs in the next annual budget to be prepared after the receipt thereof, prior to apportionment under Section IV to the member communities, provided that income identified as a contribution to capital costs shall be applied to the capital budget.

(B)

Subject to state law, and applicable regulations, effective June 30, 2018, it shall be the policy of the District to admit out-of-district students only based on tuitions and charges equal or greater than the District's similarly-calculated average per pupil cost for in-district communities as determined by the Committee. Exceptions to this policy may only be made by two-thirds weighted vote of the Committee. The provisions of this paragraph (B) shall not apply to incoming school choice students under M.G.L. c. 76, § 12B.

SECTION XI FISCAL YEAR

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

SECTION XII SUBMISSION FOR APPROVAL

This Agreement shall be submitted for approval pursuant to the applicable provisions of

Chapter 71 of the General Laws.

FROM ED BOUQUILLON 12.15.15:
CORRESPONDENCE INDICATING APPROVAL OF LANGUAGE RE BONDING AND REGIONAL AGREEMENT
HERE IS MSBA APPROVAL.

From: Chris Alles [<mailto:Chris.Alles@MassSchoolBuildings.org>]
Sent: Tuesday, December 8, 2015 1:56 PM
To: Williams, Mary Ann <MaryAnn.Williams@skanska.com>; Bouquillon, Ed <e.bouquillon@minuteman.org>; Kevin F. Bresnahan <kbresnahan@mhtl.com>; RManley@eapdlaw.com
Cc: Rozan, Elizabeth <e.rozan@minuteman.org>; Mahoney, Kevin <k.mahoney@minuteman.org>; George Driscoll <George.Driscoll@MassSchoolBuildings.org>
Subject: RE: Draft Agenda

Ed/ Mary Ann – The MSBA has reviewed the draft language for the District’s votes both under Section 16D and 16N and the language is acceptable for the MSBA’s purposes with the following exceptions: 1) that the total project budget amount in both draft votes should be revised to reflect the amount Mary Ann has pointed out as \$144,922,478 as submitted with the schematic design submittal, and 2) In the 16N vote, please revise the language as follows (the word “and” is replaced with the word “or” shown highlighted below): *“the MSBA shall not exceed the lesser of (i) forty four and three quarters percent (44.75%) of eligible, approved Project costs, as determined by the MSBA, or (ii) the total maximum grant amount determined by the MSBA, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA”.*

Please call with any questions.

Chris Alles

From: Williams, Mary Ann [<mailto:MaryAnn.Williams@skanska.com>]
Sent: Tuesday, December 08, 2015 12:04 PM
To: Bouquillon, Ed; Kevin F. Bresnahan; RManley@eapdlaw.com
Cc: Chris Alles; Rozan, Elizabeth; Mahoney, Kevin
Subject: RE: Draft Agenda

The Total Project Budget is: **\$144,922,478**

Mary Ann Williams

Program Executive

We're Moving! Skanska's Boston, MA office is moving December 18, 2015.

Please make a note of our new address:

**101 Seaport Boulevard, Suite 200
Boston, MA 02210**

Skanska USA Building
usa.skanska.com
253 Summer Street
Boston, MA 02210, United States

34

From: Bouquillon, Ed [<mailto:e.bouquillon@minuteman.org>]
Sent: Tuesday, December 08, 2015 11:58 AM
To: Kevin F. Bresnahan; RManley@eapdlaw.com
Cc: Chris Alles; Williams, Mary Ann; Rozan, Elizabeth; Mahoney, Kevin
Subject: FW: Draft Agenda

Gentlemen

Can you view the attached agenda and vote language drafted within the agenda to approve the regional agreement and the vote to authorize the district to bond for the project. I have sent language to MSBA for review, but have not had a recommendation as of this morning.

Regards

Ed

Edward A Bouquillon PhD
Superintendent-Director

35

HERE IS DESE APPROVAL.

From: Lynch, Christine M [<mailto:CLynch@doe.mass.edu>]
Sent: Monday, December 14, 2015 4:34 PM
To: Bouquillon, Ed <e.bouquillon@minuteman.org>
Cc: Kevin F. Bresnahan <kbresnahan@mhtl.com>
Subject: RE: Revised Regional Agreement Documents

Hi Ed,

We do not have any issues with the document that you sent. However, we did note that the language of Section III has been changed. In the previous version there was reference to a host community and payment to the Town of Lincoln. I just wanted to confirm that you will not longer be including the language relative to the payment of Lincoln.

Thank you Ed,

Chris Lynch

From: Bouquillon, Ed [<mailto:e.bouquillon@minuteman.org>]
Sent: Friday, December 11, 2015 11:39 AM
To: Lynch, Christine M
Cc: Wulfson, Jeffrey R; Sharek, Steven; Rozan, Elizabeth; Jeffrey Stulin (jwstulin@comcast.net); Kevin F. Bresnahan
Subject: FW: Revised Regional Agreement Documents

Hi Chris

Congratulations on your MASBO recognition! Well Deserved! So attached is the final draft of our revised regional agreement. Our attorney (Kevin Bresnahan) addressed all your suggestions.

I may not have explained that the agreement is designed to have a "transition" time that will allow small towns that vote to exit (at special town meetings held in January and early February 2016) to actually do so and not be accountable for new debt incurred by the District after Dec 10, 2015. The Selectmen in all 16 Towns have been very engaged in these revisions, and once DESE approves, I am very confident this will pass all 16. You may recall in 2013 (or 14) we only had 10 towns approve.

As there are very few changes; I am hopeful DESE approval will be forthcoming. My school committee intends to VOTE this new agreement next Tuesday, Dec 15th, 2015.

If you have any questions please email myself and Kevin Bresnahan. I can be reached on my cell at anytime if that is easier. 413-537-6451

Best Regards and thank you for your help. It is finally coming together and the new project is directly tied to this! My expectation is that the MM SC will vote to bong the project next Tuesday as well.

36

Edward Bouquillon PhD
Superintendent-Director
Minuteman Regional Vocational Technical School District
758 Marrett Road
Lexington MA 02421

781-861-6500 x7301

From: Kevin F. Bresnahan [kbresnahan@mhtl.com]
Sent: Thursday, December 10, 2015 4:42 PM
To: Bouquillon, Ed
Subject: Revised Regional Agreement Documents

Dear Ed:

I am attaching three PDF documents:

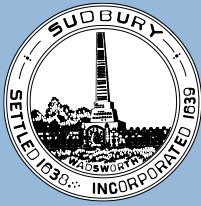
1. A clean copy of the 3/11/14 revised Agreement, prepared by Ed Lenox;
2. A redline document showing the changes to the 3/11/14 document. Per our discussion, this was prepared based on the December 10, 2015 revised set of proposed changes prepared by Dan Matthews;
3. A clean copy of the 12/10/15 revised Agreement.

Please let me know if you have any questions regarding this.

Thank you,
Kevin

Kevin F. Bresnahan, Esq.
Murphy, Hesse, Toomey & Lehane, LLP
300 Crown Colony Drive, Suite 410
Quincy, MA 02169
Phone: (617) 479-5000
Fax: (617) 479-6469
kbresnahan@mhtl.com

37



SUDBURY BOARD OF SELECTMEN
Tuesday, December 15, 2015

MISCELLANEOUS (UNTIMED)

8: Facebook discussion

REQUESTOR SECTION

Date of request:

Requestor: Selectman Simon

Formal Title: Discussion regarding Town's new Facebook page

Recommendations/Suggested Motion/Vote: Discussion regarding Town's new Facebook page

Background Information:
none

Financial impact expected:n/a

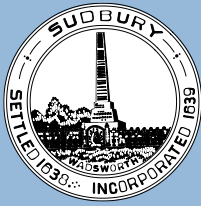
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Patricia A. Brown	Pending
Board of Selectmen	Pending

12/15/2015 7:30 PM



SUDBURY BOARD OF SELECTMEN
Tuesday, December 15, 2015

MISCELLANEOUS (UNTIMED)

9: Policy on issuing proclamations/passion issues

REQUESTOR SECTION

Date of request:

Requestor: Chairman Brown

Formal Title: Discussion concerning the Selectmen’s policy on issuing proclamations.

Recommendations/Suggested Motion/Vote: Discussion concerning the Selectmen’s policy on issuing proclamations.

Background Information:
attached

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Patricia A. Brown	Pending
Board of Selectmen	Pending

12/15/2015 7:30 PM

19. Applications must be submitted at least 45 calendar days prior to the event and in time for the Board of Selectmen to review at their next meeting.
20. A non-refundable \$50.00 Block Party Application Fee must be paid at the time of the application submittal. Applicant shall pay by check payable to the "Town of Winchendon." Please write "Block Party" and the applicant's last name in the memo section of your check, i.e. "Block" Party – Smith."
21. Incomplete or improperly completed applications will not be processed.
22. Applications will be routed to various Departments for comment.
23. You should plan on attending the Board of Selectmen's meeting to discuss your application. You will receive approval/denial notification via U.S. mail within one week of the Board of Selectmen's meeting where it was considered.
24. Please keep a copy of this application for your records.

400-36: CITATIONS AND PROCLAMATIONS:

(Replaced Congratulatory Messages: Approved June 6, 2011)

- a) Citations - Any member of the Board of Selectmen shall have a citation issued as a congratulatory message to any person or business in Winchendon upon request to the support staff. Citations will be signed by the member requesting the citation or by the Chairman upon request of the member.
- b) Proclamations may be made on behalf of the Town of Winchendon by majority vote of the Board of Selectman in accordance with the following guidelines:

Proclamations are ceremonial documents signed by the Board of Selectman and issued for:

- Public awareness
- Charitable fundraising campaigns
- Arts and cultural celebrations
- Special honors

Proclamations will not be issued for:

- Matters of political controversy, ideological or religious beliefs, or individual conviction
- Events or organizations with no direct relationship to the Town of Winchendon

Other:

- The Board of Selectmen reserves the right to modify or deny any proclamation request.
- More than one cause can be proclaimed simultaneously.
- A person/organization does not have exclusive rights to the day, week or month of their proclamation.
- A citation is an alternative where proclamation criteria are not met.

Who can make a proclamation request?

- Request must be made by a Town of Winchendon resident to the Office of the Board of Selectmen.

How should a proclamation request be made?

- All requests must be made in writing. Requests can be mailed, faxed or hand-delivered or emailed. If mailed or faxed, please call to verify receipt by our office.
- Requests should be made at least thirty days in advance of the date the document is needed. Exceptions to this rule may be made when required.

What must the request include?

- Contact person's first and last name, address, and telephone number
- A brief summary and/or background of the event or organization
- The name and date(s) of the day, week, month or event to be proclaimed
- Draft text for the proclamation, including 4-6 "whereas" clauses
- An indication of whether the proclamation should be mailed or will be picked up and the date
- A date when the proclamation is needed (should be at least 45 days after the date of request.)

400-37: ADJUSTMENTS AND ABATEMENTS: WATER/SEWER USER ACCOUNTS

(Adopted 10-12-11 / Amended 3/12/12)

The intent of this document is to set the policy for adjustments and abatements to users Water/Sewer accounts.

1. Adjustments - the water personnel to make needed adjustments to water/sewer bills for the following reasons:
 - a. Obvious clerical error in the bill (i.e. 10,000cf vs. 1,000cf)
 - b. Historical estimated bill amount that is no longer accurate (i.e. estimate based upon family of 6 and proof is offered to show that the kids have grown and move out)
 - c. When the town requires that a user run a trickle to prevent freezing of a line. (a meter at a trickle runs 1cf/hr or 24cf/day)
 - d. To adjust the sewer component of the bill on a pool fill.
2. Abatements – the Board of Selectman acting as Water/Sewer commissioners may abate charges for water use due to circumstances beyond the control of the rate payer:
 - a. Rate payer should apply for the abatement through the Town Dept. of Public Works. The DPW will forward the request to the Water/Sewer Commissioners with their recommendation.



CITY OF CEDAR PARK PROCLAMATION POLICY

Policy

The City of Cedar Park will issue a proclamation at no charge to citizens who wish to recognize individuals for their outstanding achievements in the community, nonprofit organizations, special events or days that are exemplary or special.

Proclamations *are not* issued for commercial purposes, such as the opening of a new business, a new service, a new product or a new professional service. This also includes business anniversaries that are less than 100 years.

In addition, proclamations *are not* issued for deceased persons, retirements, birthdays, weddings, or family reunions.

Groups or citizens seeking proclamations year after year *must provide new* information for the proclamation. Individuals who request the same proclamation year after year with only date changes will *not* be issued new proclamations.

Procedure

A request for a proclamation must be made in writing to the City Secretary’s Office at least 2 weeks prior to the date that will be proclaimed or the date the document will be presented. Each request must be accompanied by the name and telephone number of a person who can answer additional questions about the proposed proclamation.

Individuals or groups seeking a proclamation must accompany the request with:

1. Facts about the subject matter – enough information to make 4 points.
2. Specific title of what will be proclaimed
3. Date of the proclamation and date to be presented

The Mayor of Cedar Park will make the final decision on whether a proclamation is issued or not. No proclamations are issued to non-residents or for a non-Cedar Park event unless specifically approved by the Mayor of Cedar Park.

All proclamations must be picked up at the City Secretary’s Office unless prior arrangements are made.

The original proclamation will be presented to the citizen who requested it at no cost. A \$20 administrative fee will be charged for each additional copy of the proclamation that is requested.

Any proclamation to be presented to a city board, commission, or department must be approved in advance.



COUNTY OF DURHAM

Proclamation Policy

Proclamations are issued by the Chairman of the Board of County Commissioners to honor and celebrate events, recognize achievements or increase public awareness of noteworthy causes. Requests are reviewed on a case-by-case basis and are honored at the Chairman’s discretion and subject to the guidelines of this policy. The Board of County Commissioners/Clerk to the Board’s Office/County Manager’s Office reserve the right to decline any proclamation request or edit any draft language.

Proclamations are strictly ceremonial. These documents are not legally binding and should not be interpreted as a policy endorsement. Requests should be received four to six weeks before the requested date and may be rejected if they are not received sooner.

What are the criteria for a proclamation request?

- Proclamations must hold statewide significance or serve an educational purpose for a significant number of Durham County citizens
- Proclamations may recognize a day, week or month
- Proclamations for the benefit of specific for-profit organizations, policy organizations, businesses or individuals will not be issued
- Proclamations for anniversaries, weddings, birthdays or retirements will not normally be issued except in extraordinary circumstances such as a 100th birthday or 75th anniversary
- Requests must be made on an annual basis. Proclamations will not be automatically renewed
- Multiple requests from the same organization may not be honored in the same calendar year
- Requests that are similar to proclamations that have already been issued may be denied

Who can make a proclamation request?

Anyone may make a proclamation request. However, proclamations must have a direct relationship to Durham County citizens, events, achievements, services or noteworthy causes. The decision to issue a proclamation is done completely at the discretion of the Chairman of the Board, and he and County staff reserve the right to deny requests for proclamations at any time.

How should a proclamation request be made?

Requests can be mailed, e-mailed, faxed or hand-delivered. Because of the large volume of requests, we cannot honor phone requests.

Mail Requests to:
V. Michelle Parker-Evans
Clerk to the Board
200 East Main Street, 2nd Floor
Durham, NC 27701

Email Requests to:
clerk@dconc.gov

Fax Requests to:
(919) 560-0013



COUNTY OF DURHAM

Proclamation Information

Required fields are marked by an asterisk (*).

*Name: _____

*Phone (day): _____

Phone (evening/cell): _____

Address: _____

Email Address: _____

Unless advised otherwise, all contact regarding this request will be to the above listed person.

*Title of Proclamation: _____

*Date Proclamation is Needed: _____

*Purpose of the Proclamation (draft language and/or background of the person, event or organization):

INTERNAL USE ONLY. DO NOT WRITE BELOW THIS LINE.

Approved

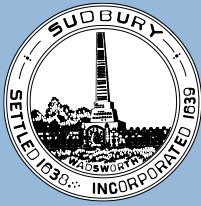
Not Approved

Approved By: _____

Date Request Received: _____ Date to be Introduced: _____

Presentation: _____

Please forward completed form to the Clerk to the Board's Office
Durham County Administrative Complex | 200 East Main Street, 2nd Floor | Durham, NC 27701
Phone: (919) 560-0025 | Fax: (919) 560-0013
Email: clerk@dconc.gov



SUDBURY BOARD OF SELECTMEN
Tuesday, December 15, 2015

MISCELLANEOUS (UNTIMED)

10: Discuss upcoming agenda items

REQUESTOR SECTION

Date of request:

Requestor: Chairman Brown

Formal Title: Discuss upcoming agenda items

Recommendations/Suggested Motion/Vote: Discuss upcoming agenda items

Background Information:

Financial impact expected:

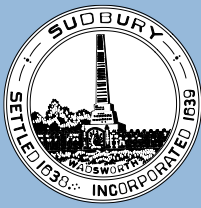
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Patricia A. Brown	Pending
Board of Selectmen	Pending

12/15/2015 7:30 PM



SUDBURY BOARD OF SELECTMEN
Tuesday, December 15, 2015

CONSENT CALENDAR ITEM

11: MHP for Technical Assistance

REQUESTOR SECTION

Date of request:

Requestor: Jody Kablack, Director of Planning & Community Development

Formal Title: Vote to authorize the Chairman of the Board of Selectmen to sign the Massachusetts Housing Partnership (MHP) Application for Technical Assistance, as requested by Jody Kablack, Director of Planning & Community Development.

Recommendations/Suggested Motion/Vote: [Vote to authorize the Chairman of the Board of Selectmen to sign the Massachusetts Housing Partnership \(MHP\) Application for Technical Assistance, as requested by Jody Kablack, Director of Planning & Community Development.](#)

Background Information:
Attached memo and application provided by Jody Kablack.

Financial impact expected:

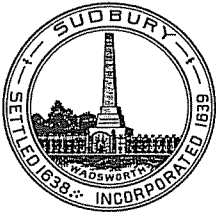
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Patricia A. Brown	Pending
Board of Selectmen	Pending

12/15/2015 7:30 PM



Town of Sudbury

Planning and Community Development Department

Jody A. Kablack, Director

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

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

TO: Melissa Murphy-Rodrigues
FROM: *jak* Jody Kablack, Director of Planning and Community Development
RE: Chapter 40B Technical Assistance Application to MHP
DATE: December 9, 2015

Attached please find an application to the Massachusetts Housing Partnership (MHP), which enables the Town to receive \$10,000 of technical assistance from an MHP-qualified consultant to process the pending Village at Sudbury Station Comprehensive Permit application. I believe we will also be eligible to receive funds for the Avalon Bay project, although a separate application will be required.

The Town has taken advantage of these funds in the past, receiving assistance from Ed Marchant for several Comprehensive Permit applications in the past. For these applications, I recommend using Michael Jacobs, who is on the MHP list.

This is a worthwhile program and I recommend that we submit the application for the funds. The application requires the signature of the Chief Elected Official. Please schedule this on the December 15, 2015 Board of Selectmen meeting so that we can procure the consultant as soon as possible. The Site Approval Letter for the Village at Sudbury Station was received today, which enables the developer to submit their Comprehensive Permit application to the Town.

Attachment

Attachment 11.a: MHP Tech Asst Application Memo (1608 : MHP for Technical Assistance)



MASSACHUSETTS HOUSING PARTNERSHIP
Community Housing Initiatives

DATE: _____

MHP STAFF CONTACT: _____

Ch. 40B Technical Review Assistance Application

Please speak to Community Housing Initiatives staff to discuss your project before requesting an application.
Be sure to identify the contact you spoke with in the space provided above.

CONTACT INFORMATION

MUNICIPAL CONTACT FOR APPLICATION: <u>Jody Kablack</u> TITLE: <u>Director of Plan + Comm Dev.</u>	ZBA CHAIR: <u>Jonathan O'Brien</u>	CHIEF ELECTED OFFICIAL: <u>Patricia Brown</u> TITLE: <u>Selectm chair</u>
ADDRESS: <u>278 Old Sudbury Rd Sudbury MA 01776</u>	ADDRESS: <u>same</u>	ADDRESS: <u>same</u>
CITY/TOWN/ZIP: <u>Sudbury MA 01776</u>	CITY/TOWN/ZIP: <u>same</u>	CITY/TOWN/ZIP: <u>same</u>
PHONE: <u>978-639-3387</u> FAX: <u>978-443-0756</u>	PHONE: <u>978-639-3387</u> FAX: _____	PHONE: <u>978-639-3381</u> FAX: _____
EMAIL: <u>Kablackj@sudbury.ma.us</u>	EMAIL: <u>Appeals@sudbury.ma.us</u>	EMAIL: _____

PROJECT INFORMATION

PROJECT NAME: <u>The Village at Sudbury Station</u>	DEVELOPER: <u>Chris Claussen, Sudbury Station LLC</u>
PRINCIPALS: <u>Chris Kennedy</u>	ATTORNEY: <u>William Henchy</u>
CONSULTANTS: <u>Robert Engler</u>	ENGINEER(S): _____

DEVELOPMENT SITE & ZBA MEETINGS:

1. Number of Units Proposed: Total: 250 Affordable: 63
2. Project type: Rental X Homeownership _____
3. What is the size of the site? 26 acres
4. Date Permit Filed with ZBA: Pending
5. What are the dates and times of regularly scheduled ZBA meetings for this project? First + third Mondays 7:30pm
6. Have hearings already been held for this project? 0
Dates: _____

To speak to Community Housing Initiatives staff about your project prior to submitting this application,
call 617-330-9955
160 Federal Street, 2nd Floor, Boston, MA 02110

Attachment 11.a: MHP Tech Asst Application Memo (1608 : MHP for Technical Assistance)

SITE APPROVAL/ELIGIBILITY LETTER:

7. What is the source of the site approval letter?

Mass Housing

If NEF, please provide the name of the bank: unknown

Date of site approval letter: 12/7/15

Please include a copy of the site approval letter with your application.

8. Please describe the proposed development of the site including site description, surrounding area and adjacent uses, unique characteristics of site, design or building configuration. Feel free to attach supporting material.

250 units in 12 multi-family buildings and a clubhouse on 26 acres. Property is zoned residential and abuts town cemeteries, locally protected

9. What are the main municipal concerns with the project?

APR land and an industrial use. Buildability + removal of forest due to grading. Vehicular access. Archaeological concerns.

10. What specific review issues would you like assistance?

40B process mitigation conditions of Decision

11. Do any municipal staff or ZBA members have prior experience reviewing comprehensive permits?

Yes, but there is limited staff capacity currently + we expect to receive a second large 40B application in the very near future

12. Does the municipality have a Master Plan or a Housing Plan that addresses affordable housing? Yes: No:

a. Is the plan DHCD certified? Yes: No:

13. Has the municipality adopted Comprehensive Permit review rules? Yes: No:

14. Who is the counsel for the ZBA on this project? Petrini + Associates, Barbara Saint Andri (Town Counsel)

What comprehensive permits have been submitted to the municipality in the last 10 years?

NAME OF PROJECT	FUNDING SOURCE	APPROVED/DENIED	DATE
<u>Coolidge at Sudbury</u>	<u>DHCD</u>	<u>Approved</u>	<u>8/8/2011</u>
<u>Johnson Farm</u>	<u>NEF</u>	<u>Approved</u>	<u>7/31/2012</u>
<u>Landham Crossing</u>	<u>NEF</u>	<u>Approved</u>	<u>2/13/2012</u>
<u>278 Maynard Rd</u>	<u>Sudbury Housing Trust</u>	<u>Approved</u>	<u>11/8/2010</u>
<u>Greater Worcester Habitat for Humanity</u>	<u>HPH/Sud. Housing Trust</u>	<u>Approved</u>	<u>7/14/2008</u>
<u>Sudbury Housing Authority Duplexes</u>	<u>DHCD</u>	<u>Approved</u>	<u>3/22/2010</u>

SIGNATURE OF CHIEF ELECTED OFFICIAL: _____ DATE: _____

Patricia Brown, Chair Board of Selectmen
PRINT NAME, TITLE:

SIGNATURE OF ZBA CHAIR: _____ DATE: _____

Jonathan O'Brien
PRINT NAME:

To speak to Community Housing Initiatives staff about your project prior to submitting this application, call 617-330-9955
160 Federal Street, 2nd Floor, Boston, MA 02110

To speak to Community Housing Initiatives staff about your project prior to submitting this application,
call 617-330-9955
160 Federal Street, 2nd Floor, Boston, MA 02110



MASSACHUSETTS HOUSING PARTNERSHIP

CHAPTER 40B TECHNICAL ASSISTANCE PROGRAM GUIDELINES 2015

OVERVIEW

The Massachusetts Housing Partnership (MHP) provides technical assistance to local Zoning Boards of Appeal (ZBA) in the review of permit applications for Comprehensive Permits pursuant to Chapter 40B of the Massachusetts General Laws (“Chapter 40B”) and the regulations promulgated there under at 760 C.M.R. 56.00 (the “Regulations”).

The purpose of the MHP Chapter 40B Technical Assistance Program is to assist the Zoning Board of Appeals, and other relevant municipal boards, in the review of specific Chapter 40B development proposals. MHP provides awards of up to \$15,000 to municipalities to engage qualified third-party consultants to work with the ZBA to increase local capacity and to assist in the review and permitting process for development projects applying for Chapter 40B Comprehensive Permits.

Since the inception of this program in 1999, most communities receiving technical assistance from MHP have successfully negotiated comprehensive permits on terms mutually agreeable to the municipality and the developer. In a small number of cases MHP’s technical assistance has resulted in the withdrawal of inappropriate Chapter 40B proposals or the denial of the permit by the community.

The application process is initiated through an initial phone contact with MHP, typically by the ZBA chair or a municipal official acting on his/her behalf. Funding awards are made to the municipality and consultants are selected and contracted for by the municipality from a list of MHP qualified consultants. Invoices are paid directly by MHP after obtaining approval from the municipality.

PROCEDURES

Application Process

- The applicant contacts the MHP Chapter 40B technical assistance program at any time to discuss a Chapter 40B development that has been filed or is likely to be filed with the ZBA.
- Applications are available to municipalities after an initial phone intake.
- An application for technical assistance will only be accepted and reviewed by MHP *after* the comprehensive permit application has been filed with the ZBA. The MHP application must also include a copy of the Project Eligibility Letter from the subsidizing agency.
- The application must be signed by both the ZBA Chair and the Chief Elected Official.
- MHP strongly recommends interested communities contact MHP early in the process to facilitate the engagement of a qualified consultant *prior* to the start of the first public hearing. MHP reserves the right to reject an application for assistance after the hearing has opened.

- Upon timely receipt of an application, MHP will complete a review of the application and, if approved, send an award letter to the applicant community.

Consultant Services

- Prior to receiving an award a community receiving an award must select a consultant from a list of qualified Program Consultants approved and maintained by MHP.
- Program Consultants shall provide technical assistance to the municipality in understanding the Chapter 40B permitting and review process; assist in identifying areas needing additional study or technical information; and facilitate constructive discussions between the developer and the ZBA.
- The Program Consultant's role in providing comprehensive Chapter 40B technical assistance does not replace the role of the municipality's legal counsel. However, in accepting the technical assistance award, the municipality agrees that the consultant will be the lead consultant for the project and will assist in assessing the need for additional technical assistance including peer review consultants.
- Program Consultants are limited to contracting with a maximum of 5 communities at one time. Exceptions may be made for consultants who have previously contracted with communities under the Program.

Uses of Technical Assistance Funds

- MHP Program staff will work with the applicant community to determine the amount of the technical assistance award. A maximum of \$15,000 is available for the first award to a given community with a typical award amount of up to \$10,000 for subsequent requests.
- An award under the Program does not fund or take the place of services that are typically the financial responsibility of the developer, such as peer review for engineering, traffic, architecture and other technical issues eligible for funding under M.G.L. c. 44 Sec. 53G.
- Legal costs for municipal counsel and mediation services are not within the scope of this Program.

Contracting and Payment

- MHP will contract with the Program Consultant selected by the applicant, who will be an independent contractor of MHP and will render the contracted services directly to the community. The Program Consultant shall perform the services in a professional, independent, impartial manner in accordance with Chapter 40B, the Regulations, the Program Guidelines, MHP's Local 40B Review and Decision Guidelines.
- MHP will furnish a copy of the signed contract to the municipality, which will contain a scope of work.
- The Program Consultant shall submit invoices directly to MHP for payment, with a copy to the municipality. MHP will obtain authorization for payment from the municipality prior to making a payment to the Program Consultant.

Reporting and Evaluation

- MHP requests that the municipality notify MHP if the Chapter 40B permit application is withdrawn by the developer or if for any reason the technical assistance award funds are no longer needed.
- MHP requires that a copy of the final ZBA decision be sent to MHP at the time the decision is issued and filed with the Clerk's office.
- MHP requires the completion and submission of the *MHP Chapter 40B Program Evaluation Form* which is used to evaluate consultant assistance and the effectiveness of the program.

To speak to MHP staff about your Chapter 40B project and to request an application for technical assistance contact Laura Shufelt at 617-330-9944 Ext. 292 or lshufelt@mhp.net.

Please note: MHP does not provide technical assistance funds to communities that have been certified by DHCD to have an affordable housing inventory that is at or above 10% or exceeds 1.5% of the land zoned for residential, commercial or industrial use.



Massachusetts Housing Finance Agency
One Beacon Street, Boston, MA 02108

TEL: 617.854.1000 | FAX: 617.854.1091
VP: 866.758.1435 | www.masshousing.com

RECEIVED
DEC 09 2015

BY:

December 7, 2015

Chris Claussen, Manager
Sudbury Station LLC
2134 Sevilla Way
Naples, FL 34109

Re: The Village at Sudbury Station
Project Eligibility/Site Approval
MassHousing ID # 790

Dear Mr. Claussen:

This letter is in response to your application as “Applicant” for a determination of Project Eligibility (Site Approval) pursuant to Massachusetts General Laws Chapter 40B (“Chapter 40B”), 760 CMR 56.00 (the “Regulations”) and the Comprehensive Permit Guidelines issued by the Department of Housing and Community Development (“DHCD”) (the “Guidelines” and, collectively with Chapter 40B and the Regulations, the “Comprehensive Permit Rules”), under the New England Fund (“NEF”) Program (“the Program”) of the Federal Home Loan Bank of Boston (“FHLBB”).

Sudbury Station LLC has submitted an application to MassHousing pursuant to Chapter 40B. The Project will include 250 units of rental housing in 12 multifamily buildings and a clubhouse on 26.42 acres (13.45 buildable acres) located on Peters Way in Sudbury (“the Municipality”).

In accordance with the Comprehensive Permit Rules, this letter is intended to be a written determination of Project Eligibility (“Site Approval”) by MassHousing acting as Subsidizing Agency under the Guidelines, including Part V thereof, “Housing Programs In Which Funding Is Provided By Other Than A State Agency.”

MassHousing performed an on-site inspection of the Site, which local boards and officials attended, and has reviewed the pertinent information for the Project submitted by the Applicant, the Municipality and others in accordance with the Comprehensive Permit Rules.

Municipal Review and Comments

Pursuant to the Regulations, the Municipality was given a thirty (30) day period in which to review the Site Approval application and submit comments to MassHousing. In response to a

*Sudbury Village, Sudbury
MassHousing # 790
Project Eligibility Letter*

request from the Director of Planning and Community Development this was extended to 45 days. The Chairman of the Sudbury Board of Selectmen, Patricia Brown, submitted a letter (received by MassHousing November 5, 2015) summarizing comments from municipal officials, staff and members of the public. The Selectmen's letter included several attachments including letters from the Conservation Commission, the Chief of Police, Director of Planning and Community Development, and the Sudbury Housing Trust.

In summary, with the exception of the letter from the Sudbury Housing Trust, the Municipal comments expressed opposition to the project, and urged MassHousing to deny the application. Municipal concerns focused on the size and scale of the Project, and its potentially negative traffic, environmental, and visual impacts on the surrounding area. They also questioned the completion and accuracy of the application and feasibility of the Project, noting that the Site's steep slopes and lack of existing utility connections posed significant challenges.

The Selectmen's letter asserted that the Municipality had made steady progress towards increasing its inventory of affordable housing including the issuance of Comprehensive Permits for "nine 40B developments with over 200 units of housing over the past 15 years." The Selectmen's letter explained further that they were currently actively working with another developer on a similarly-sized rental 40B Project proposed for the former Raytheon site. They noted that either one of the two 40B Projects being proposed would individually fulfill the Town's obligation under Chapter 40B to provide 10% affordable housing, and concluded that after careful consideration the Board of Selectmen "had determined that it would welcome the Raytheon project and oppose the Sudbury Station Project."

The following additional concerns were identified:

- That the Site was not appropriate for a large multi-family development due to its many physical constraints including steep and varying topography, lack of utilities, limited vehicular access, and potentially negative impacts on natural, historic and cultural resources.
- That the plans were too schematic, and did not include sufficient information about proposed grading, utilities, stormwater management and wastewater treatment to allow for an adequate review of the Project's environmental impacts and general feasibility.
- The Municipality identified numerous traffic and safety concerns relative to the proposed access in and out of the Site at both Hudson Road and Concord Roads, and speculated that that it would be difficult to mitigate these concerns. They noted that the Hudson Road access would present multiple conflicts with existing driveways and traffic flow on Hudson Road, and expressed concern about limited sight distance from the proposed Project access/egress on Concord Road.
- That the height of the proposed multi-family buildings exceeded height limits established by local zoning. Public safety officials noted that no elevators were proposed for the three and four story buildings, which would make emergency access difficult.

*Sudbury Village, Sudbury
MassHousing # 790
Project Eligibility Letter*

- That should both this Project and this 40B project proposed for the Raytheon property gain approval it “may create an excessive supply of similar housing type.” (Market demand and Project feasibility at the Site Approval phase is addressed in the findings outlined in Attachment 1.)
- That the Project would have negative impacts on significant natural, historic and cultural resources:

-The Town noted that approximately half of the development site is within a priority area under the Natural Heritage Endangered Species Program (NHESP), and may not be developed. They expressed concern that the implications of the NHESP designation and the bounds of the jurisdictional area had not been determined.

-The Sudbury Conservation Commission noted that the Site is included in Sudbury’s Open Space and Recreation Plan (OSRP), and asked that the Developer provide evidence justifying the use of the land for development instead of open space preservation as designated in the OSRP.

-The Town noted that, if built, the Project would be visible from the abutting National Register District, which could potentially compromise its historical integrity. They speculated, further, that the Site may contain potentially significant archeological resources, and recommended that a comprehensive archeological study be performed to ensure a finding of “no impact” before development plans could proceed.

- The Town identified several perceived inconsistencies, omissions and errors in the Application, including the Applicant’s responses to the Sustainable Development Scorecard. The Conservation Commission expressed particular concern that the application did not identify requests from the local wetland bylaw, did not specify proposed provisions to address stormwater run-off into nearby wetlands, and did not discuss the use of Low impact Development (LID techniques) in the site plan.

Community Comments

In addition to the official Town Comments, MassHousing received two letters from individual residents, and a Petition signed by eighty (86) residents, all echoing the concerns identified by the Selectmen, and expressing opposition to the project.

MassHousing also received a letter from the Sudbury Housing Trust dated October 16, 2015, expressing conditional support for the Project, and offering the following suggestions to the Town and the developer:

*Sudbury Village, Sudbury
MassHousing # 790
Project Eligibility Letter*

- Expand the local preference definition to include employees of local businesses;
- Add to the number of three-bedroom affordable units;
- Reserve affordable units for disabled individuals;
- Use renewable energy sources;
- Use Town CPA funds to provide financial assistance for buyers of the affordable units.

Finally, the Trust pointed out that while proposed rents are affordable under the NEF Program, which follows HUD Guidelines, for the one and two-bedroom units they are higher than current Section 8 voucher amounts. They expressed concern that this project would not address the existing scarcity of units available to Section 8 voucher holders in Sudbury and throughout Metrowest area.

Comments Outside of the Findings

While Comprehensive Permit Rules require MassHousing, acting as Subsidizing Agency under the Guidelines, to “accept written comments from Local Boards and other interested parties” and to “consider any such comments prior to issuing a determination of Project Eligibility, “ they also limit MassHousing to specific findings outlined in 760 CMR 56.04(1) and (4). The following comments submitted to MassHousing identified issues that are not within the scope of our review:

- The Town explained that the current access to the property from Peters Way (off Concord Road) was created through a land swap between the Town and current property owner approved by the Sudbury Town Meeting in 2011. The Municipality charged that the property owner misled Town Meeting through representations that they only intended the Site to be developed for one, single-family lot.
- The Director of Planning and Community Development noted that should both this Project and the development proposed for the Raytheon site be built, that it would place undue strain on municipal services.

MassHousing Determination

MassHousing staff has determined that the Project appears generally eligible under the requirements of the Program, subject to final review of eligibility and to Final Approval. As a result of our review, we have made the findings as required pursuant to 760 CMR 56.04(1) and (4). Each such finding, with supporting reasoning, is set forth in further detail on Attachment 1 hereto. It is important to note that Comprehensive Permit Rules limit MassHousing to these specific findings in order to determine Project Eligibility. If, as here, MassHousing issues a determination of Project Eligibility, the Developer may apply to the Zoning Board of Appeals of the Municipality for a comprehensive permit. At that time local boards, officials and members of the public are provided the opportunity to further review the Project to ensure compliance with

*Sudbury Village, Sudbury
MassHousing # 790
Project Eligibility Letter*

applicable state and local standards and regulations.

Based on MassHousing's site and design review, and in light of feedback received from the Municipality and members of the community, the following issues should be addressed in your application to the Sudbury Zoning Board of Appeals, and you should be prepared to explore them more fully in the public hearing process:

1. Development of this Site will require compliance with all state and federal environmental laws, regulations and standards applicable to existing conditions and to the proposed use related to building construction, stormwater management, wastewater collection and treatment, and hazardous waste safety. The Applicant should expect that the Municipality will require evidence of such compliance prior to the issuance of a building permit for the Project.
2. The Applicant should provide a detailed traffic study assessing potential impacts of the Project on area roadways, including traffic volumes, crash rates, and the safety and level of service (LOS) of area intersections, and identifying appropriate traffic mitigation in compliance with all applicable state and local requirements governing site design. In particular, the Applicant should be prepared to verify the adequacy of sight distances at the proposed intersection of the site drive with Concord Road. The Applicant reported that they have hired a qualified traffic consultant and will submit a full Traffic Impact and Analysis Statement (TIAS) with their comprehensive permit application to the Sudbury ZBA.
3. In response to the concerns raised by public safety officials, the Applicant should be prepared to describe emergency access provisions within Project buildings and throughout the Site.
4. The Applicant should be prepared to address Municipal and abutter concerns relative to the size, scale, and appearance of the proposed multi-family buildings and to discuss appropriate measures to address potentially negative visual impacts. The Applicant's efforts to mitigate Project massing and scale are discussed further in the findings discussed in Attachment 1.
5. The Applicant should be prepared to address municipal concerns relative to the Project's potential impacts on the integrity of the Sudbury Center Historic District and area historic and cultural resources. MassHousing is confident that to the extent that there are documented historic resources they will be subject to the appropriate state review and regulation.
6. The Applicant should be prepared to address municipal concerns relative to the implications of the NHESP designation of a portion of the Site as a Priority Species Habitat for the Blue Spotted Salamander. The Applicant has provided MassHousing with a determination from the Division of Fisheries and Wildlife dated October 29, 2015 stating that the proposed Project as currently proposed "will not result in a prohibited 'take' of state-listed rare species."
7. The Applicant should be prepared to address Municipal concerns relative to the feasibility and effectiveness of proposed wastewater and stormwater management measures given

*Sudbury Village, Sudbury
MassHousing # 790
Project Eligibility Letter*

existing topographic conditions. As noted above, the Project will be subject to all relevant environmental laws, regulations and standards.

8. The Applicant should be prepared to address Municipal concern about the local real estate market's capacity to absorb the large number of multi-family rental housing units currently proposed in Sudbury. The Applicant commissioned a Market Analysis Study dated May 18, 2015 prepared by LDS Consulting Group, LLC indicating "sustained demand for rental housing" based on current date, market conditions and conclusions. (An Executive Summary of this report was included in the Project application) MassHousing's Appraisal and Marketing Division performed a preliminary analysis further supporting Project feasibility, but recommending additional market analysis prior to financing and Final Approval.

MassHousing has also reviewed the application for compliance with the requirements of 760 CMR 56.04 (2) relative to Application requirements, and has determined that the material provided by the Developer in the application is sufficient to show compliance.

This Site Approval is expressly limited to the development of no more than 250 rental units under the terms of the Program, of which not less than 25% shall be restricted as affordable for low income persons or families as required under the terms of the Guidelines. It is not a commitment or guarantee of NEF financing and does not constitute a site plan or building design approval. Should you consider, prior to obtaining a comprehensive permit, the use of any other housing subsidy program, the construction of additional units, a reduction in the size of the Site, a change in tenure type or a substantial change to the overall Site Plan, you may be required to submit a new site approval application for review by MassHousing.

For guidance on the comprehensive permit review process, you are advised to consult the Guidelines. Further, we urge you to review carefully with legal counsel the M.G.L. c.40B Comprehensive Permit Regulations at 760 CMR 56.00.

This approval will be effective for a period of two years from the date of this letter. Should the Applicant not apply for a comprehensive permit within this period this letter shall be considered to be expired and no longer in effect unless MassHousing extends the effective period of this letter in writing. In addition, the Applicant is required to notify MassHousing of the following: (1) the Applicant applies to the local ZBA for a Comprehensive Permit, (2) the ZBA issues a decision and (3) any appeals are filed.

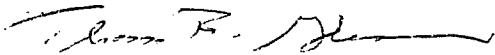
Should a comprehensive permit be issued, please note that prior to (i) commencement of construction of the Project or (ii) issuance of a building permit, the Applicant is required to submit to MassHousing a request for Final Approval of the Project (as it may have been amended) in accordance with the Comprehensive Permit Rules (see especially 760 CMR 56.04(07) and the Guidelines including, without limitation, Part III thereof concerning Affirmative Fair Housing Marketing and Resident Selection). Final Approval will not be issued unless MassHousing is able to make the same findings at the time of issuing Final Approval as required at Site Approval.

*Sudbury Village, Sudbury
MassHousing # 790
Project Eligibility Letter*

Please note that MassHousing may not issue Final Approval if the Comprehensive Permit contains any conditions that are inconsistent with the regulatory requirements of the New England Fund Program of the FHLBB, for which MassHousing serves as Subsidizing Agency, as reflected in the applicable regulatory documents. In the interest of providing for an efficient review process and in order to avoid the potential lapse of certain appeal rights, the Applicant may wish to submit a “final draft” of the Comprehensive Permit to MassHousing for review. Applicants who avail themselves of this opportunity may avoid significant procedural delays that can result from the need to seek modification of the Comprehensive Permit after its initial issuance.

If you have any questions concerning this letter, please contact Katy Lacy at (617) 854-1098.

Sincerely,



Thomas R. Gleason
Executive Director

cc: Chrystal Kornegay, Undersecretary, DHCD
Patricia Brown, Chairman, Sudbury Board of Selectmen
Jonathan F.X. O'Brien, Chairman, Zoning Board of Appeals
Melissa Murphy Rodrigues, Town Manager
Jody Kablack, Director of Planning and Community Development

Attachment 11.a: MHP Tech Asst Application Memo (1608 : MHP for Technical Assistance)

Sudbury Village, Sudbury
 MassHousing # 790
 Project Eligibility Letter

Attachment 1

760 CMR 56.04 Project Eligibility: Other Responsibilities of Subsidizing Agency
 Section (4) Findings and Determinations

The Village at Sudbury Station

MassHousing hereby makes the following findings, based upon its review of the application, and taking into account information received during the site visit and from written comments:

(a) That the proposed Project appears generally eligible under the requirements of the housing subsidy program, subject to final approval under 760 CMR 56.04(7);

The Project is eligible under the NEF housing subsidy program and at least 25% of the units will be available to households earning at or below 80% of the Area Median Income (AMI), adjusted for household size, as published by the U.S. Department of Housing and Urban Development (“HUD”). The most recent HUD income limits indicate that 80% of the current median income for a four-person household in Sudbury is \$69,700.

Proposed gross rent levels of \$1307 for a one bedroom, \$1468 for a two-bedroom, and \$1812 for a three-bedroom unit reflect gross affordable rent levels for the Boston-Cambridge-Quincy HMFA under the NEF Program.

	Project Rent	Project Utilities	Gross Tenant Costs	HUD Affordable Rent
One Bedroom	\$1190	\$117	\$1307	\$1307
Two Bedroom	\$1419	\$145	\$1468	\$1568
Three Bedroom	\$1629	\$163	\$1812	\$1812

A letter of interest to provide financing under the NEF Program was provided by Citizens Bank, a member bank of the Federal Home Loan Bank of Boston.

(b) that the site of the proposed Project is generally appropriate for residential development, taking into consideration information provided by the Municipality or other parties regarding municipal actions previously taken to meet affordable housing needs, such as inclusionary zoning, multifamily districts adopted under c.40A, and overlay districts adopted under c.40R, (such finding, with supporting reasoning, to be set forth in reasonable detail);

Based on a site inspection by MassHousing staff, internal discussions, and a thorough review of the application, MassHousing finds that the Site is suitable for residential use and development, that such use would be compatible with surrounding uses, and would directly address the local need for affordable housing. With the exception of the 26.42-acre northern portion of the property, which is subject to an Agricultural Preservation Restriction, the Site is zoned for single-family residential development, suggesting that it is appropriate for residential use. While there is no municipal sewer in the area, it appears that connections to municipal water, electricity

*Sudbury Village, Sudbury
MassHousing # 790
Project Eligibility Letter*

and telecommunication are possible. The location is in close proximity to area commuter routes and services.

Section IV-A (3) (a) of the Guidelines provide guidance to Subsidizing Agencies for evaluating a municipality's actions intended to meet affordable housing needs. MassHousing carefully reviewed the information provided by the Sudbury Board of Selectmen describing previous municipal actions intended to provide affordable housing. The Selectmen's letter identified a variety of municipal actions including the development of a Housing Production Plan, the use of CPA funds for the development of affordable housing, and the issuance of Comprehensive Permits for "nine 40B developments with over 200 units of housing over the past 15 years." The Selectmen's letter explained further that they were currently actively working with another developer on a similarly-sized rental 40B Project proposed for the former Raytheon site, and noted that they felt that this was a more appropriate site for development.

However, Municipal actions to date have not resulted in housing production of a "character and scale to create significant opportunities as-of-right to meet the municipality's need for affordable housing as measured by the Statutory Minima." According to DHCD's Chapter 40B Subsidized Housing Inventory (SHI), updated through December, 2014, Sudbury has 354 Subsidized Housing Inventory (SHI) units (6.0 % of its housing inventory). An additional 218 units in total would be required for the Town to achieve the 10% threshold of 592.

The need for additional affordable housing is further supported by U.S. Census data from the 2009-2013 American Community Survey (ACS), which indicates that of the 5,783 households in the Town of Sudbury, approximately 32.2% earned less than the HUD published AMI (\$98,500), approximately 15.2% earn less than 80% of the 2015 AMI, and approximately 10.2% earned less than 50% of the 2015 AMI.

Sudbury has a DHCD-approved Housing Production Plan (HPP) dated July 14, 2011. The Village at Sudbury Station appears to comply with municipal affordable housing goals as identified in this plan. The HPP notes that "Sudbury has the lowest percentage of rental housing of its neighboring communities"...and lays out a specific strategy for reaching the 10% threshold required under Chapter 40B, including the development of an additional 233 affordable units created through private 40B developments by 2016. Given that more than half of the Town's existing affordable units (.53%) are age restricted, while the 2010 Census shows only 12.2% of the population over age 65, the Project will directly address Goal #1 from the HPP, which is to "Promote a diversity of housing types in Sudbury to meet the needs of a changing and diversified population, particularly with increased production of rental units, development of multi-family buildings, duplexes, and single-family attached dwellings..."

(c) that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns (such finding, with supporting reasoning, to be set forth in reasonable detail);

*Sudbury Village, Sudbury
MassHousing # 790
Project Eligibility Letter*

Relationship to Adjacent Building Typology (including building massing, site arrangement,

The Project includes a clubhouse building and 12 residential structures; three, larger four-story apartment buildings; two, mid-sized, three-story apartment buildings; and eight, residentially scaled, two-story buildings containing between 5-13 units each. Buildings are laid out around a central open space which serves much like a town common, and the entire developed portion of the Site is largely surrounded by protected open space, limiting visibility to or from surrounding development. In this way, the Project establishes its own building typology, though with reference to the surrounding traditional New England village context.

The proposed conceptual elevations are schematic, but show architectural detailing intended to provide variety between the 12 residential structures and to reduce the mass of the buildings with varying roof lines and building setbacks for the three garden-style apartment buildings as well as the smaller townhouse style structures. Decorative features include “Shingle-Style” details including porches, steeply sloped roof and window dormers, and six-over-one paired windows on all floors. Building materials include stone and brick bases, and clapboard siding. The smaller, two-story townhouse-style structures located closer to the cemetery (Buildings 6, 7, 8 and 9) feature traditional, single-family residential forms including peaked roofs and front entry porticos. Ground floor elevations give the appearance of single-family homes, with eye-level front windows, and foundation planting.

Relationship to adjacent streets/Integration into existing development patterns

The Project will be accessed by a new roadway linking Hudson Road, to the south, through the Site and out to Concord Road (to the east). Immediately across from the project’s entrance on Hudson Road is a low-scale, mixed-use commercial development including two restaurants and a variety of professional services. Existing development on Hudson and Concord Road consists of larger single-family homes set back from the road on spacious, wooded lots. Development within the Site, in contrast, consists of variably-sized buildings clustered around a central common open area, similar to the development pattern in the nearby historic town center

Density

The Project has a gross density of 6.27 units per acre (18.59 units per buildable acre). Perceptions of Project density are ameliorated, however, through the presence of a landscaped central open area, and the surrounding ring of undeveloped land, providing attractive open vistas within and out from the proposed development.

Conceptual Site Plan

Project buildings are linked by the site drive, which leads into the Site from Hudson Road, passes by the existing home at 30 Hudson Road, loops around a central common open space, and continues out on Concord Road. As described below under Topography, the smaller-scale, two and three-story buildings line both sides of the site drive along the Site’s higher elevations to the east, with the taller, four-story structures on lower elevations to the west. A central, landscaped open area reminiscent of a traditional town common serves as a central organizing principle. Pathways and sidewalks provide pedestrian access throughout the site, linking Project buildings to shared open spaces and each other. Submitted materials indicate that existing vegetative borders along the property lines will be preserved for screening and separation.

*Sudbury Village, Sudbury
MassHousing # 790
Project Eligibility Letter*

Environmental Resources

Much of the undeveloped northern portion of the Site is included in a Priority Habitat for the Blue Spotted Salamander in accordance with Natural Heritage and Endangered Species Act. The Applicant has provided MassHousing with a determination from the Division of Fisheries and Wildlife dated October 29, 2015 stating that the proposed Project as currently proposed “will not result in a prohibited ‘take’ of state-listed rare species.” Additionally, the existing home at 30 Hudson Road is included in the Old Sudbury Historic District. The developed portion of the Project is laid out so as to avoid disturbance of these protected areas.

The entire northeastern portion of the Site is subject to a local Agricultural Preservation Restriction (APR), a small area of which is currently farmed, and the remainder of which is heavily wooded. Additionally, the Site Plan shows the retention of a significant amount of existing vegetation around the perimeter of the developed area. Together with the cemetery to the east, and the Parkinson Parcel Park to the west, the broad ring of open space surrounding the Project serves to enhance views out from the Site, and retain the semi-rural character of the surrounding area by minimizing views of project buildings from adjacent neighborhoods and roadways.

Topography

The site slopes down from the Old Town Cemetery to the east to the rail trail bounding the property to the west. The proposed plans indicate that slopes on the site exceed 10% in places, with slopes in some areas in excess of 20%. The proposal makes use of the sloping nature of the site by siting the taller buildings at the lower points (to the west along the rail trail) where they will be visible only from the adjacent commercial warehouse property and municipal playing field, and lower buildings on higher ground near the cemetery. Schematic site sections are included indicating that thought has been given to site lines into the Project from neighboring properties and Concord and Hudson roads.

(d) that the proposed Project appears financially feasible within the housing market in which it will be situated (based on comparable rentals or sales figures);

The Applicant proposes the construction of 250 apartments to be financed under the NEF Program. There will be 187 market-rate units with proposed average rent levels of \$1,950 for the one-bedroom units, \$2,300 for the two-bedroom units, and \$2,850 for the three-bedroom units. MassHousing’s Appraisal and Marketing Division (A&M) reviewed comparable rental developments in the area and has noted that proposed market rents fall within (though at the upper end of) the adjusted range of comparable rents for one, two and three-bedroom units. A&M’s review indicate that between 2010 and 2015 the inventory of rental housing in the West/Northwest suburban submarket expanded by 1.3% on year on average. Despite this expansion, rents in this region have continued to rise since 2015 by 17% on average, and vacancy rates have remained relatively steady at 3-4% on average. A&M estimated that the location will attract interest given its proximity to area commuter route and services.

*Sudbury Village, Sudbury
MassHousing # 790
Project Eligibility Letter*

(e) that an initial pro forma has been reviewed, including a land valuation determination consistent with the Department's Guidelines, and the Project appears financially feasible and consistent with the Department's Guidelines for Cost Examination and Limitations on Profits and Distributions (if applicable) on the basis of estimated development costs;

MassHousing has commissioned an as "As-Is" appraisal which indicates a land valuation of \$3,500,000. Based on a proposed investment of \$8,698,326 in private equity the pro forma appears to be financially feasible and within the limitations on profits and distributions. Project costs for site work fall on the higher end of the usual allowance, perhaps due to the need to construct a private wastewater treatment plant.

(f) that the Applicant is a public agency, a non-profit organization, or a Limited Dividend Organization, and it meets the general eligibility standards of the housing program; and

The Applicant must be organized as a Limited Dividend Organization. MassHousing sees no reason this requirement could not be met given information reviewed to date. The Applicant meets the general eligibility standards of the NEF housing subsidy program and has executed an Acknowledgment of Obligations to restrict their profits in accordance with the applicable limited dividend provisions.

(g) That the Applicant controls the site, based on evidence that the Applicant or a related entity owns the site, or holds an option or contract to acquire such interest in the site, or has such other interest in the site as is deemed by the Subsidizing Agency to be sufficient to control the site.

The Applicant controls the Site by virtue of two Purchase and Sale Agreements as follows

- A. Purchase and Sale Agreement dated October 8, 2014 between JOC and JRH Trust (seller) and Christopher G. Claussen
- B. Purchase and Sale #2 dated January 9, 2015 between Mathew S. Gilmartin and Molly F. Gilmartin (seller) and Christopher J. Claussen

Ch. 40B Technical Assistance Program for Municipalities

2016 Consultant Profiles



MASSACHUSETTS HOUSING PARTNERSHIP

MHP provides funding to municipalities for qualified consultants to provide assistance to the zoning board of appeals in the review of Ch. 40B permit applications. MHP 40B Technical Assistance Program Consultants have provided a summary of their qualifications and relevant experience to assist communities in selecting a Program Consultant.

CONTACT INFORMATION

Name: George G. Preble, President
 Organization: Beals and Thomas, Inc.
 Address: 144 Turnpike Road, Southborough, MA 01772
 Phone: (508) 366-0560
 E-mail: gpreble@btiweb.com

ABOUT THE CONSULTANT

Founded in 1984, Beals and Thomas, Inc. is a multidisciplinary consulting firm providing professional services in support of development and conservation of land and water resources throughout New England. Beals and Thomas specialize in civil engineering, environmental services, landscape architecture, land surveying, planning, permitting, and wetlands consulting, and bring together the perspectives of their professional staff to provide the leadership and management necessary to ensure that client and project needs will be addressed in a comprehensive and responsive manner. Beals and Thomas' cooperative multidisciplinary approach and commitment to dedicate the necessary time and staff to meet project schedules ensure that clients are uniquely prepared to respond to a range of issues with timely and cost-effective solutions.

CH. 40B EXPERIENCE

Beals and Thomas has been involved with 40B housing projects for 18 years. The firm's experience includes site planning and engineering design for both private developers and municipalities using the provisions of 40B. Over the past three years, Beals and Thomas has been engaged by several Zoning Boards of Appeal to provide peer review services. The scope of professional services on these projects has included landscape architecture, civil engineering, wetlands, and environmental planning.

40B PROJECT LIST

- | | |
|--------------------|---------------------|
| ▪ Town of Concord | Old Bedford Way |
| ▪ Town of Carlisle | Coventry Woods |
| ▪ Town of Wrentham | Maplewood Village |
| ▪ Town of Milford | Quarry Pond Village |
| ▪ Town of Sutton | Waterview Commons |

REFERENCES

Gerald M. Moody, Esq., Town Counsel
 Town of Milford
 508-634-2302
 gmoody@townofmilford.com

Marcia Rasmussen, Town Planner
 Town of Concord
 978-318-3290
 mrasmussen@concordnet.org

Arthur Keown, ZBA Chairman
 Town of Sutton
 508-865-8723

CONTACT INFORMATION

Name: Judi Barrett, Director of Municipal Services
 Organization: RKG Associates, Inc.
 Address: 634 Central Ave., Dover, NH 03820
 Phone: (781) 834-7324 (Home Office)
 E-mail: jbarrett@rkgassociates.com

ABOUT THE CONSULTANT

Judi Barrett has assisted Boards of Appeal, Planning Boards and Boards of Selectmen as a peer review consultant in numerous communities. Experience includes homeownership and rental comprehensive permits, Chapter 40R developments, projects requiring special permits and site plan review, and pre-permitting negotiations with developers of Local Initiative Program (LIP) comprehensive permit projects. Judi Barrett has worked extensively with DHCD's Chapter 40B Guidelines. Her approach to helping Boards of Appeal manage the comprehensive permit process is practical and fair. ZBAs are encouraged to focus on the most critical issues as early as possible, identify those aspects of a project for which peer review services will be needed and select consultants with prior comprehensive permit review experience. Efficiency is particularly important for compliance with the 180-day maximum review and decision period under DHCD's Chapter 40B regulations.

Judi Barrett has had widely varied experiences with communities and developers: from working with very small towns and local developers to mid-sized communities and national housing developers. She has provided technical assistance to towns, served as de facto project manager for development review boards, facilitated town/developer negotiations, and drafted development agreements in conjunction with Town Counsel.

40B PROJECT LIST

- | | |
|--|-----------------------------|
| ▪ Town of Andover | The Lodge at Andover |
| ▪ Town of Andover | Rolling Green |
| ▪ Town of Holden | Winterberry Hollow (LIP) |
| ▪ Town of Needham | Charles River Landing (LIP) |
| ▪ Town of Shrewsbury | Avalon Shrewsbury (LIP) |
| ▪ Acton Community Housing Corporation (ACHC) | Woodlands at Laurel Hill |
| ▪ City of Haverhill | Ridgecrest at Bradford |

REFERENCES

Daniel J. Morgado, Town Manager
 Town of Shrewsbury
 508-841-8508

Kathryn Joubert, Town Planner
 Town of Northborough
 508-383-5019

Kate Fitzpatrick, Town Manager
 Town of Needham
 781-455-7512

Lisa Schwarz, Senior Planner
 Town of Andover
 978-623-8310

Elaine Lazarus, Planning Director
 Town of Hopkinton
 508-497-9755

CONTACT INFORMATION

Name: Ezra Glenn, AICP
 Organization: Public Planning, Research & Implementation, Inc. (PPRI)
 Address: 8 Hall Street, Somerville, MA 02144
 Phone: (617) 721-7131
 E-mail: eglenn@public-planning.org

ABOUT THE CONSULTANT

PPRI is a non-profit organization incorporated in 2002 to provide planning and consulting services to public and non-profit organizations. PPRI specializes in land use planning, housing and community development, conservation and municipal management and decision making.

The founder and Executive Director, Ezra Glenn, would serve as the principal staff on any 40B Technical Assistance Grant project. Glenn has over fifteen years of experience in housing, community development and local land use planning; he has worked as both a municipal planner and a planning consultant and teaches in the Masters in City Planning program at MIT. In community development positions in both Somerville and Lawrence, Glenn worked with staff, developers, state and local officials, community partners and residents to plan, fund and implement projects for affordable housing. He coordinated reviews of dozens of development projects (including those under 40B), working closely with developers, local board, elected officials, city and state agencies, lawyers, architects, engineers, funders and community members to ensure that the best possible projects were approved.

40B PROJECT LIST

- City of Somerville
- City of Lawrence

REFERENCES

Jeffrey Levine, Director of the Planning and Community Development Dept.
 Town of Brookline
 617-730-2130
 Jeff_levine@town.brookline.ma.us

Elaine Wijnja, AICP, Principal Land Use Planner
 DHCD
 617-573-1360
 Elaine.wijnja@state.ma.us

Anne Thomas, Special Counsel
 City of Somerville
 617-625-6600 x250
 athomas@ci.somerville.ma.us

James Barnes, Director, Community Development Dept.
 City of Lawrence
 978-620-3510

CONTACT INFORMATION

Name: Paul J. Haverty
Organization: Blatman, Bobrowski, Mead, & Talerma LLC
Address: 30 Green Street, Newburyport, MA 01950
Phone: (978) 443-7700
E-mail: paul@bbmatlaw.com

ABOUT THE CONSULTANT

Since 2002, Paul Haverty has practiced as a land use attorney, focused mainly on representing applicants in local land use permitting. A significant portion of his practice has been dedicated to Ch. 40B developments. Paul has represented dozens of developers throughout all aspects of the Comprehensive Permit process. He has also acted as counsel to the Sudbury Zoning Board of Appeals on a comprehensive permit application. He is also the co-author of the Case Commentary for the Housing Appeals Committee Reporter, which comments on every new decision issued by the Housing Appeals Committee.

Paul Haverty has substantial experience with Ch. 40B regulations. He has presented at multiple CHAPA/CPTC training seminars for local boards on the new regulations. The vast majority of cases in which he represented developers for 40B permits have resulted in negotiated local approvals, without the need for appeals.

40B PROJECT LIST

- Riding Academy Preserve, North Andover
- Americana Apartments, Wakefield
- Marion Village Estates, Marion
- Sippican Woods, Marion
- Northpointe Village, Salisbury
- Turnpike Village, Townsend
- Attitash Views, LLC, Amesbury
- Lunenburg Village, Lunenburg
- Coolidge Commons, Manchester-by-the-Sea
- Meadowbrook Estates, Amesbury

REFERENCES

Evan Belansky, Community Development Director
 Town of Chelsford
 (978) 250-5231

Jody Kablack, Director of Planning and Community Development
 Town of Sudbury
 (978) 639-3387

John Roberto, Building Inspector
 Town of Wakefield
 (781) 246-6388

CONTACT INFORMATION

Name: Lynne D. Sweet
Organization: LDS Consulting Group, LLC
Address: 233 Needham Street, Newton, MA 02464
Phone: (617) 454-1144
E-mail: ldsweet@ldsconsultinggroup.com

ABOUT THE CONSULTANT

LDS Consulting Group, LLC ("LDS"), is a full service affordable housing consulting firm with a proven track record in working with municipalities on permitting and planning matters. What sets LDS apart is our knowledge of development from all sides of a deal, no matter how big or small. This is a direct result of having worked with municipalities, developers and investors on permitting, planning and financing affordable housing developments. LDS is certified by the Commonwealth of Massachusetts as a minority by the State Office of Minority and Women Business Assistance ("SOMWBA"). As principal, Lynne D. Sweet brings 20 years of affordable housing real estate experience. Lynne holds an MBA from Babson College. In 2003 Lynne was asked by the Governor's office to be an active observer on the Commonwealth's Chapter 40B Task Force.

40BPROJECT LIST

- Hingham Affordable Housing Trust
- Town of Seekonk
- Town of Attleboro Bliss School
- Town of Bridgewater
- Town of Framingham

REFERENCES

Kate Day, Senior Planner
 Town of Danvers
 978-777-0001 x3029
 kday@mail.danvers-ma.org

Tim White, Chair
 Hingham Affordable Housing Trust
 781-331-6900 x301
 twhite@sociallaw.com

Cassandra Acly, Director of Economic Development and Planning
 Town of Southbridge
 508-764-5402
 cacly@southbridgemass.org

William Clark, Director of Planning and Community Development
 Town of Milton
 617-898-4847
 wclark@townofmilton.org

CONTACT INFORMATION

Name: Michael Jacobs
 Organization: MHJ Associates
 Address: 41 Coolidge Street, Brookline, MA 02446
 Phone: (617) 232-7475
 E-mail: m.jacobs@mhjassociates.com

ABOUT THE CONSULTANT

Mike has been involved in the affordable housing field for 30 years. He has extensive experience in the financing of affordable housing, having directed the multifamily underwriting group at MassHousing as well as working for development & health care organizations. He has a master's degree in urban planning from Columbia University and was a Loeb Fellow at Harvard University's Graduate School of Design. Mike has been a facilitator or pro forma peer review consultant on over 50 projects in 35 different communities. Approximately half of the reviews have been through MHP and half directly through the municipalities.

40B PROJECT LIST

- | | |
|--------------------|-----------------------|
| ▪ Town of Wayland | Wayland Common |
| ▪ Town of Somerset | Elm Street |
| ▪ Town of Falmouth | Little Pond Landing |
| ▪ Town of Hopedale | Village at Mill River |
| ▪ Town of Sterling | Northgate |
| ▪ Town of Westford | Tadmuck Meadows |

REFERENCES

James O' Brien, Chair
 Hingham Affordable Housing Trust
 781-871-7000
 jobrien@witsop.com

Norman Khumalo, Town Manager
 Town of Hopkinton
 508-497-9700
 nkhumalo@hopkinton.org

E. Michael Thomas, Chair
 Wayland Zoning Board of Appeals
 508-875-5355
 emichaelthomas@emtesq.com

Elizabeth DeMille Barnett, Housing Coordinator
 Town of Carlisle
 978-371-6694
 ebarnett@carlisie.mec.edu

CONTACT INFORMATION

Name: Edward H. Marchant
 Organization: EHM/Real Estate Advisor
 Address: 9 Rawson Road, Brookline, MA 02445
 Phone: 617-739-2543
 E-mail: emarchant@msn.com

ABOUT THE CONSULTANT

Sole practitioner with over thirty-five years of experience in real estate development and finance with focus on mixed-income housing development. Prior experience working in all phases of real estate development, finance, design, construction, and management with The Community Builders (1971-1980) and John M. Corcoran & Co. (1980-1990). Independent Real Estate Advisor (1991- present). Adjunct Lecturer at Kennedy School of Government, Harvard University since 1980 (Courses taught: Real Estate Finance and Development Fundamentals (HUT-265); Affordable Housing Development, Finance, and Management (HUT-266).

As a Chapter 40B advisor to ZBAs, I try to establish a strong and productive working relationship with ZBAs and other involved parties. Although my role varies based upon the wishes of the ZBA and its level of experience, my primary objective is to work with ZBAs to facilitate achieving the best possible 40B development within the parameters of 40B regulations and guidelines. I also try to make sure that ZBAs receive all necessary information from the applicant, development team members and peer reviewers in an understandable format. I always try to “demystify” the 40B process, particularly re: financial issues, by utilizing my teaching experience to explain issues and alternatives in as simple a manner as possible.

40B PROJECT LIST

- | | |
|-----------------------|-----------------------------|
| ▪ Town of Littleton | Village on the Commons |
| ▪ Town of Bridgewater | Pratt Town Meadows |
| ▪ Town of Easton | Saw Mill Pond |
| ▪ Town of Sudbury | Village at Old County Road |
| ▪ Town of Bedford | Heritage at Bedford Springs |

REFERENCES

Jody Kablack, AICP, Director of Planning and Community Development
 Town of Sudbury
 978 443 2209 ext.1387
 kablack@town.sudbury.ma.us

Ruth Weil, Town Attorney
 Town of Barnstable
 508-862-4620
 Ruth.weil@town.barnstable.ma.us

Sam R. Stivers, Chair
 Southboro Zoning Board of Appeals
 508-485-0710
 sstivers@speakeasy.net

CONTACT INFORMATION

Name: Jennifer Pinck
Organization: Pinck & Co., Inc.
Address: 98 MAGAZINE STREET, BOSTON MA 02119
Phone: 617 445 3555 X301
E-mail: JPINCK@PINCK-CO.COM

ABOUT THE CONSULTANT

Pinck & Co., Inc. provides the full complement of services described in the RFQ and a staff with extensive experience with affordable housing developments and working with municipalities. We have deep experience with complex permitting at the local and state level and are experts at developing permitting strategies and negotiating to successful outcomes. As President of Pinck & Co., Jennifer Pinck takes the lead in permitting strategy - and brings particular expertise with 40B permits having served as Vice Chair of the Cambridge zoning board, where she heard many 40B cases.

Pinck & Co. has effectively served - as Owner's Project Manager and as a development consultant - for numerous agencies similar to MHP and worked with cities and towns to meet critical deadlines. We bring the leadership, industry knowledge and comprehensive technical skills that your MHP Program Consultant requires.

Pinck & Co.'s philosophy is to listen intensely and continually to our clients' goals and objectives while building strong teams focused on the owner's interests. We promote a collaborative style on all projects and insist on transparency at all levels and a commitment to effective communication

REFERENCES

Kevin O'Neil, Chairman of Norton Building Committee
 Town of Norton
 70 East Main St. , Norton, MA 02766
 T. 508-838-0929

Anne Paulsen, Chairperson
 Belmont Underwood Pool Building Committee
 90 School St. , Belmont, MA 02748
 T. 617-484-1965 annempaulsen@gmail.com

Chris Casavant, Business Administrator
 Gardner High School
 200 Catherine St., Gardner, MA 01440
 T. 978-632-1000
Casavach@gardnerk12.org

CONTACT INFORMATION

Name: Joseph Peznola, PE
 Organization: Hancock Associates
 Address: 315 Elm St., Marlborough, MA 01752
 Phone: (978) 766-5915
 E-mail: jpeznola@hancockassociates.com

ABOUT THE CONSULTANT

Joe Peznola has 28 years of experience in land development and, of that, 20 years working with Chapter 40B developments in his many capacities: Project Manager, member of Hudson Zoning Board of Appeals, and a member of the CHAPA 40B Training Subcommittee and Massachusetts CPTC.

As an engineer, Joe has performed technical peer reviews for many communities throughout Massachusetts. These services included technical review of engineering issues, providing assistance in interpretation of regulatory requirements, assistance in drafting conditions of approval, review of construction documents prior to Building Permit for adherence to permit conditions and assistance in overseeing construction.

As a member of the Hudson Zoning Board of Appeals for 20 years (retired November 2014), Mr. Peznola was involved in the approval of six Comprehensive Permits, which brought Hudson over the 10% threshold twice.

As a member of CHAPA and CPTC, Mr. Peznola assisted in the designing, organizing, and implementing training sessions for municipal boards and other interested parties in the administering of successful affordable housing projects.

In all instances, Joe brought an in-depth knowledge of the regulations and policies, a sense of diplomacy, and decorum to the proceedings.

40B PROJECT LIST

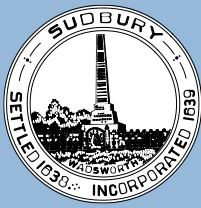
- Endicott Village, Boxford, MA
- Orchard Village, North Andover MA
- The Retreat at Union Pond, Wareham MA
- Lafayette Tides, Marblehead, MA
- Linwood Estates, Northbridge, MA
- Whitney Estates, Berlin, MA
- Johnson Farm, Sudbury, MA
- 815 Main Street, Wareham, MA
- Bartlett Pond, Wareham, MA
- The Residence at Highrock Village, Westwood, MA
- Afra Terrace, West Boylston, MA
- Various 40B projects, Hudson, MA

REFERENCES

Albert Manzi III, Chairman
 North Andover Board of Appeals
 1600 Osgood St., Building 20, Suite 2-36
 North Andover, MA 01845
 978-681-6618 attymanzi@manzilaw.net

Jody Kablack
 Director of Planning and Community Development
 Town of Sudbury
 278 Old Sudbury Rd., Sudbury, MA 01776
 978-639-3387 kablack@town.sudbury.ma.us

Lawrence Norris, Chairman
 Hudson Board of Appeals
 78 Main St., Hudson, MA 01749
 978-434-1287 lawrence.norris@ferguson.com



SUDBURY BOARD OF SELECTMEN
Tuesday, December 15, 2015

CONSENT CALENDAR ITEM

12: Minutes approval

REQUESTOR SECTION

Date of request:

Requestor: Chairman Brown

Formal Title: Vote to approve the regular session minutes of 11/17/15, and 12/1/15.

Recommendations/Suggested Motion/Vote: Vote to approve the regular session minutes of 11/17/15, and 12/1/15.

Background Information:

Financial impact expected:

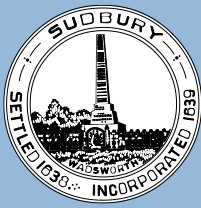
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Patricia A. Brown	Pending
Board of Selectmen	Pending

12/15/2015 7:30 PM



SUDBURY BOARD OF SELECTMEN
Tuesday, December 15, 2015

CONSENT CALENDAR ITEM

13: Park and Rec acceptance of funds - Featherland

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Vote to accept the donation of \$13,100 from Lincoln-Sudbury Youth Baseball for the renovation of the Upper Featherland Field and vote to approve award of a contract by the Town Manager to install a new fence at Featherland Field for \$13,100.

Recommendations/Suggested Motion/Vote: Vote to accept the donation of \$13,100 from Lincoln-Sudbury Youth Baseball for the renovation of the Upper Featherland Field and vote to approve award of a contract by the Town Manager to install a new fence at Featherland Field for \$13,100.

Background Information:

Financial impact expected:

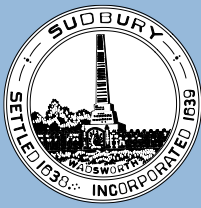
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Patricia A. Brown	Pending
Board of Selectmen	Pending

12/15/2015 7:30 PM



SUDBURY BOARD OF SELECTMEN
Tuesday, December 15, 2015

CONSENT CALENDAR ITEM

14: Park & Rec Davis Field contamination study

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Vote to accept a donation of \$2600 from the Friends of the Park and Recreation in order to add to the approved scope of work on the Melone project and to allow the Town Manager to issue an addendum to the contract with Geosight in order to look at any possible contamination at Davis Field per the request of the Park and Recreation Commission.

Recommendations/Suggested Motion/Vote: Vote to accept a donation of \$2600 from the Friends of the Park and Recreation in order to add to the approved scope of work on the Melone project and to allow the Town Manager to issue an addendum to the contract with Geosight in order to look at any possible contamination at Davis Field per the request of the Park and Recreation Commission.

Background Information:

Financial impact expected:

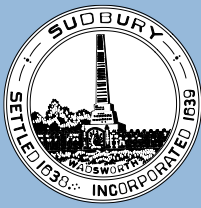
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Patricia A. Brown	Pending
Board of Selectmen	Pending

12/15/2015 7:30 PM



SUDBURY BOARD OF SELECTMEN
Tuesday, December 15, 2015

CONSENT CALENDAR ITEM

15: Park & Rec Davis Field Traffic study

REQUESTOR SECTION

Date of request:

Requestor: James Marotta, Park & Rec Commission

Formal Title: Vote to accept \$5000 for the Davis Field Traffic Study from the Friends of Park and Recreation.

Recommendations/Suggested Motion/Vote: Vote to accept \$5000 for the Davis Field Traffic Study from the Friends of Park and Recreation.

Background Information:

Financial impact expected:

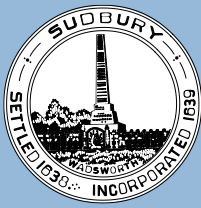
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Patricia A. Brown	Pending
Board of Selectmen	Pending

12/15/2015 7:30 PM



SUDBURY BOARD OF SELECTMEN
Tuesday, December 15, 2015

CONSENT CALENDAR ITEM

16: Vote to approve Award of Contact to Tanko Street Lighting, Inc.

REQUESTOR SECTION

Date of request:

Requestor: James Kelly, Combined Facilities Director

Formal Title: Vote to approve award of contract by the Town Manager to Tanko Street Lighting, Inc. for Energy Management Services, specifically, the replacement of the Town’s streetlights to LED Lamps. (Jim Kelly, Combined Facilities Director, to attend.)

Recommendations/Suggested Motion/Vote: Vote to approve award of contract by the Town Manager to Tanko Street Lighting, Inc. for Energy Management Services, specifically, the replacement of the Town’s streetlights to LED Lamps. (Jim Kelly, Combined Facilities Director, to attend.)

Background Information:

The energy committee received a green community grant of \$168,000 to replace existing streetlight lamps with new energy efficient LED light bulbs. The town will save over 1.5 million kilowatt hours over the 20 year life expectancy of the new bulbs. (Jim Kelly, Combined Facilities Director, to attend.)

Financial impact expected:Energy savings, approximate \$279,000 over twenty years

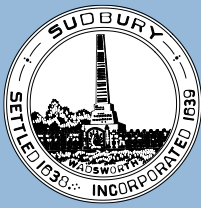
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Patricia A. Brown	Pending
Board of Selectmen	Pending

12/15/2015 7:30 PM



SUDBURY BOARD OF SELECTMEN
Tuesday, December 15, 2015

CONSENT CALENDAR ITEM

17: Rubbish Bid approval

REQUESTOR SECTION

Date of request:

Requestor: Elaine Jones, Town Counsel office

Formal Title: Vote to approve award of contract by the Town Manager for Town rubbish and recyclables removal and disposal services to the lowest eligible and responsible bidder as determined by Town Counsel for Calendar 2016 and any successive periods at the option of the Town Manager.

Recommendations/Suggested Motion/Vote: Vote to approve award of contract by the Town Manager for rubbish and recyclables removal and disposal services to the lowest eligible and responsible bidder as determined by Town Counsel for Calendar 2016 and any successive periods at the option of the Town Manager.

Background Information:

Rubbish and Recyclables Removal Bid for Town and School buildings for Cal. 16 with option to renew for Cal. 17 and 18.

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

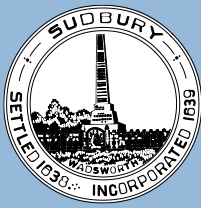
Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Patricia A. Brown	Pending
Board of Selectmen	Pending

12/15/2015 7:30 PM

**TOWN OF SUDBURY
INVITATION FOR BID
RUBBISH & RECYCLABLES REMOVAL & DISPOSAL**

The Town of Sudbury and the Sudbury Public Schools invite sealed bids for removal and disposal, including provision of dumpsters, of rubbish and recyclable material generated at Town and School buildings for Calendar 2016 with a renewal option for each of the two succeeding calendar years. Prevailing Wage Rates apply. Bids will be received at the Office of the Board of Selectmen, 278 Old Sudbury Road, Sudbury, MA 01776, until Tuesday, December 15, 2015, at 3:00 p.m., at which time all bids shall be opened and publicly read aloud. Specifications may be obtained at the Selectmen's Office Monday through Thursday from 9:00 a.m. - 5:00 p.m., or Friday from 9:00 a.m. – 12:30 p.m., by calling 978-639-3382. The Town reserves the right to reject any and all bids.

Melissa Murphy Rodrigues, Town Manager



SUDBURY BOARD OF SELECTMEN
Tuesday, December 15, 2015

CONSENT CALENDAR ITEM
18: Conservation Restriction approval

REQUESTOR SECTION

Date of request:

Requestor: Conservation Coordinator Debbie Dineen

Formal Title: Vote to approve and sign acceptance of a Conservation Restriction granted under M.G.L. c.40 §8C by Gary Warzynski and Mary D. Warzynski, on a 0.79+- a. Portion of a 1.6 a. Parcel (Lot 5) known as 369 Dutton Road, said Conservation Restriction being shown as "Conservation Restriction Easement" on a plan entitled "Easement Plan of Land in Sudbury, MA" prepared by Sullivan, Connors and Associates, dated January 28, 2003, revised December 5, 2013.

Recommendations/Suggested Motion/Vote: Vote to approve and sign acceptance of a Conservation Restriction granted under M.G.L. c.40 §8C by Gary Warzynski and Mary D. Warzynski, on a 0.79+- a. Portion of a 1.6 a. Parcel (Lot 5) known as 369 Dutton Road, said Conservation Restriction being shown as "Conservation Restriction Easement" on a plan entitled "Easement Plan of Land in Sudbury, MA" prepared by Sullivan, Connors and Associates, dated January 28, 2003, revised December 5, 2013.

Background Information:

The CR is required by wetlands Order of Conditions 301-825 for conservation purposes and the format has been approved by the State DOEEA.

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Patricia A. Brown	Pending
Board of Selectmen	Pending

12/15/2015 7:30 PM

Grantor: Mary D. Warzynski and Gary Warzynski
Grantee: Town of Sudbury Conservation Commission
Address of Property: 369 Dutton Road, Sudbury MA
For title see: Book 42699, Page 211 and Book 36234, Page 445

CONSERVATION RESTRICTION

We, **GARY WARZYNSKI AND MARY D. WARZYNSKI**, husband and wife, tenants by the entirety, of 369 Dutton Road, Sudbury, Middlesex County, Massachusetts, for our successors and our assigns (“Grantors”), acting pursuant to Sections 31, 32 and 33 of Chapter 184 of the Massachusetts General Laws, hereby grant, with quitclaim covenants, to the **TOWN OF SUDBURY, a Massachusetts municipal corporation, acting by and through its Conservation Commission, by authority of M. G. L. c. 40, sec. 8C**, and its permitted successors and assigns (“Grantee”) for nominal consideration, the sufficiency of which is hereby acknowledged, in perpetuity and exclusively for conservation purposes, the following described conservation restriction (the “Conservation Restriction”) on an approximately 0.79 acre portion of a 1.6 acre parcel known as 369 Dutton Road, in the Town of Sudbury, being shown as Lot 5 on a plan titled “Plan of Land in Sudbury, Mass.” dated October 15, 1955 by Wm. J. Ford, Jr., C.E., which plan is recorded with the Middlesex South District Registry of Deeds at Book 8717, Page 166.

The portion of such parcel that will be subject to the Conservation Restriction (the “Premises”) is depicted as “Conservation Restriction Easement” on a plan entitled “Easement Plan of Land in Sudbury, MA” prepared by Sullivan, Connors and Associates and dated January 28, 2003, revised on December 5, 2013, which plan is recorded herewith as **Exhibit B**, incorporated herein by reference and made a part hereof, and a metes and bounds description of the area encumbered by this Conservation Restriction is set forth in **Exhibit A** attached hereto and made a part hereof.

I. Purposes.

This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the General Laws and otherwise by law. The purpose of this Conservation Restriction is to assure that the Premises will be maintained in perpetuity for conservation purposes, predominantly in a natural, scenic and undeveloped condition, and to prevent any use or change that would materially impair or interfere with its conservation and preservation values.

These values include the following:

1. The Grantors and Grantee acknowledge and agree that the Premises abut over 900 acres of permanently protected conservation land and provide significant scenic, aesthetic and ecological values in their present state as a natural area comprising important floodplain, wetland, and adjacent upland wildlife habitat.
2. The Grantors and the Grantee further acknowledge and agree that protection of the Premises, including the certified vernal pool, in their predominantly natural or open condition will be of benefit to the public.
3. The Grantors and Grantee share the common purpose of conserving the natural values of the Premises for the present and future generations.
4. **This Conservation Restriction is required by the Conservation Commission of Sudbury in its Order of Conditions No. 301-825, pursuant to M.G.L. Ch. 131, Sec. 40, and recorded at Middlesex County South District Registry of Deeds on August 21, 2007 at Book 49973, Page 98.**

II. Prohibited Acts and Uses

Subject to the exceptions set forth herein, neither the Grantors, nor the heirs, devisees, successors or assigns will perform or permit to be performed the following acts or uses which are **prohibited** on, over, or under the Premises:

1. Constructing, placing or allowing to remain any temporary or permanent building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, sign, fence, billboard or other advertising display, antenna, utility pole, tower, conduit, line or other temporary or permanent structure or facility on, above or under the Premises;
2. Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit or otherwise make topographical changes to the area;
3. Placing, filling, storing or dumping on the Premises of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste or other substance or material whatsoever or the installation of underground storage tanks;
4. Cutting, removing or otherwise destroying trees, grasses or other vegetation;
5. Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, or archaeological conservation;

6. Use, parking or storage of vehicles including motorcycles, mopeds, all-terrain vehicles, trail bikes, or any other motorized vehicles on the Premises except for public safety vehicles necessary in carrying out their official duties;
7. The disruption, removal, or destruction of the stone walls or granite fence posts on the Premises, if any there be;
1. 8. Subdivision; conveyance of a part or portion of the Premises alone, or division or subdivision of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), and no portion of the Premises may be used towards building or development requirements on this or any other parcel.
9. Any other use of the Premises or activity thereon which is inconsistent with the purpose of this Conservation Restriction or which would materially impair its conservation interests.

III. Reserved Rights and Exceptions

The Grantor reserves the right to conduct or permit the following activities and uses on the Premises, but only if such uses and activities do not materially impair the conservation values or purposes of this Conservation Restriction:

1. Walking, bird watching, photography and other passive outdoor recreational activities that do not alter the topography, soils, or vegetation;
2. Posting of signs prohibiting trespass at the limits of the premises, prohibited activities, and information about the conservation restriction and the conservation restriction holder;
3. With prior written permission of the Conservation Commission, the selective, minimal pruning and cutting of trees and shrubs with the goal of furthering the purposes of this Restriction;
4. The use of the premises as necessary to allow the single-family residential structure in the excluded area to comply with zoning requirements;
5. Any acts requiring a government permit shall only occur after the issuance of a permit. By signing this conservation restriction, the parties do not waive their rights to object to any permits sought by the grantee; and
6. The conduct of archaeological activities, including without limitation survey, excavation, and artifact retrieval, following submission of an archaeological field investigation plan and its approval in writing by Grantee and the State Archaeologist of the Massachusetts Historical Commission (or appropriate successor official).

IV. ACCESS

The Conservation Restriction hereby conveyed does not grant to the Grantee, to the public generally, or to any other person any right to enter upon the Premises except there is granted to the Grantee and its representatives the right to enter the Premises at reasonable times and in a reasonable manner included over the unrestricted area for the purposes of inspecting the same to determine compliance herewith.

The Grantor hereby grants to the Grantee, or its duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction. The right of access includes the right to use any roads, easements, or rights of way the Grantor has, to access the Premises. The Grantor also grants to the Grantee, after notice of a violation and failure of the Grantor to cure said violation, the right to enter the Premises for the purpose of taking any and all actions with respect to the Premises as may be necessary or appropriate to remedy or abate any violation hereof, including but not limited to the right to perform a survey of boundary lines.

V. Legal Remedies of the Grantee

A. Legal and Injunctive Relief

The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to their condition prior to the time of the injury complained of it being agreed that the Grantee will have no adequate remedy at law. The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction.

The Grantee shall have the right to pursue third party violations, and the Grantor agrees to cooperate.

The Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including reasonable counsel fees) incurred in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof.

B. Non-Waiver

Enforcement of the terms of this Conservation Restriction shall be at the discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this

Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

C. Disclaimer of Liability

By acceptance of this conservation restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.

E. Acts Beyond Grantor's Control

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from causes beyond the Grantor's control, including but not limited to fire, flood, storm and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. The parties to this Conservation Restriction agree that in the event of damage to the Premises from acts beyond the Grantor's control, that if it is desirable and feasible to restore the Premises, the parties will cooperate in attempting to do so. \

F. Survey Disputes

In the event of a dispute over the location of the boundaries, the Grantor, and its heirs and assigns, shall be responsible for a survey and the placement and continued maintenance of permanent boundary markers delineating the boundaries of the Conservation Restriction.

V. EXTINGUISHMENT

A. If circumstances arise in the future such as render the purpose of this Conservation Restriction impossible to accomplish, this restriction can only be terminated or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Secretary of Energy and Environmental Affairs. If any change in conditions ever gives rise to extinguishment or other release of the Conservation Restriction under applicable law, then Grantee, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with paragraph B below, subject, however, to any applicable law which expressly provides for a different disposition of the proceeds, and after complying with the terms of any gift, grant, or funding requirements. Grantee shall use its share of the proceeds in a manner consistent with the conservation purpose set forth herein.

B. Proceeds

Grantor and Grantee agree that the grant of this Conservation Restriction gives rise to a real

property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction bears to the value of the unrestricted property.

C. Grantor/Grantee Cooperation Regarding Public Action

Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantee in shares equal to such proportionate value after complying with the terms of any gift, grant, or funding requirements. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of the proceeds like a continuing trust in a manner consistent with the conservation purposes of this grant.

VII. ASSIGNABILITY

A. Running of the Burden

The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

B. Execution of Instruments

The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; the Grantor, on behalf of herself and her successors and assigns, appoint the Grantee their attorney-in-fact to execute, acknowledge and deliver any such instruments on her behalf. Without limiting the foregoing, the Grantor and her successors and assigns agree themselves to execute any such instruments upon request.

C. Running of the Benefit

The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except in the following instances:

As a condition of any assignment, the Grantee shall require that the purpose of this Conservation Restriction continues to be carried out; and the Assignee, at the time of the assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and is a donee eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the General Laws of Massachusetts. Any

assignment will comply with article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VIII. SUBSEQUENT TRANSFERS

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument by which he divests himself of any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee within 20 days of such transfer. Failure to do either shall not impair the validity or enforceability of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

The Grantor shall not be liable for violations occurring after his or her ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this CR shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

IX. ESTOPPEL CERTIFICATES

Upon request by the Grantor, the Grantee shall, within thirty (30) days, execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance or non-compliance with the terms of this Conservation Restriction.

X. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction to a non-fee owner to ensure that merger does not occur and that the Conservation Restriction will continue to be enforceable. No grant will be effective until this Conservation Restriction is assigned to avoid merger and preserve enforcement of the terms of this Conservation Restriction by a non-fee owner.

XI. AMENDMENT

If circumstances arise under which an amendment to or modification of this Conservation Restriction would be appropriate, Grantor and Grantee may jointly amend this Conservation Restriction; provided that no amendment shall be allowed that will affect the qualification of this Conservation Restriction or the status of Grantee under any applicable laws, including Section 170(h) of the Internal Revenue Code of 1986, as amended, or Sections 31-33 of Chapter 184 of the General laws of Massachusetts. Any amendments to this conservation restriction shall occur only in exceptional circumstances. The Grantee will consider amendments only to correct an error or oversight, to clarify an ambiguity, or where there is a net

gain in conservation value. All expenses of all parties in considering and/or implementing an amendment shall be borne by the persons or entity seeking the amendment. Any amendment shall be consistent with the purposes of this Conservation Restriction, shall not affect its perpetual duration, shall be approved by the Secretary of Energy and Environmental Affairs and if applicable, shall comply with the provisions of Article 97 of the Amendments to the Massachusetts Constitution, and any gifts, grants or funding requirements. Any amendment shall be recorded in the Middlesex South District Registry of Deeds.

XII. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative Approvals required by Section 32 of Chapter 184 of the General Laws have been obtained, and it has been recorded in the Middlesex South District Registry of

Deed. The Grantee shall record this instrument in timely manner in the Middlesex South District Registry of Deed

XIII. NOTICES

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

To Grantor: **Mary D. Warzynski and Gary Warzynski**
369 Dutton Road, Sudbury MA 01776

To Grantee: **Town of Sudbury Conservation Commission**
275 Old Lancaster Road, Sudbury, MA 01776

or to such other address as any of the above parties shall designate from time to time by written notice to the other or that is reasonably ascertainable by the parties.

XIV. GENERAL PROVISIONS

A. Controlling Law

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

B. Liberal Construction

Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the purpose of this Conservation Restriction and the policy and purposes of Massachusetts General Laws Chapter

184, Sections 31-33. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the purpose of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. Severability

If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provision of this Conservation Restriction shall not be affected thereby.

D. Entire Agreement

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

E. Homestead

The Grantor(s) and any benefitted parties, by their signatures hereto, subordinate and waive any Homestead Act rights and benefits they may have to this Conservation Restriction. The Grantor(s) certify and attest under penalties of perjury that there are parties benefitted by the Homestead Act who reside or intend to reside on or near the Premises, and they have affixed their signatures below, subordinating and waiving their Homestead rights and benefits as to this Conservation Restriction.

XV. MISCELLANEOUS

A. Pre-existing Public Rights.

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

Included herewith and incorporated herein are the:

1. signatures of the Grantor, Grantee, Selectmen of the Town of Sudbury, and the MA Secretary of Energy and Environmental Affairs or his designee;
2. Exhibit A metes and bounds description of the area encumbered by the Conservation Restriction; and
3. Exhibit B plan showing limit of Conservation Restriction.

IN WITNESS WHEREOF, the Grantors, Mary and Gary Warzynski, and Grantee, The Town of

Sudbury Conservation Commission, do hereunto set their hands and seals: GRANTORS:

Executed under seal this 10th day of NOVEMBER, 2015.

Gary Warzynski
GARY WARZYNSKI

Mary D. Warzynski
MARY D. WARZYNSKI

COMMONWEALTH OF MASSACHUSETTS

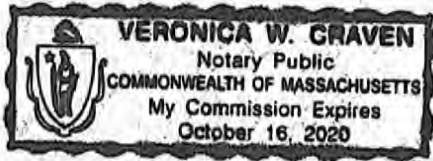
Middlesex, ss.

2015,

Before me, the undersigned notary public, on this 10th day of NOVEMBER 2015, personally appeared GARY WARZYNSKI AND MARY D. WARZYNSKI, who is personally known to me or was proved to me through a current document issued by a federal or state government agency bearing a photographic image of the signatory's face and signature, to be the person whose name is signed to the foregoing instrument and acknowledged to me that they signed it as their free act and deed for its stated purpose.

Veronica W. Craven

[Notary seal]



ACCEPTANCE BY CONSERVATION COMMISSION
TOWN OF SUDBURY

We, the undersigned, being a majority of the Conservation Commission of the Town of Sudbury, Massachusetts, hereby certify that at a public meeting duly held on November 16, 2015 the Conservation Commission voted to accept and approve the foregoing Conservation Restriction pursuant to M. G. L. c. 40 sec. 8C, and hereby requests execution of this Conservation Restriction by the Selectmen of the Town.

Conservation Commission

[Handwritten signatures of Conservation Commission members]

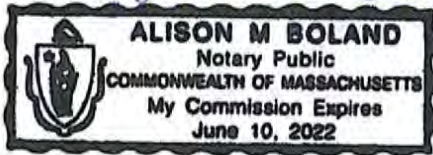
COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

, 2015,

Before me, Bruce Patee, Elizabeth Amstutz, Dave Henkels the undersigned notary public, on this 19th day of November, 2015, personally Thomas Svalander, being a majority of the members of the Conservation Commission of the Town of Sudbury, Massachusetts, who are personally known to me or who proved to me their identities through a current document issued by a federal or state government agency bearing a photographic image of the signatory's face and signature, to be the person whose name is signed to the foregoing instrument and acknowledged to me that they signed it as they free act and deed for its stated purpose.

[Handwritten signature of Notary Public]



[Notary seal]



APPROVAL AND ACCEPTANCE BY SELECTMEN OF TOWN OF SUDBURY

We, the undersigned, being a majority of the Selectmen of the Town of Sudbury, Massachusetts, hereby certify that at a public meeting duly held on _____ the Selectmen voted to accept and approve the foregoing Conservation Restriction by authority of M. G. L. c. 40 sec. 8c and M. G. L. c. 184 sec. 32.
Selectmen

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.
_____, 2015,

Before me, the undersigned notary public, on this _____ day of _____, 2015, personally _____, being a majority of the members of the Board of Selectmen of the Town of Sudbury, Massachusetts, who are personally known to me or who proved to me their identities through a current document issued by a federal or state government agency bearing a photographic image of the signatory's face and signature, to be the person whose name is signed to the foregoing instrument and acknowledged to me that they signed it as they free act and deed for its stated purpose.

[Notary seal]

majority to be listed on notarization

**APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of the Executive Office of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction to the Town of Sudbury has been approved as being in the public interest pursuant to Section 32 of Chapter 184 of the General Laws of Massachusetts. Said approval is not to be construed as representing the existence of non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

Secretary of Environmental Affairs or his duly authorized Designee

Date: _____

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF _____

Before me, the undersigned notary public, on this _____ day of _____, 2015, personally appeared _____, who is personally known to me or was proved to me through a current document issued by a federal or state government agency bearing a photographic image of the signatory's face and signature, to be the person whose name is signed to the foregoing instrument and acknowledged to me that [he/she] signed it as [his/her] free act and deed for its stated purpose.

[Notary seal]

EXHIBIT A LEGAL DESCRIPTION
LEGAL DESCRIPTION
SUDBURY, MASSACHUSETTS

A Conservation Restriction Easement in Sudbury MA, Middlesex County, shown on a plan prepared by Sullivan, Connors and Associates entitled "Easement Plan of Land in Sudbury, MA" dated January 28, 2003, and more particularly bounded and described as follows;

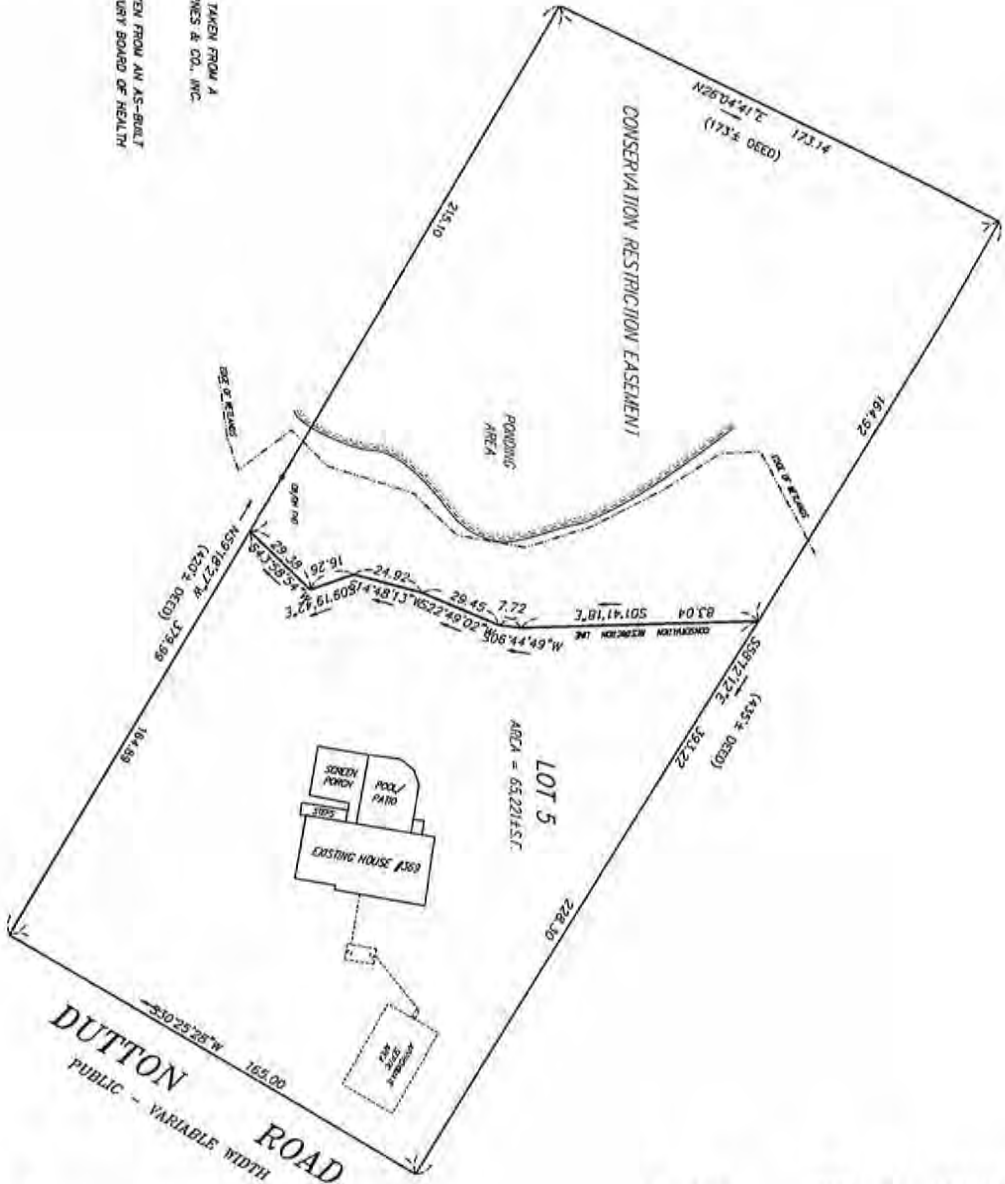
Beginning at a point at the northernmost corner of the locus; thence
Running S 58°12'12" E a distance of 164.92 feet to a point; thence
Running S 01°41'18" E a distance of 83.04 feet to a point; thence
Running S 06°44'49" W a distance of 7.72 feet to a point; thence
Running S 22°49'02" W a distance of 29.45 feet to a point; thence
Running S 14°48'13" W a distance of 24.92 feet to a point; thence
Running S 09°19'42" E a distance of 16.26 feet to a point; thence
Running S 43°58'54" W a distance of 29.38 feet to a point; thence
Running N 59°18'27" W a distance of 215.10 feet to a point; thence
Running N 26°04'41" E a distance of 173.14 feet to the point of beginning.

EXHIBIT B PLAN SHOWING LIMIT OF CONSERVATION RESTRICTION



NOTE: PROPERTY LINE INFORMATION TAKEN FROM A
PLAN PREPARED BY ROWLAND H. BARNES & CO., INC.
DATED MARCH 1971.

NOTE: SEPTIC SYSTEM LOCATION TAKEN FROM AN AS-BUILT
PLAN ON FILE AT THE TOWN OF SUDBURY BOARD OF HEALTH
DATED JUNE 26, 1963.



CHAPTER 380, ACTS OF 1966

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN
ARE THE LINES DIVIDING EXISTING OWNERSHIPS AND
THE LINES OF STREETS AND WAYS SHOWN ARE THOSE
OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY
ESTABLISHED AND THAT NO NEW LINES FOR DIVISION
OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

BRUCE K. KINSMAN, P.L.S. 34617 DATE:

IF CERTIFICATION SIGNATURE HEREON IS WRITTEN TO WET RECEIPT
OR TELETYPE COPY OF THIS INSTRUMENT IS FILED WITH THE
OFFICE OF THE REGISTER OF DEEDS, COUNTY OF HAMPSHIRE,
PROVIDES ARE SHOWN ACCORDING TO CURRENT TOWN OF SUDBURY
ADDITIONAL RECORDS.

I HEREBY CERTIFY THAT THIS PLAN
WAS PREPARED IN CONFORMANCE WITH
THE RULES AND REGULATIONS OF THE
REGISTER OF DEEDS.

BRUCE K. KINSMAN, P.L.S. 34617 DATE:

OWNER:
MARY D. WALEZYNSKI
360 DUTTON ROAD
SUDBURY, MA.

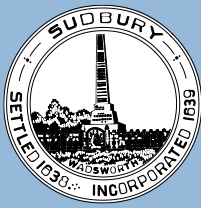


**SULLIVAN, CONNORS
and ASSOCIATES**
LAND SURVEYING AND
CIVIL ENGINEERING
121 BOSTON POST ROAD
SUDBURY, MASSACHUSETTS 01776

DESIGNED BY: SEM
CHECKED BY: BKK
COMPUTED BY: BKK
FIELD SURVEY: BKK
DRAWN BY: HSK/BKK
SCALE: 1" = 20'
SHEET 1 OF 1.

**EASEMENT PLAN OF LAND
IN
SUDBURY, MA.**

REFERENCES
DATE: JAN. 26, 2000



SUDBURY BOARD OF SELECTMEN
Tuesday, December 15, 2015

CONSENT CALENDAR ITEM

19: Accept SHS donation

REQUESTOR SECTION

Date of request:

Requestor: Sudbury Historical Society

Formal Title: Vote to accept the donation of \$145,000 from the Sudbury Historical Society for use by the Town of Sudbury in connection with the proposed repurposing of the Loring Parsonage for a Sudbury History Center and Museum under the direction of the Permanent Building Committee, said funds to be accepted under guidelines set forth by the Massachusetts Office of Tourism, including return of unspent funding to the State by June 30, 2015.

Recommendations/Suggested Motion/Vote: Vote to accept the donation of \$145,000 from the Sudbury Historical Society for use by the Town of Sudbury in connection with the proposed repurposing of the Loring Parsonage for a Sudbury History Center and Museum under the direction of the Permanent Building Committee, said funds to be accepted under guidelines set forth by the Massachusetts Office of Tourism, including return of unspent funding to the State by June 30, 2015.

Background Information:

The Sudbury Historical Society has obtained funding from the State’s Office of Tourism to be dedicated to the repurposing of the Loring Parsonage as a Sudbury History Center and Museum. The funds, awarded in the amount of \$290,000, must be spent under State guidelines and the total sum is subject to State change. At present \$145,000 is available for expenditure and the State has approved its donation to the Town for said purpose. Any funds not expended must be returned to the State by 6/30/15.

Financial impact expected:Donation funds project

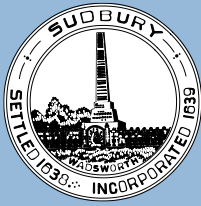
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

- Patty Golden Pending
- Melissa Murphy-Rodrigues Pending
- Barbara Saint Andre Pending
- Patricia A. Brown Pending
- Board of Selectmen Pending

12/15/2015 7:30 PM



SUDBURY BOARD OF SELECTMEN
Tuesday, December 15, 2015

CONSENT CALENDAR ITEM

20: Award of Contract - Loring Parsonage

REQUESTOR SECTION

Date of request:

Requestor: Town Counsel

Formal Title: Vote to approve award of a phased design contract by the Town Manager to Spencer & Vogt Group in connection with the repurposing of the Loring Parsonage as a Sudbury History Center and Museum on the recommendation of the Permanent Building Committee/Designer Selection Committee; said project to be managed by the Permanent Building Committee.

Recommendations/Suggested Motion/Vote: Vote to approve award of a phased design contract by the Town Manager to Spencer & Vogt Group in connection with the repurposing of the Loring Parsonage as a Sudbury History Center and Museum on the recommendation of the Permanent Building Committee/Designer Selection Committee; said project to be managed by the Permanent Building Committee.

Background Information:

See attached Permanent Building Committee letter of recommendation dated December 4, 2015. It is intended that Phase I services (\$68,320), including but not limited to schematic design, final design, cost estimation, bidding specifications and drawings, be contracted at this time with the intention to contract any interim Phase practicable and Phase II services for bidding and construction administration at a later time and upon the availability of funding.

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Patricia A. Brown	Pending
Board of Selectmen	Pending

12/15/2015 7:30 PM

TOWN OF SUDBURY



Sudbury, Massachusetts 01776

December 4, 2015

TO: Melissa Murphy Rodrigues, Town Manager

FROM: Elaine L. Jones, Co-Chair Permanent Building Committee/Designer Selection Committee

RE: Design Services – Loring Parsonage Repurposing

As you are aware, the Permanent Building Committee solicited a Request for Qualifications for designer services in two phases in connection with the proposed restoration involved in the repurposing the Loring Parsonage (copy attached). The Sudbury Historical Society obtained funding for the project from the Commonwealth's Office of Tourism and will be donating these funds to the Town (Board of Selectmen Agenda 12/15/15) to be expended under the direction of the Permanent Building Committee.

In response to the solicitation published in the Central Register on September 30, two firms submitted proposals by the deadline of October 16, 2015. These were reviewed by the Committee on October 21, 2015. One of the firms subsequently withdrew its proposal from consideration, leaving Spencer & Vogt Group as the sole proposer to be interviewed.

At the conclusion of the October 28, 2015 interview, the Permanent Building Committee, acting as the Designer Selection Committee, determined Spencer & Vogt Group, historic restoration specialists, to be extremely well suited for this project having previously conducted a conditions assessment and feasibility study of the Loring Parsonage for the Sudbury Historical Society. Relevant historical preservation experience was noted specifically in regard to the Buckman Tavern in Lexington and several other historical buildings presenting similarities with the current Parsonage project.

Therefore, the Permanent Building Committee/Designer Selection Committee at its meeting of December 3, 2015, with the concurrence of Facilities Director James Kelly and the representatives of the Sudbury Historical Society, recommended that the design services contract for the repurposing of the Loring Parsonage as a Sudbury history center and museum as set forth in the advertised Request for Qualifications, be awarded to Spencer & Vogt Group. It is intended that Phase I services in the amount of \$68,320, including but not limited to schematic design, final design, cost estimation, bidding specifications and drawings, be contracted at this time upon receipt of funding, with the intention to contract subsequent feasible Phase IA and Phase II services for bidding and construction administration at a later time upon the availability of funding.

Melissa Murphy Rodrigues, Town Manager
December 4, 2015
Page 2

The following additional reasons were set forth:

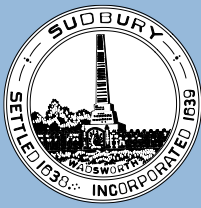
- Massachusetts registration and licensing in all applicable disciplines;
- Thorough knowledge of the Massachusetts State Building Code (8th Edition), the Americans with Disabilities Act, and regulations of the Architectural Barriers Board;
- Thorough knowledge of, and familiarity with, requirements of Chapter 579 of the Acts of 1980 (Omnibus Construction Act) for Public Construction and Chapter 193 of the Acts of 2004;
- Scope of services offered and their appropriateness to the needs of the Town;
- Relevant experience in restoration design and renovation of historic properties and qualifications in projects similar in scope within the last five years;
- Past performance on public and private contracts;
- Ability of firm and specific key individuals to work with Town personnel and Committees and the Sudbury Historical Society;
- Demonstrated ability of team members to work together on comparable projects;
- Ability to meet schedule;
- Identity and qualifications of the consultants who will work on the project. - Qualifications of the key personnel to be assigned to the project;
- Time commitment of those key persons assigned to the project;
- Financial stability of the firm;
- Cost control experience;
- Achievements demonstrating design excellence;
- Demonstrated familiarity with the public bid construction process.

Upon your consideration of this recommendation and the Board of Selectmen approval of award of contract, the PBC will notify Spencer & Vogt Group and arrange for signing of the Agreement. Please note that the PBC liaison on this project will be William Braun.

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



Elaine L. Jones, Co-Chair
Permanent Building Committee



SUDBURY BOARD OF SELECTMEN
Tuesday, December 15, 2015

CONSENT CALENDAR ITEM

21: Park & Rec Donation

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Vote to accept, on behalf of the Town, a \$250 donation from Daybreak Crossfit, for the Halloween 4K and Fun Run, to the Recreation Program Contributions and Donations Account, (as requested by the Park & Recreation Department, in a memo dated October 30, 2015), said funds to be expended under the direction of the Park and Recreation Department.

Recommendations/Suggested Motion/Vote: Vote to accept, on behalf of the Town, a \$250 donation from Daybreak Crossfit, for the Halloween 4K and Fun Run, to the Recreation Program Contributions and Donations Account, (as requested by the Park & Recreation Department, in a memo dated October 30, 2015), said funds to be expended under the direction of the Park and Recreation Department.

Background Information:

Attached memo

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Town Counsel	Pending
Barbara Saint Andre	Pending
Patricia A. Brown	Pending
Board of Selectmen	Pending

12/15/2015 7:30 PM



Town of Sudbury

Park & Recreation Department

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

McShean@sudbury.ma.us

RECEIVED
BOARD OF SELECTMEN
SUDBURY MA

2015 NOV 30 P 12: 08

Memorandum

TO: Board of Selectmen
FROM: Recreation Department
RE: Halloween Fun Run
DATE: October 30, 2015

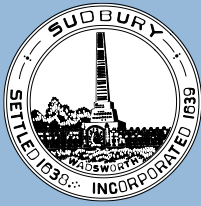
To the Board of Selectmen:

Please accept the following donation for our annual Holloween 5k and Fun Run.

Daybreak Crossfit - \$250

This donation will be deposited in the Recreation Program Contributions and Donations (191448/483100) Account. I have included a copy of the check.

Thank you,



SUDBURY BOARD OF SELECTMEN
Tuesday, December 15, 2015

CONSENT CALENDAR ITEM
22: FY16 MEMA Grant acceptance

REQUESTOR SECTION

Date of request:

Requestor: Fire Department

Formal Title: Vote to accept grant of \$4,460 toward the FY16 Emergency Management Performance Grant Program through MEMA for a two-way radio receiver. Said funds to be expended under the direction of the Fire Chief.

Recommendations/Suggested Motion/Vote: Vote to accept grant of \$4,460 toward the FY16 Emergency Management Performance Grant Program through MEMA for a two-way radio receiver. Said funds to be expended under the direction of the Fire Chief.

Background Information:
See attached contract

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

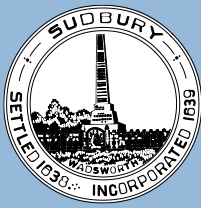
Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Patricia A. Brown	Pending
Board of Selectmen	Pending

12/15/2015 7:30 PM

(OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors may not require any additional agreements, engagement letters, contract forms or other additional terms as part of this Contract without prior Department approval. Click on hyperlinks for definitions, instructions and legal requirements that are incorporated by reference into this Contract. An electronic copy of this form is available at www.mass.gov/osc under Guidance For Vendors - Forms or www.mass.gov/osd under OSD Forms.

CONTRACTOR LEGAL NAME: (and d/b/a): TOWN OF SUDBURY		COMMONWEALTH DEPARTMENT NAME: Massachusetts Emergency Management Agency MMARS Department Code: CDA	
Legal Address: (W-9, W-4,T&C): 322 CONCIORD RD		Business Mailing Address: 400 Worcester Rd Framingham MA 01702	
Contract Manager: JOHN WHALEN		Billing Address (if different):	
E-Mail: WHALENJ@SUDBURY.MA.US		Contract Manager: Jeff Timperi	
Phone:	Fax:	E-Mail: jeff.timperi@state.ma.us	
Contractor Vendor Code: VC6000191996		Phone: 508.820.2019	Fax:
Vendor Code Address ID (e.g. "AD001"): AD (Note: The Address Id Must be set up for EFT payments.)		MMARS Doc ID(s): FY16EMPG15000SUDBU RFR/Procurement or Other ID Number: 2015 EMPG	
<input checked="" type="checkbox"/> NEW CONTRACT PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> Statewide Contract (OSD or an OSD-designated Department) <input type="checkbox"/> Collective Purchase (Attach OSD approval, scope, budget) <input checked="" type="checkbox"/> Department Procurement (includes State or Federal grants 815 CMR 2.00) (Attach RFR and Response or other procurement supporting documentation) <input type="checkbox"/> Emergency Contract (Attach justification for emergency, scope, budget) <input type="checkbox"/> Contract Employee (Attach Employment Status Form, scope, budget) <input type="checkbox"/> Legislative/Legal or Other: (Attach authorizing language/justification, scope and budget)		<input type="checkbox"/> CONTRACT AMENDMENT Enter Current Contract End Date Prior to Amendment: Enter Amendment Amount: \$ AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.) <input type="checkbox"/> Amendment to Scope or Budget (Attach updated scope and budget) <input type="checkbox"/> Interim Contract (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> Contract Employee (Attach any updates to scope or budget) <input type="checkbox"/> Legislative/Legal or Other: (Attach authorizing language/justification and updated scope and budget)	
The following COMMONWEALTH TERMS AND CONDITIONS (T&C) has been executed, filed with CTR and is incorporated by reference into this Contract. <input checked="" type="checkbox"/> Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services			
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <input type="checkbox"/> Rate Contract (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> Maximum Obligation Contract Enter Total Maximum Obligation for total duration of this Contract (or new Total if Contract is being amended). \$4,460.00			
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days ___% PPD; Payment issued within 15 days ___% PPD; Payment issued within 20 days ___% PPD; Payment issued within 30 days ___% PPD. If PPD percentages are left blank, identify reason: ___agree to standard 45 day cycle ___ statutory/legal or Ready Payments (G.L. c. 29, § 23A); <input checked="" type="checkbox"/> only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)			
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) The community intends to procure and install a radio receiver. FEMA EHP approval is required before purchase and install. Funding for this contact is provided via the FFY 2015 EMPG; the CFDA # is 97.042.			
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input checked="" type="checkbox"/> 1. may be incurred as of the Effective Date (latest signature date below) and no obligations have been incurred prior to the Effective Date . <input type="checkbox"/> 2. may be incurred as of a date LATER than the Effective Date below and no obligations have been incurred prior to the Effective Date . <input type="checkbox"/> 3. were incurred as of a date PRIOR to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.			
CONTRACT END DATE: Contract performance shall terminate as of June 30, 2016 with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.			
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached Contractor Certifications (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable Commonwealth Terms and Conditions , this Standard Contract Form including the Instructions and Contractor Certifications , the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07 , incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.			
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X: <u>Melissa Murphy</u> Date: <u>11/11/15</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Melissa Murphy Rodrigues</u> Print Title: <u>Town Manager</u>		AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X: <u>David Mahr</u> Date: <u>12/25</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>David Mahr</u> Print Title: <u>Chief Administrative Officer</u>	



SUDBURY BOARD OF SELECTMEN
Tuesday, December 15, 2015

CONSENT CALENDAR ITEM
23: Appointment of Election Workers

REQUESTOR SECTION

Date of request:

Requestor: Rosemary Harvell

Formal Title: Vote to appoint Sudbury registered voters Ellen M. Fraize, Unenrolled, 150 North Road, Unit 37; Carol H. DeBold, Democrat, 25 Raynor Road; Dorothy A. Cabral, Democrat, 9 Russet Lane Democrat; Dorothy A. Oldroyd, Democrat, 15 Blacksmith Drive and Elaine J. Burkley, Unenrolled, 35 Maple Avenue, Unit 202 as Election Officers with terms to expire on August 14, 2016, as recommended by the Town Clerk, Rosemary B. Harvell.

Recommendations/Suggested Motion/Vote: Vote to appoint Sudbury registered voters Ellen M. Fraize, Unenrolled, 150 North Road, Unit 37; Carol H. DeBold, Democrat, 25 Raynor Road; Dorothy A. Cabral, Democrat, 9 Russet Lane Democrat; Dorothy A. Oldroyd, Democrat, 15 Blacksmith Drive and Elaine J. Burkley, Unenrolled, 35 Maple Avenue, Unit 202 as Election Officers with terms to expire on August 14, 2016, as recommended by the Town Clerk, Rosemary B. Harvell.

Background Information:

Financial impact expected:

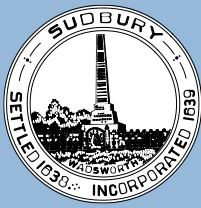
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Patricia A. Brown	Pending
Board of Selectmen	Pending

12/15/2015 7:30 PM



SUDBURY BOARD OF SELECTMEN
Tuesday, December 15, 2015

CONSENT CALENDAR ITEM

24: Verizon Wireless Cell Tower Donation

REQUESTOR SECTION

Date of request:

Requestor: Jody Kablack, Director of Planning & Community Development

Formal Title: Vote to accept a \$2500 check from the Attorney for Verizon Wireless to be placed in the Cell Tower Communication Donation Account to be used toward purchase and/or operation of Town public safety equipment, and expended under the direction of the Town Manager, as requested by Jody Kablack, Director of Planning & Community Development.

Recommendations/Suggested Motion/Vote: Vote to accept a \$2500 check from the Attorney for Verizon Wireless to fulfill a condition of the Site Plan decision of the Planning Board. Funds will be placed in the Cell Tower Communication Donation Account to be used toward purchase and/or operation of Town public safety equipment, and expended under the direction of the Town Manager, as requested by Jody Kablack, Director of Planning & Community Development..

Background Information:

Attached memo from Jody Kablack

Financial impact expected:\$2500

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden Pending

Melissa Murphy-Rodrigues Pending

Barbara Saint Andre Pending

Patricia A. Brown Pending

Board of Selectmen Pending

12/15/2015 7:30 PM



Town of Sudbury

Planning and Community Development Department

Jody A. Kablack, Director

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

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

TO: Melissa Murphy-Rodrigues, Town Manager
FROM: *gab* Jody Kablack, Planning and Community Development Director
RE: Verizon Wireless Site Plan, 251 Old Sudbury Road
DATE: December 8, 2015

Attached please find a check in the amount of \$2,500.00 from the Attorney for Verizon Wireless to fulfill Condition #6 of the November 17, 2015 Site Plan decision of the Planning Board. Said funds should be accepted as a gift by the Board of Selectmen and placed in the Cell Tower Communication Donation Account (1972-000 598000) to be used towards the purchase and or/operation of Town public safety communications equipment and expended under the direction of the Town Manager.

Please let me know if you have any questions.

Attachment

cc: Town Accountant
Scott Nix, Police Chief
Bill Miles, Fire Chief