

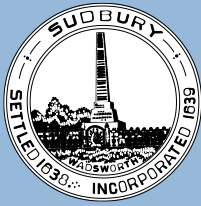
SUDBURY BOARD OF SELECTMEN
TUESDAY JANUARY 24, 2017
7:30 PM, TOWN HALL - LOWER LEVEL

| 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 |
| MISCELLANEOUS | | | |
| 1. | | <i>VOTE</i> | Discussion regarding Bruce Freeman Rail Trail schematic design and upcoming filings to MPO. |
| 2. | | <i>VOTE</i> | Discussion of FY18 budget, including potential override budget. |
| 3. | | <i>VOTE</i> | Discussion and review of inactive boards and committees |
| 4. | | <i>VOTE</i> | Discussion of status of the Commission on Disability |
| 5. | | <i>VOTE</i> | Vote to authorize the Town Manager to submit Warrant articles on behalf of the Board of Selectmen for the May 2017 Annual Town Meeting to include Hear Reports, FY17 Budget Adjustments, use of or additions to the Town's Stabilization funds or any other articles pursuant to the Board's purview. |
| 6. | | <i>VOTE</i> | Discussion and possible vote regarding Ballot Question policy. |
| 7. | | <i>VOTE</i> | Vote to approve the Selectmen's submission to the 2016 Annual Town Report, which is due 1/27/17. |
| 8. | | <i>VOTE</i> | Discuss future agenda items |
| 9. | | <i>VOTE</i> | Citizen's Comments (Cont) |
| CONSENT CALENDAR | | | |

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 |
|---------------|-------------|------------------------|--|
| 10. | | <i>VOTE / SIGN</i> | Pursuant to the provisions of G.L. c. 83, §4, Article XII s. 3 of the Sudbury General Bylaws, and any other enabling authority, vote to accept the Grant of Easement set forth in the document entitled “DECLARATION OF RESTRICTIVE COVENANTS AND GRANT OF EASEMENT REGARDING STORM WATER MANAGEMENT SYSTEM” granted by BPR DEVELOPMENT LLC, a Delaware limited liability company with a usual place of business c/o National Development, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462, for stormwater system maintenance purposes upon the property shown as Lot 1 on a plan of land entitled “Subdivision Plan of Land in Sudbury, Massachusetts”, prepared by VHB, Inc., dated May 6, 2016, and recorded in the Middlesex South District Registry of Deeds (the “Registry”) as Plan No. 1005 of 2016. |
| 11. | | <i>VOTE</i> | Vote to accept, on behalf of the Town, a grant of \$18,000 from the Sudbury Foundation, as requested by Marilyn Martino, Executive Director, in a memo dated December 31, 2016, to enable the Council on Aging to continue to fund the Senior Volunteer Coordinator position, said funds to be expended under the direction of the Town Manager. |
| 12. | | <i>VOTE</i> | Vote to accept, on behalf of the Town, a \$8,168 rebate check from National Grid, on behalf of Boston Gas Company, to be deposited into the Excelon/Select Utility Gift/Donation Account, (as requested by James Kelly, Combined Facilities Director, in a memo dated January 4, 2017), said funds to be accepted toward future energy initiatives in Town buildings under the direction of the Combined Facilities Director. |
| 13. | | <i>VOTE</i> | Vote to approve the regular session minutes of 1/10/17. |

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



SUDBURY BOARD OF SELECTMEN
Tuesday, January 24, 2017

1

MISCELLANEOUS (UNTIMED)

1: Bruce Freeman Rail Trail Task Force

REQUESTOR SECTION

Date of request:

Requestor: Beth Suedmeyer, Environmental Planner

Formal Title: Discussion regarding Bruce Freeman Rail Trail schematic design and upcoming filings to MPO.

Recommendations/Suggested Motion/Vote: Discussion regarding Bruce Freeman Rail Trail schematic design and upcoming filings to MPO.

Background Information:

Financial impact expected:

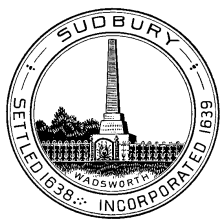
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

| | |
|--------------------------|---------|
| Patty Golden | Pending |
| Melissa Murphy-Rodrigues | Pending |
| Barbara Saint Andre | Pending |
| Susan N. Iuliano | Pending |
| Board of Selectmen | Pending |

01/24/2017 7:30 PM



Town of Sudbury

Planning and Community Development Department

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

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

TO: Board of Selectmen
FROM: Beth Suedmeyer, Environmental Planner, Planning and Community Development
Meagen Donoghue, Director, Planning and Community Development
RE: Outline of Proposal and Supporting Documents for Submission to the Boston MPO for the Bruce Freeman Rail Trail (BFRT) Project Request for TIP Funding; Discussion for January 24, 2017 BOS Meeting
DATE: January 20, 2017

The Boston MPO has announced their schedule for planning the annual Transportation Improvement Program (TIP), funding for transportation capital investments over the next 5 fiscal years (FY 2108-22). The timing seems right to request BFRT, Phase 2D construction funding through the TIP process, as the design project approaches the critical 25% stage. We have been in touch with the TIP Coordinator at the MPO to determine what information should be included in a request for funding in lieu of a 25% submission. The MPO staff will be evaluating project submissions over the coming month. The following outline presents the plan for compiling information on the BFRT for submission to the MPO in approximately 2 weeks. Staff will be working to compile the information.

Cc: Dan Nason, DPW Director

Attachment1.a: BFRT TIP Proposal Outline-BOS Memo v2 (2170 : Bruce Freeman Rail Trail Task Force)

TIP Proposal
Request for Construction Funding for the Bruce Freeman Rail Trail, Phase 2D in Sudbury

Outline of Proposal

- Introduction
- BFRT Project Purpose and Need
 - Benefits of BFRT in Sudbury
- Existing Conditions
- Proposed Project
 - Alternatives Analysis
- Brief History of Full BFRT Project
- Brief History of Sudbury's Efforts
- Accomplishments to Date
 - Preliminary Studies
 - Design Progress
 - Funding History
- Public Outreach and Support
 - Summary of Public Meetings, Survey Results, etc.
 - Design Task Force Formation and Activities

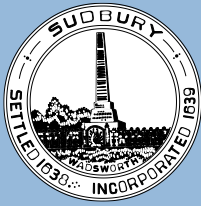
Attachments:

Documents-

- Letter Regarding TIP Project Prioritization for 2017 (Dan Nason Memo of 1/5/17 or BOS Letter)
- Letter to MassDOT from Town Manager April 19, 2016
- Letter to MassDOT from Town Manager February 18, 2015 (PIF Submission)
- Updated MPO TIP Form
- Budget Allocation to Date and Project Design Timeline
- Chronology of Town Meeting Votes and BOS Actions Related to the BFRT, Ph.2D from 2012-present
- Design Consultant (VHB) Update on Progress
- Preliminary Design
 - Plans, Profiles, Cross Sections
 - Roadway Crossing Sketches

Maps-

- Locus Map, Sudbury
- BFRT Regional Map
- Map with Wetlands and Priority Habitat Areas
- Map Showing Proximity to Community Resources (Retail Centers, Schools, Places of Worship, Senior Housing, Recreation and Conservation Parcels, Etc.) and Potential Parking Locations



SUDBURY BOARD OF SELECTMEN
Tuesday, January 24, 2017

2

MISCELLANEOUS (UNTIMED)

2: FY 18 Budget Discussion

REQUESTOR SECTION

Date of request:

Requested by: Leila S. Frank

Formal Title: Discussion of FY18 budget, including potential override budget.

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

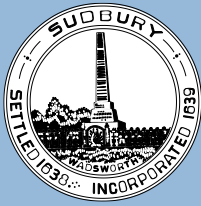
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

| | |
|--------------------------|---------|
| Patty Golden | Pending |
| Melissa Murphy-Rodrigues | Pending |
| Barbara Saint Andre | Pending |
| Susan N. Iuliano | Pending |
| Board of Selectmen | Pending |

01/24/2017 7:30 PM



SUDBURY BOARD OF SELECTMEN
Tuesday, January 24, 2017

3

MISCELLANEOUS (UNTIMED)

3: Inactive Board & Committee Review

REQUESTOR SECTION

Date of request:

Requested by: Leila S. Frank

Formal Title: Discussion and review of inactive boards and committees

Recommendations/Suggested Motion/Vote:

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 |
| Susan N. Iuliano | Pending |
| Board of Selectmen | Pending |

01/24/2017 7:30 PM

[BOS] First pass culling inactive committees -- agenda request

Brown, Patricia

Sent: Monday, January 16, 2017 5:12 PM

To: Iuliano, Susan

Cc: Rodrigues, Melissa

Attachments: Town Officials.docx (125 KB) ; SPECIAL MUNICIPAL EMPLOYEE~1.pdf (93 KB)

Hi, Melissa, Susan,

I've attached two documents. You'd think identifying dead committees would be simple, wouldn't you? Proposed for discussion at the next BOS meeting (along with the Commission on Disability question), January 24.

Enjoy.

Pat

The FIRST (Town Officials.docx) is taken directly from the url shown at the top. It lists all the committees and other officials as seen on the Town website. We have particular problems with the ADA Coordinators and the Commission on Disability, as I outlined in my previous e-mail. Most committees seem to exist (we do NOT have a Community Housing Coordinator at the moment, as noted in red) and this looks relatively OK.

The SECOND (SPECIAL MUNICIPAL EMPLOYEE pdf) document is Rosemary's list of regular and special town employees. (Please note that this is dated 9/24/14 with a policy of "all new committees are 'special' ". I can find no indication that the Selectmen ever saw this; apparently town staff did the updates and the board was not involved. I don't know when that "policy" was adopted.)

I've marked up the Special Municipal Employee document with:

Strike-through for committees that cleanly do not exist. Either the project is done (Johnson Farm) or the committee has been dissolved by the Selectmen. Dissolution dates are:

Community Housing Committee -- May 8, 2007

Economic Development Committee -- March 11, 2008

Fair Housing Committee -- December 19, 2006

Pay Per Throw Advisory Committee -- May 2, 2006

Septage Committee, Wayland-Sudbury Septage Disposal Facility -- November 3, 2009

Sewer Assessment Technical Advisory Committee -- July 28, 2015

Rail Trail Conversion Advisory Committee -- July 28, 2015

Green for committees I don't think exist, but I have queries out to get definite information.

Pink for committees that don't seem to exist, but I can't be sure.

Sewer Assessment Study Citizens Advisory Committee -- was this the Route 20 Sewer Citizens Advisory Committee, which hasn't met since 2014?

U. N. Day Chairman -- I don't think we've done UN day for years. Can't find when we stopped.

Veterans Advisory Committee -- lists zero members

Underline for committees of even less certain status.

Sudbury Centre Steering Committee -- is this the same as the Sudbury Center Improvement Advisory Committee?
I can't find an independent existence.
Sudbury Water District Resource Protection Committee -- apparently exists. I think. Are the Sudbury Water District committees actually town committees, anyway?
Youth Commission -- last met in 2009, is listed under "Archived" committees (with no minutes) as of 2012

Blue is for "baffling".

Route 20 Wastewater Technical Advisory Committee -- is possibly a committee that has a real existence under another name. Or that has a name abbreviation that I can't figure out. Or that ceased to exist years ago. Beats me.

CONFLICT OF INTEREST DESIGNATIONS

Regular Employees

In accordance with Chapter 268A of the General Laws of Massachusetts, all persons, elected or appointed to and performing the duties of the following positions are hereby classified as REGULAR EMPLOYEES of the Town of Sudbury:

Elected Officials

None

Elected Board, Committee and Commission Members

Goodnow Library Trustees
Health, Board of
Park and Recreation Commissioners, Board of
Selectmen, Board of

Appointed Officials

All appointed positions listed in the Classification and Salary Plan contained in the Personnel Plan, unless specifically designated Special Employees.

Affirmative Action Officer
Americans with Disabilities Act (ADA) Coordinators
Auction Permit Agent
Cemeteries, Superintendent of
Chief Procurement Officer
Fence Viewers
Forest Warden
Industrial Accident Board, Town Agent
Insect Pest Control, Local Superintendent
Keeper of the Lockup
Pesticide Applicator and Herbicide Applicator
Street Lighting Agent
Town Counsel
Town Counsel, Assistant
Town Manager
Tree Warden
Wood-Burning Stoves, Inspector of

Employees

All positions listed in the said Classification and Salary Plan unless specifically designated Special Employees.

Special Employees

In accordance with Chapter 268A of the General Laws of Massachusetts, all persons, elected or appointed to and performing the duties of the following positions are hereby classified as SPECIAL EMPLOYEES of the Town of Sudbury:

Elected Officials

Moderator

Elected Board and Commission Members

Assessors, Board of
Lincoln-Sudbury Regional School District Committee
Planning Board
Sudbury Housing Authority
Sudbury School Committee

Appointed Officials

Aging, Council on
Agricultural Commission
Animals, Inspector of
Appeals, Board/Earth Removal Board Associates
Cable Television Committee
Capital Improvement Planning Committee
Civil Defense, Director of
Civil Defense, Assistant Director of
Civil Defense Radio Operator
~~Community Housing Committee~~
Community Preservation Committee
Conservation Commission
Constables
~~Consulting Engineer (for Town Center intersection project) 06.25.2014~~
Deputy Inspector of Buildings/Deputy Zoning Enforcement Agent
Deputy Plumbing and Gas Inspectors
Deputy Wiring Inspector
Design Review Board
Disability, Commission on
Dog Officer/Animal Control Officer, Assistant
Earth Removal Board/ Board of Appeals Associates
~~Economic Development Committee~~
~~Engineering (for Johnson Farm Comp. Permit review)~~
~~Fair Housing Committee~~
~~Fair Housing Program Director~~
Finance Committee
Food Service Director
Gas Fitting, Inspector of
Hazardous Waste Coordinator and Alternate
Historic Districts Commission
Historical Commission
Hop Brook Technical Advisory Committee

Labor Relations Counsel
Legal Counsels, Special
Lincoln-Sudbury Regional School Building Committee
MAPC Designees
MBTA Advisory Board Designee
Memorial Day Committee
MetroWest Growth Management Com.
Minuteman Regional Vocational Technical School District Representative
MMA Legislative Liaison
Municipal Right-to-Know Coordinator and Alternate
~~Pay Per Throw Advisory Committee~~
Permanent Building Committee
Permanent Landscape Committee
Personnel Board
Planning Board Associate
Planning Board General Agent
Plumbing Inspector and Deputy Inspector
Ponds and Waterways Committee
Pound Keeper
Preservation and Management of Town Documents, Committee for the
Public Weigher
~~Rail Trail Conversion Advisory Committee~~
Registrars of Voters
Rt. 20 Wastewater Tech. Adv. Com.
Sealer of Weights and Measures
~~Septage Committee, Wayland-Sudbury Septage Disposal Facility~~
September 11 Memorial Garden Oversight Committee
~~Sewer Assessment Study Technical Advisory Committee~~
Sewer Assessment Study Citizens Advisory Committee
Special Constables, Paid and Non-paid
Special Counsel, Rail Trail Title Research
~~Special Counsel in connection with the development of a solar power generation facility at the Landfill and associated matters 4.3.12~~
Special Police Officers
Stormwater Compliance Committee
Sudbury Centre Steering Committee
Sudbury Cultural Council
~~Sudbury Day Committee~~
Sudbury Employees Group Insurance Advisory Committee
Sudbury Water District Resource Protection Committee
Surveyor of Lumber and Measurer of Wood
Town Historians
Town Physicians
Town Report Committee
~~Traffic Specialist (for Johnson Farm Comp. Permit review)~~
UN Day Chairman and Assistants
Veterans Advisory Committee
Veterans Agent
Veterans Graves Officer
~~Wetland Specialist (for Johnson Farm Comp. Permit review)~~
~~Wetlands Peer Reviewer (for property adjacent to 96 Moore Road for Conservation Commission) 11.5.13~~
Youth Commission
Wires, Inspector of and Deputy Inspector

Employees

All Election Officers and Workers
Call Firemen
Crossing Guards (now appointed by school dept.)
Library Pages
Police Matrons
Recording Secretaries
Seasonal and temporary employees in Conservation, Engineering, Technology Department, Park and Recreation and Highway Departments
Special Education Educators
Sudbury Housing Authority Executive Director
Teen Center Coordinator
Van Drivers for School Department

Volunteers

All Tax Work-off Program Senior Workers and any other volunteers.

Except to the extent that a position is or may be required by law to be classified as that of a "Regular" employee, all officials, board, committee and commission members and employees not otherwise specifically designated as a "Regular" or "Special" employee are hereby classified as "Special" employees.

9/24/14 Revision

Town Officials

Boards and Committees From <https://sudbury.ma.us/officials/>

Yellow highlight indicates the Selectmen have appointing or approval authority.

Gray highlights are elected officials.

The Commission on Disability is a nine-member committee appointed by the Town Manager with three members which has not met since October of 2015.

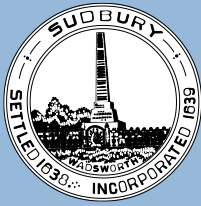
- ADA Coordinators
- Administrative Assistant to the Board of Selectmen
- Affirmative Action Coordinator
- Aging, Council on - Director
- Agricultural Commission
- Assessor, Director
- Auction Permit Agent
- Board of Appeals
- Board of Assessors
- Board of Health
- Board of Registrars
- Board of Selectmen
- Budget Strategies Task Force
- Building Inspector
- Building Inspector (Deputy)
- Cable Advisor
- Capital Improvement Advisory Committee
- Cemetery Commission
- Chief Procurement Officer
- Civil Defense Director
- Civil Defense, Assistant

- Civil Defense, Radio Operator
- Combined Facilities Director
- Commission on Disability -- 9 members, 6 vacancies
- Community Emergency Response Team
- Community Housing Coordinator - vacant, appointed by PCD
- Community Preservation Committee
- Community Social Worker
- Conservation Commission
- Conservation Coordinator
- Constable
- Consulting Board of Health Physician
- Council on Aging
- Cultural Council
- Design Review Board
- Dog Officer/Animal Control Officer
- Earth Removal Board
- Energy and Sustainability Committee
- Fairbank Community Center Study Task Force
- Finance Committee
- Fire Chief
- Goodnow Library Director
- Goodnow Library Trustees
- Hazardous Waste Coordinator
- Hazardous Waste Coordinator, Alt.
- Health, Director of
- Historic Districts Commission
- Historical Commission

- Labor Relations Counsel
- Land Acquisition Review Committee
- Lincoln-Sudbury R.H.S. Supt./Prin.
- Lincoln-Sudbury Regional High School Committee
- Local Emergency Planning Committee
- Lockup, Keeper of the
- M.A.G.I.C.
- Mass. Bay Transportation Authority Designee
- Medical Reserve Corps Executive Committee
- Memorial Day Committee
- MetroWest Regional Transit Authority Advisory Board
- Metropolitan Area Planning Council
- Minuteman High School District - Representative
- Minuteman High School District - Superintendent
- Moderator
- Municipal Right-to-Know Coord. (Alt)
- Municipal Right-to-Know Coordinator
- Park and Recreation Commission
- Park and Recreation Director
- Permanent Building Committee
- Planning Board
- Planning Board, Agent
- Planning and Community Development
- Plumbing /Gas Inspector, Deputy
- Police Chief
- Police Matron
- Ponds and Waterways Committee

- Preserv & Mgmnt of Tn Documents, Com for the
- Public Works (Director of)
- Route 20 Sewer Citizens Advisory Committee
- Route 20 Sewer Steering Committee
- Senior Tax Advisor
- September 11 Memorial Garden Oversight Committee
- Special Constable
- Special Police Officer
- Stormwater Compliance Committee
- Strategic Financial Planning Committee for Capital Funding
- SuAsCo River Stewardship Council
- Sudbury Access Corporation
- Sudbury Centre Improvement Advisory Committee
- Sudbury Employees Group Ins. Adv. Com.
- Sudbury Housing Auth., Director
- Sudbury Housing Authority
- Sudbury Housing Trust
- Sudbury School Committee
- Sudbury School Superintendent
- Sudbury Water Dist. Water Resource Protection Com.
- Sudbury Water District
- Sudbury Water District Commission
- Sudbury Water District Superintendent
- Surveyor of Lumber & Measurer of Wood
- Technology Administrator

- Town Accountant
- Town Accountant, Assistant
- Town Buildings, Supervisor of
- Town Clerk
- Town Counsel
- Town Engineer, Assistant
- Town Hall Blue Ribbon Committee
- Town Historian
- Town Manager
- Town Manager, Assistant
- Town Manager, Office Supervisor
- Town Physician
- Town Treasurer/Collector, Asst.
- Traffic Safety Coordinating Committee
- Tree Warden
- Trench Permitting Authority
- Veterans' Agent
- Vocational Education Guidance Committee
- Wiring Inspector
- Wiring Inspector, Deputy
- Wood-Burning Stoves, Inspector of
- Youth Coordinator
- Zoning Enforcement Field Agent

**SUDBURY BOARD OF SELECTMEN**

Tuesday, January 24, 2017

MISCELLANEOUS (UNTIMED)**4: Commission on Disability Status Discussion****REQUESTOR SECTION**

Date of request:

Requested by: Leila S. Frank

Formal Title: Discussion of status of the Commission on Disability

Recommendations/Suggested Motion/Vote:

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 |
| Susan N. Iuliano | Pending |
| Board of Selectmen | Pending |

01/24/2017 7:30 PM

Part I ADMINISTRATION OF THE GOVERNMENT**Title VII** CITIES, TOWNS AND DISTRICTS**Chapter 40** POWERS AND DUTIES OF CITIES AND TOWNS**Section 8J** DISABILITY COMMISSION; POWERS AND DUTIES;
MEMBERS; TERMS

Section 8J. A city which accepts the provisions of this section by vote of its city council, subject to the provisions of its charter, or a town which accepts the provisions of this section at an annual or special town meeting, may establish a commission on disability, hereinafter called the commission, to cause the full integration and participation of people with disabilities in such city or town. Such commission shall (1) research local problems of people with disabilities; (2) advise and assist municipal officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities; (3) coordinate or carry out programs designed to meet the problems of people with disabilities in coordination with programs of the Massachusetts office on disability; (4) review and make recommendations about policies, procedures, services, activities and facilities of departments, boards and agencies of said city or town as they

affect people with disabilities; (5) provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability; (6) coordinate activities of other local groups organized for similar purposes.

Said commission shall keep records of its meetings and actions and shall file an annual report which shall be printed in the city or town annual report and shall have at least ten meetings annually.

[Third paragraph effective until July 1, 2016. For text effective July 1, 2016, see below.]

Said commission shall consist of not less than five nor more than nine members. In cities, the members shall be appointed by the mayor, subject to the provisions of the city charter except that in cities having a Plan D or Plan E form of government said appointments shall be by the city manager, subject to the provisions of the charter, and in towns they shall be appointed by the selectmen, except towns having a town manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen and except towns having a town council form of government, the town manager. A majority of said commission members shall consist of people with disabilities, one member shall be a member of the immediate family of a person with a disability and one member of said commission shall be either an elected or appointed official of that city or town. The terms of the first members of said

commission shall be for one, two or three years, and so arranged that the term of one-third of the members expires each year, and their successor shall be appointed for terms of three years each. Any member of said commission may, after a public hearing, if so requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment. The chairperson and other officers shall be chosen by a majority vote of said commission members.

[Third paragraph as amended by 2016, 133, Sec. 46 effective July 1, 2016. See 2016, 133, Sec. 203. For text effective until July 1, 2016, see above.]

Said commission shall consist of not less than 5 and not more than 13 members. In cities, the members shall be appointed by the mayor, subject to the provisions of the city charter except that in cities having a Plan D or Plan E form of government said appointments shall be by the city manager, subject to the provisions of the charter, and in towns they shall be appointed by the selectmen, except towns having a town manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen and except towns having a town council form of government, the town manager. A majority of said commission members shall consist of people with disabilities, one member shall be a member of the immediate family of a person with a disability and one member of said commission shall be either an elected or appointed official of

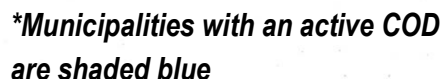
that city or town. The terms of the first members of said commission shall be for one, two or three years, and so arranged that the term of one-third of the members expires each year, and their successor shall be appointed for terms of three years each. Any member of said commission may, after a public hearing, if so requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment. The chairperson and other officers shall be chosen by a majority vote of said commission members.

Said commission may receive gifts of property, both real and personal, in the name of the city or town, subject to the approval of the city council in a city or the board of selectmen in a town, such gifts to be managed and controlled by said commission for the purposes of this section.

Mission: To ensure the full and equal participation of all people with disabilities in all aspects of life by working to advance legal rights, maximum opportunities, supportive services, accommodations and accessibility in a manner that fosters dignity and self determination.



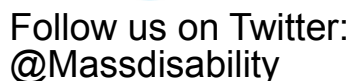
- Advise and assist municipal officials in ensuring compliance with federal and state disability laws;
- Review policies and activities of municipal departments and boards as they affect persons with disabilities;
- Provide information, referral, advocacy and technical assistance to individuals, businesses and organizations in all matters pertaining to disability;
- Coordinate the activities of other local groups organized to meet the needs of persons with disabilities.



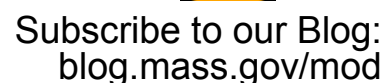
For Information On...



Visit our website:
mass.gov/mod



Boston, MA 02108
Phone: 617.727.7440
Toll Free: 800.322.2020
Fax: 617.727.0965



Watch us on YouTube:
Mass Office of **Packet Pg. 1**



Local Officials Guide

Presented by the Massachusetts Office On Disability



4.c

Process for Establishing a Municipal Commission On Disability and Accepting Handicapped Parking Fines

Establishing Your Commission On Disability...Easy As 1, 2, 3

Local acceptance of a General Law is subject to municipal charter provisions of your community. Generally speaking a member of the legislative body proposes paper/warrant item. The Legislative Body would then vote on the measure.

Step 1 - Adopt MGL 40, 8J ***This Creates the COD***

- ✓ Identify a sponsor to propose the acceptance of MGL 40, 8J

Legislative body votes on...

- ✓ ***Ordered: That the City/Town of _____ accept the provisions of Massachusetts General laws Chapter 40, Section 8J relative to the establishment of the municipal Commission On Disability***

In Cities;

If the VOTE is approved, your measure goes to your Mayor for approval.

In Towns;

If the VOTE is approved then your COD is created. Now, you can propose another measure to accept HP Parking fines

Step 2 - Adopt MGL 40, 22 ***This Allows Collection of Fine***

- ✓ Identify a sponsor to propose the acceptance of MGL 40, 22G

Legislative body votes on...

- ✓ ***Ordered: That the City/Town of _____ accept the provisions of Massachusetts General laws Chapter 40, Section 22G relative to collecting Handicap Parking Fines***

In Cities;

If the VOTE is approved, your measure goes to your Mayor for approval.

In Towns;

If the VOTE is approved then your COD can accept HP Parking fines

Step 3 - Appoint Members

- ✓ Commissions On Disability may have from Five (5) to Nine (9) members. Members are usually appointed by the Mayor or Town Manager, but MGL 40, 8J outline the particulars for each City/Town charter. A majority of members should be persons with disabilities.

Attachment 4.c: forming-a-cod (2177 : Commission on Disability Status Discussion)



Benefits of Creating a Commission On Disability

Advise

- ✓ Advise and assist local officials with compliance to federal and state disability laws
- ✓ Assist local disability advocates with Technical Assistance, advocacy and Disability related matters

Review

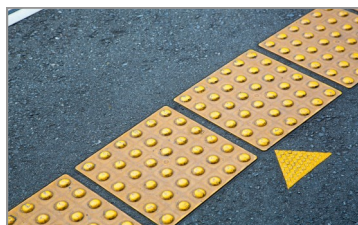
- ✓ Projects that may come before Planning Board, Town Meeting, City Council, etc.
- ✓ Assist municipality with ensuring the Self-Evaluation meets the requirements of the Americans with Disabilities Act
- ✓ Assist municipality with implementation and upkeep of their Transition Plan

Research & Information

- ✓ Be a voice to let developers know that they have obligations to comply with Disability Laws and regulations
- ✓ Represent the interest of Persons with Disabilities, at certain times some PWD's may need assistance to express their views
- ✓ On behalf of Taxpayers who expect and deserve equal protection under the law

Coordinate

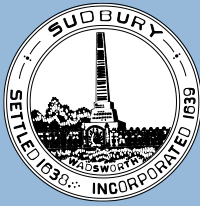
- ✓ With the MOD to keep abreast of applicable laws & regulations
- ✓ With advocates and elected officials



Contact the Massachusetts Office On Disability

Mass. Office On Disability
1 Ashburton Place, Room 1305
Boston, MA 02108

Email: info-mod@state.MA.US
Call: 617 727-7440
URL: www.Mass.Gov/MOD



MISCELLANEOUS (UNTIMED)

5: 2017 ATM Warrant Article Submission

REQUESTOR SECTION

Date of request:

Requested by: Leila S. Frank

Formal Title: Vote to authorize the Town Manager to submit Warrant articles on behalf of the Board of Selectmen for the May 2017 Annual Town Meeting to include Hear Reports, FY17 Budget Adjustments, use of or additions to the Town's Stabilization funds or any other articles pursuant to the Board's purview.

Recommendations/Suggested Motion/Vote: Vote to authorize the Town Manager to submit Warrant articles on behalf of the Board of Selectmen for the May 2017 Annual Town Meeting to include Hear Reports, FY17 Budget Adjustments, use of or additions to the Town's Stabilization funds or any other articles pursuant to the Board's purview.

Background Information:

Financial impact expected:

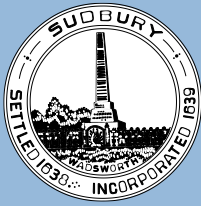
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

| | |
|--------------------------|---------|
| Patty Golden | Pending |
| Melissa Murphy-Rodrigues | Pending |
| Barbara Saint Andre | Pending |
| Susan N. Iuliano | Pending |
| Board of Selectmen | Pending |

01/24/2017 7:30 PM



SUDBURY BOARD OF SELECTMEN
Tuesday, January 24, 2017

6

MISCELLANEOUS (UNTIMED)

6: Discussion on STE Pro/Con

REQUESTOR SECTION

Date of request:

Requestor: Pat Brown

Formal Title: Discussion and possible vote regarding Ballot Question policy.

Recommendations/Suggested Motion/Vote: Discussion and possible vote regarding Ballot Question policy.

Background Information:
attached

Financial impact expected: Typical town election/printing/mailling costs

Approximate agenda time requested: 15 minutes

Representative(s) expected to attend meeting:

Review:

| | |
|--------------------------|---------|
| Patty Golden | Pending |
| Melissa Murphy-Rodrigues | Pending |
| Barbara Saint Andre | Pending |
| Susan N. Iuliano | Pending |
| Board of Selectmen | Pending |

01/24/2017 7:30 PM

TO: Board of Selectmen
FROM: Len Simon
DATE: January 24, 2017
RE: Agenda Item 6 STE - Ballot Question Policy

Packet page 23

Board of Selectmen

Ballot Question Policy

Agenda Item 6 STE Ballot Question Policy

- Bullet point 3: Change to read:

Written arguments for and against ballot questions will be reviewed by Town Counsel only for egregious language, that is, language that is inappropriate for a public ballot.

- Remove all wording in policy that refers to 'approval'.
No need to have language that says the Board of Selectmen 'approve' the ballot. It is commonly understood and convention that if the BOS names appear at the end of the Ballot it is only pro forma and does not advocate any position on the questions.
- Listing of authors/Attribution: Remove this provision in its entirety for the following reasons:
 1. Historically, those preparing the arguments have not been included on the ballot.
 2. Not necessary – the pro or con arguments speak for themselves.
 3. By allowing individual names to follow the pro or con argument would lead to a numbers competition, i.e., see which side could get more signatures.
 4. Allowing names to follow a pro or con argument could lead to mercenary signers, that is, substitutes for the individuals who have a position but do not want their names on the ballot.
 5. Allowing names to follow a pro or con argument could lead to ghost signers, who would need to be verified.

~~THE COMMONWEALTH OF MASSACHUSETTS~~

In the Year One Thousand Nine Hundred and Ninety-six

AN ACT AUTHORIZING THE TOWN OF SUDBURY TO SEND CERTAIN INFORMATION TO REGISTERED VOTERS IN THE TOWN OF SUDBURY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. (a) Notwithstanding the provisions of section twenty-two A of chapter fifty-five of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Sudbury shall, at least seven days before any election at which a question, other than a question on the ballot pursuant to section eighteen A of chapter fifty-three of the General Laws, shall be submitted solely to the voters of said town, cause to be printed and sent to each residence of one or more voters whose name appears on the latest voting list for said town and make available at each polling place [(1) the full text of such question, (2) a fair and concise summary of such question, including a one sentence statement describing the effect of a yes or no vote, prepared by the town counsel of said town, and (3) arguments for and against such question] as provided in subsections (b) and (c).

(b) No argument shall contain more than two hundred and fifty words. Said board of selectmen or, at its request, said town counsel shall seek such written arguments from the principal proponents and opponents of each such question. Said board of selectmen shall designate a date by which written arguments must be received, in a written notice to the principal proponents and opponents. Said notice must be issued at least fourteen days before the date by which the written arguments must be received.

(c) For the purposes of this act, the principal proponents and opponents of any such question shall be those persons determined by said board of selectmen to be best able to present the arguments for and against such question. The principal proponents or opponents of such a question may include a town or district officer or committee, and the principal proponents may include the first ten signers or a majority of the first ten signers of any petition initiating the placement of such question on the ballot. In determin-

ing the principal proponents and opponents of such a question, said board of selectmen shall contact each ballot question committee, if any, as defined in section one of chapter fifty-five of the General Laws, organized specifically to influence the outcome of the vote on such question. If no argument is received by said board of selectmen within the time allowed by this act, said town counsel shall prepare such argument.

(d) All arguments filed with said board of selectmen pursuant to this act, and the summary prepared pursuant to subsection (a), shall be open to public inspection at the office of the town clerk of said town, and if the vote affects a district, the arguments and summary shall be open to public inspection at the office of the clerk of each city or town within the jurisdiction of the district.

SECTION 2. This act shall apply where the question presented involves the regional district of which the town of Sudbury is a member or involves a joint undertaking by said town of Sudbury and any one or more cities or towns.

SECTION 3. This act shall take effect upon its passage.

House of Representatives, July 10, 1996.

Passed to be enacted,

Speaker.

In Senate, July 15, 1996.

Passed to be enacted,

President.

24 July 1996

Approved,

at eleven o'clock and 15 minutes, A. M.

W. W. F. Weld

Governor.

Aug 2 12 26 PM '96
RECEIVED
BOARD OF SELECTMEN
SUDBURY, MA

Board of Selectmen Ballot Question Policy

Chapter 180 of the Acts of 1996 requires the Sudbury Board of Selectmen to provide registered voters the following information for any ballot question submitted solely to Town voters (other than a ballot pursuant to M.G.L. ch.53, §18A): (1) the full text of such question; (2) a fair and concise summary of such question; and (3) arguments for and against such question. See Attachment.

Further requirements include the following:

- The required information is to be sent to the voters at least 7 days before such an election.
- The Board of Selectmen, or when designated, Town Counsel, shall seek written arguments from the principal proponents and opponents of each question.
- The Board of Selectmen shall designate a date for receipt for such arguments and shall provide notice of such 14 days before the date arguments are to be received.
- The Board of Selectmen shall designate those best able to present the arguments for and against each question.
- If no argument is received within the time allowed, Town Counsel shall prepare such argument.
- No argument shall contain more than 250 words.

The requirements of this law will be implemented as follows for any ballot questions to be submitted for an Annual Town Election or a Special Town Election.

- Notice of proposed ballot questions and a request for written arguments for and against the questions will be posted on the Town website at least or 46 days before the election **plus additional days as needed to allow Board of Selectmen meetings for actions listed below.** The Board of Selectmen will also reach out to relevant parties including petitioners for citizen questions and ballot question committees.
- The Board of Selectmen will determine those persons best able to present the arguments for and against each question. In the absence of submission, Town Counsel will prepare the argument.
- Written arguments for and against ballot questions will be reviewed by Town Counsel, who will approve for the warrant.
- The Board of Selectmen will not edit arguments submitted other than those submitted by the Board.
- The authors of each argument for and against ballot questions will be listed on the warrant, including individuals or groups such as ballot question committees. The Selectmen may limit the number of authors listed. Arguments provided by Town Counsel will be accompanied by the statement "Prepared by Town Counsel."

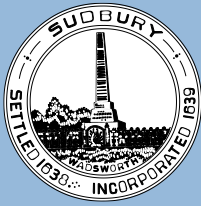
OR:

- The authors of each argument for and against ballot questions may be listed on the warrant, including individuals or groups such as ballot question committees, at the discretion of the authors. The Selectmen may limit the number of authors listed. Arguments provided by Town Counsel will be accompanied by the statement "Prepared by Town Counsel."

DRAFT for discussion 01.24.2017

| Days before election | Action | Purpose |
|-----------------------------|---|---|
| 46 + days for BOS meetings | Notice of proposed ballot questions and request for written arguments | |
| 39 + days for BOS meetings | BOS decides authors for pro and con arguments | To allow 14 days before due to Town Counsel |
| 35+ days for BOS meetings | Wording of final ballot questions to Town Clerk | To comply with state ballot law |
| 25 + days for BOS meetings | Written arguments submitted to Town Counsel | To allow 7 days for Town Counsel review and submission to BOS |
| 18 + days for BOS meetings | BOS approves final warrant | |
| 18 days | Delivery to printer | To allow printer 7 days before mailing date |
| 11 days | Delivery to Post Office | To allow 4 days for mail |
| 7 days | Posting and receipt of warrant | |

Approved by the Board of Selectmen _____.



MISCELLANEOUS (UNTIMED)

7: Selectmen's submission to 2016 Annual Town Report

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Vote to approve the Selectmen's submission to the 2016 Annual Town Report, which is due 1/27/17.

Recommendations/Suggested Motion/Vote: Vote to approve the Selectmen's submission to the 2016 Annual Town Report, which is due 1/27/17.

Background Information:

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 |
| Susan N. Iuliano | Pending |
| Board of Selectmen | Pending |

01/24/2017 7:30 PM

Board of Selectmen and Town Manager

The Board of Selectmen, in conjunction with the Town Manager, hereby submits the reports of the elected and appointed Town officials, boards, and committees for the year 2016, giving a summary of their activities and financial transactions in accordance with Article III, Section 2 of the Town Bylaws. Our report follows.

We congratulate Representative Gentile on his effort to extend Sudbury's very successful Means Tested Senior Tax Exemption in the Massachusetts legislature (Chapter 10 of the Acts of 2016).

~~During 2016, the Town continued to see changes within the administration.~~

In February, Kayla McNamara became the Director of Parks and Recreation. McNamara had formerly worked in several communities in different recreational capacities and continues to coach girls' softball.

In March, Dennis Keohane joined the Town as Finance Director. Keohane formerly worked in the private sector performing municipal auditing.

In June, Jody Kablack, the Director of Planning and Community Development and William Place, the Director of Public Works, both retired after long and revered service to the Town. They both served the Town for over 20 years and are still missed. Bill was a public works leader, most recently seen in his work on the Town Center Project and Jody will long be remembered for her affordable housing advocacy and her work with the Community Preservation Act.

In August, Meagan Donoghue was hired as the Director of Planning and Community Development. Donoghue formerly served as the Director of Planning in Webster and has a special interest in historical planning.

Also in August, the Town welcomed a new Veteran Agent, Nicholas Charbonneau. The Town shares the Veteran's Agent with the City of Marlborough.

In October, Dan Nason joined the Town as the Director of Public Works. Nason formerly served the Town of Northborough as the Director of Public Works. Dan has already made significant modernizations and changes in DPW.

The composition of Board remained the same after the March Town Election. The Board reorganized following the 2016 Annual Town Meeting. Susan Iuliano was elected to serve as Chairman and Chuck Woodard to serve as Vice-Chairman.

At the beginning of 2016, the Board of Selectmen finalized its Listening Project work with facilitator Jon Wortmann and committed to continuing to serve ~~to~~ the Town of Sudbury to the best of ~~their~~^{its} ability.

~~Throughout At the beginning of~~ 2016, the Town continued to oppose the Sudbury Station project, a large residential housing unit planned for historic town center. The Town has hired both Special Counsel and Town Counsel to follow multiple legal options to oppose the project.

During a Special Town Meeting in February, the Town decided to withdraw from the Minuteman Regional School District. While the withdrawal will not occur until July 1, 2017, the Board of Selectmen and Town Manager took immediate action to ensure that Sudbury students will continue to have excellent vocational options. The Board of Selectmen formed the Vocational Education ~~Guidance Options~~ Committee in order to achieve these goals.

In February, the Town learned of the threat of the Eversource Reliability Project proposed overhead transmission lines on the MBTA right of way in Sudbury. The Town quickly organized, hiring legal counsel, as well as ~~and~~ a government relations firm and continues to work to halt the proposal. In October, ~~the~~ Eversource held a community meeting to further discuss their plans. This proposal continues to meet Town resistance.

In March, the Town voted to continue the Senior Citizen Property Tax Exemption and to allow the Police Department to leave Civil Service.

In April, the Town hosted a successful Town-wide clean-up day. The Board repurposed trust money to use in the creation and construction of the Sudbury History Museum to be located at the Loring Parsonage. The Board also voted to implement a Town Manager evaluation process. In April ~~and in November~~, GeoInsight, a Town consultant,

~~described the evaluation of the Melone site data it would undertake, and then in November~~ presented its findings of conditions in the soil and rock at the Melone property owned by the Town.

At May Town Meeting, along with the usual town business, the Town voted to hold ~~an annual~~ Special Town Meeting annually each October.

In June, after months of negotiations, the Board of Selectmen voted to sign a Development Agreement with National Development, the developer of the Raytheon site. The Development Agreement included funding for Senior Transportation, Parks and Fields, Public Safety, walkway funds, School and Town Technology funding, and land for a new fire station on Route 20 as part of a Mixed Use Overlay District approved at a special Town Meeting in June.

In August, the Town submitted an application to the Department of Public Utility for an electrical aggregation plan for the Town of Sudbury. The Town worked with MAPC and other communities in order to achieve this goal.

In September, the Board of Selectmen began the process of setting Board goals. They continued to discuss those goals through October and finalized a goal document with prioritization and deliverables set for the goals.

In October, the Town held its first scheduled Fall~~Second Annual~~ Special Town Meeting. On the warrant were several capital articles including school and town security and a front loader.

In December, the Board heard from Fire Chief Miles about the need for additional staffing and additional Fire Station space so the Town can run a much needed second ambulance.

~~Throughout the year, under the watchful eye of the Sudbury's Town's~~ new Environmental Planner/Assistant Planner Beth Suedemeyer ~~came on board in October~~August. ~~Under her guidance, the the~~ Bruce Freeman Rail Trail design continued to progress. Despite some delays in late 2015 and early 2016, 25% design will ~~continues to be underway~~ through a collaboration of Town Staff, engineering consultant VHB and the newly formed Bruce Freeman Rail Trail Design Task Force. ~~VHB Town Consultants~~ held several community meetings, including a planning charrette, ~~where both residents and business owners collaborated on design ideas~~. The Town Manager also continued discussions with the Town of Framingham and the Trust for Public Land regarding purchase of the CSX corridor, which will enable the Bruce Freeman Rail Trail to continue south into Framingham.

The Fairbank Community Center Study Task Force (FCCTF) ~~was reconstituted with~~continued its work with a newly designed mission statement ~~and composition~~. The Task Force is working to understand town needs while balancing those needs with capital and operating costs. The Board of Selectmen voted to move ahead with plans to consider other options for accommodating and not to include Sudbury Public Schools administration while working on plans for the Community Center in the future building.

We close by thanking all Town employees for their work providing services to Town residents, and all residents who have offered to serve on the Town's many boards and committees. We are proud to serve this wonderful Town.

Respectfully submitted,
BOARD OF SELECTMEN

Susan Iuliano, Chair

Charles C. ~~nek~~ Woodard, Vice Chair

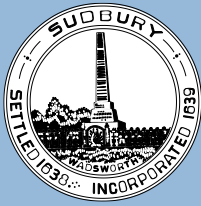
Patricia Brown

Robert C. Haarde

Leonard A. Simon

TOWN MANAGER

Melissa Murphy-Rodrigues, Esquire



SUDBURY BOARD OF SELECTMEN
Tuesday, January 24, 2017

8

MISCELLANEOUS (UNTIMED)

8: Future agenda items

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Discuss future agenda items

Recommendations/Suggested Motion/Vote: Discuss future agenda items.

Background Information:

Financial impact expected:

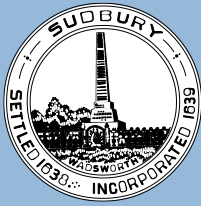
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

| | |
|--------------------------|---------|
| Patty Golden | Pending |
| Melissa Murphy-Rodrigues | Pending |
| Barbara Saint Andre | Pending |
| Susan N. Iuliano | Pending |
| Board of Selectmen | Pending |

01/24/2017 7:30 PM



SUDBURY BOARD OF SELECTMEN
Tuesday, January 24, 2017

9

MISCELLANEOUS (UNTIMED)

9: Citizen's Comments (Cont)

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Citizen's Comments (Cont)

Recommendations/Suggested Motion/Vote: Citizen's Comments (Cont)

Background Information:

Financial impact expected:

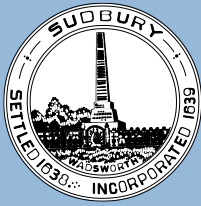
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

| | |
|--------------------------|---------|
| Patty Golden | Pending |
| Melissa Murphy-Rodrigues | Pending |
| Barbara Saint Andre | Pending |
| Susan N. Iuliano | Pending |
| Board of Selectmen | Pending |

01/24/2017 7:30 PM

**SUDBURY BOARD OF SELECTMEN**

Tuesday, January 24, 2017

CONSENT CALENDAR ITEM**10: Easement acceptance - 100 Horse Pond Rd****REQUESTOR SECTION**

Date of request:

Requestor: Beth Suedmeyer, Environmental Planner

Formal Title: Pursuant to the provisions of G.L. c. 83, §4, Article XII s. 3 of the Sudbury General Bylaws, and any other enabling authority, vote to accept the Grant of Easement set forth in the document entitled "DECLARATION OF RESTRICTIVE COVENANTS AND GRANT OF EASEMENT REGARDING STORM WATER MANAGEMENT SYSTEM" granted by BPR DEVELOPMENT LLC, a Delaware limited liability company with a usual place of business c/o National Development, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462, for stormwater system maintenance purposes upon the property shown as Lot 1 on a plan of land entitled "Subdivision Plan of Land in Sudbury, Massachusetts", prepared by VHB, Inc., dated May 6, 2016, and recorded in the Middlesex South District Registry of Deeds (the "Registry") as Plan No. 1005 of 2016.

Recommendations/Suggested Motion/Vote: Pursuant to the provisions of G.L. c. 83, §4, Article XII s. 3 of the Sudbury General Bylaws, and any other enabling authority, vote to accept the Grant of Easement set forth in the document entitled "DECLARATION OF RESTRICTIVE COVENANTS AND GRANT OF EASEMENT REGARDING STORM WATER MANAGEMENT SYSTEM" granted by BPR DEVELOPMENT LLC, a Delaware limited liability company with a usual place of business c/o National Development, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462, for stormwater system maintenance purposes upon the property shown as Lot 1 on a plan of land entitled "Subdivision Plan of Land in Sudbury, Massachusetts", prepared by VHB, Inc., dated May 6, 2016, and recorded in the Middlesex South District Registry of Deeds (the "Registry") as Plan No. 1005 of 2016.

Background Information:

See memorandum attached dated November 8, 2016 relative to the Meadow Walk grocery store property storm water management. Town Counsel has negotiated and approved the final document. DPW Director, Dan Nason, recommends approval.

Financial impact expected:n/a

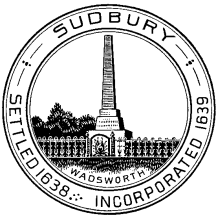
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

| | |
|--------------------------|---------|
| Patty Golden | Pending |
| Melissa Murphy-Rodrigues | Pending |
| Barbara Saint Andre | Pending |
| Susan N. Iuliano | Pending |
| Board of Selectmen | Pending |

01/24/2017 7:30 PM



Town of Sudbury

Planning and Community Development Department

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

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

TO: Board of Selectmen
FROM: Beth Suedmeyer, Environmental Planner, Planning and Community Development
Meagen Donoghue, Director, Planning and Community Development
RE: Request for Acceptance of Easement for Chabad Center at 100 Horse Pond Road
Stormwater Management for January 24, 2017 BOS Meeting
DATE: January 19, 2017

On September 9, 2015, the Planning Board issued a Decision to grant the Chabad Center of Sudbury (Owner) a Stormwater Management Permit (Permit). The Permit included a condition stating the Owner is responsible for the perpetual maintenance of the stormwater management system located on the property.

Furthermore, the Stormwater Management Permit Decision stipulates:

A restrictive covenant requiring construction of the stormwater system in accordance with the Plan, and maintenance of the stormwater management system in accordance with the Operation and Maintenance Plan shall be recorded on the Premises. This covenant shall allow for the placement of municipal liens on the Premises if the owner fails to fully construct the system or fails to maintain the system and the Town needs to do so. The Applicant shall submit the covenant for review and approval of the Board or its representative prior to recording at the Middlesex South District Registry of Deeds.

To this end, through the attached Covenant, the Chabad Center agrees to provide such perpetual maintenance of the stormwater system by imposing restrictive and protective covenants on the property. In the event that the Owner fails to do so, an easement over the property is created to allow the Town, through its Department of Public Works, to perform such maintenance and charge and assess the Owner for the cost.

Town Counsel recommended revisions to the previous form used for stormwater management covenants when the Covenant was prepared for grocery store associated with "Meadow Walk at Sudbury" in October and November of 2016. They also suggested the Owner grant an easement to the Town for better protection in the event it elects to remedy a failed stormwater system. The grant of an easement provides the explicit right of the Town to enter upon private property to conduct inspections and perform any required work. This document mimics the one developed for the National Development project.

We respectfully ask for the Board's acceptance of the easement.

Cc: Dan Nason, DPW Director

DECLARATION OF RESTRICTIVE
COVENANTS AND GRANT OF EASEMENT
REGARDING
STORMWATER MANAGEMENT SYSTEM

This Declaration of Restrictive Covenants and Grant of Easement (this “Restriction”) is made as of this ____ day of January, 2017 by Chabad Center of Sudbury, Inc., of 100 Horse Pond Road, Sudbury, Massachusetts 01776 (the “Owner”), in favor of the Town of Sudbury (the “Town”), a Massachusetts municipal corporation, by and through its Board of Selectmen, having an address of 278 Old Sudbury Road, Sudbury, MA 01776.

Whereas, Owner owns the premises known as 100 Horse Pond Road, Sudbury, Massachusetts, by virtue of a deed dated February 12, 2015 recorded with the Middlesex South Registry of Deeds in Book 65005, Page 133; and

Whereas, Owner applied to the Sudbury Planning Board for approval of the construction of a 7,800 +/- sq. ft. paved parking area and associated improvements (the “Project”) upon the property known as 100 Horse Pond Road and shown as a 87,880 +/- sq. ft. parcel on a plan of land entitled “Plan of Land in Sudbury, Mass.,” prepared for Olive T. Stone by Schofield Brothers, Inc., dated April 24, 1986 recorded with the Middlesex South Registry of Deeds as Plan No. 1176 of 1986 (the “Land”); and

Whereas, the stormwater management system required to drain stormwater relating to the Project is to be located on the Land; and

Whereas, the Sudbury Planning Board’s decision to grant Owner that certain Stormwater Management Permit dated September 9, 2015 (the “Decision”) is contingent upon the Owner being responsible for the perpetual maintenance of the stormwater management system located on the Land, including, without limitation, bio-retention area, drainage catch basin, pipes, and other structures, facilities, and/or appurtenances related thereto (as the same may be altered from time to time, the “Stormwater System”); and

Whereas, the Owner agrees to provide such perpetual maintenance of the Stormwater System by imposing restrictive and protective covenants on the Land and by granting an easement over the Land and to allow the Town, by and through its Department of Public Works (“DPW”), having an address of 275 Old Lancaster Road, Sudbury, MA 01776, if Owner fails to do so, to perform such maintenance and charge and assess the Owner for the cost thereof,

Now therefore, the Owner hereby declares the following covenants and grants the following easement:

1. The Owner, and/or its successors and assigns, shall be responsible, at its sole cost and expense, for constructing, installing, maintaining, operating, repairing, and replacing, the Stormwater System located on the Land for the purpose of allowing for the proper and efficient flow of stormwater as described in the Best Management Practices and the operation and maintenance plan entitled “Operation & Maintenance Plan/Stormwater Management Plan” for Sudbury Chabad Center at 100 Horse Pond Road, prepared by Drake Associates, Inc. and dated

August 3, 2015, on file with the Town, as the same may be amended or renewed from time to time with the prior written consent of the Town such consent not to be unreasonably withheld, delayed or conditioned.

2. The Owner hereby grants to the Town the non-exclusive, perpetual right and easement to enter the Land and any and all portions thereof for the purpose of inspecting the Stormwater System to determine compliance with the terms hereof, and to take any and all actions necessary or convenient to abate or remedy any violation hereof upon the terms and conditions set forth herein. Notwithstanding the above, the Town shall have no obligation to take any such actions.

3. In the event of a failure by the Owner to comply with the requirements of this Restriction resulting in the failure of the Stormwater System to function properly, the DPW shall have the right to deliver to the then Owner of the Land a written notice (pursuant to the notice provision below) to remedy said violation specifying the work that is required in order to enable the Stormwater System to function properly and providing for a thirty (30) day time period in which to complete such work. If the remedy is of such a nature that the same cannot be reasonably completed within said thirty (30) day period, then the DPW shall impose such other, additional timeframe upon the Owner as is reasonable under the circumstances. In the event the remedy is not completed in a manner reasonably satisfactory to the DPW within said thirty (30) day period (or such other additional timeframe imposed by the DPW), or the Owner shall fail to commence such remedy within the applicable period, or thereafter fail to prosecute the completion of same with diligence and continuity, then the DPW may, but shall have no obligation to, enter upon the Land and remedy the failure described in its notice as set forth in Paragraph 4 below.

4. In connection with any such entry, the DPW shall use reasonable efforts (a) to give prior notice to Owner of same, except in the case of emergency, and (b) not to unreasonably interfere with the conduct of the business on the Land, or with access to the Land, except to the extent as may be reasonably required in order to prosecute such remedy. DPW shall promptly restore or replace any portion of the areas outside the Stormwater System disturbed in the exercise of its rights hereunder.

Prior to exercising any right to enter the Land under this Restriction, or, in the case of emergency, as soon as is practicable, DPW agrees to carry and keep in effect, at DPW's sole cost and expense, comprehensive general liability insurance covering the Land in commercially reasonable amount in light of the nature of the work to be undertaken which may be included under the Town's so-called blanket or master insurance policy covering other property or insureds in addition to those required hereunder. DPW shall also cause any party performing work on the DPW's behalf on the Land and/or the Stormwater System in accordance with the terms of this Restriction to obtain and keep such insurance prior to entering upon the Land. Any insurance provided for above shall name Owner as additional insured and certificate holder, provided however, that the coverage amounts set forth in the Town's policy of insurance naming the Owner as an additional insured shall be limited \$100,000 as set forth in M.G.L. c. 258.

5. The rights hereby granted to the Town include the right to enforce the obligations of the Owner set forth herein by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violation, including, without limitation, relief requiring repair, maintenance or replacement of the Stormwater System (it being agreed that the Town has no

adequate remedy at law), and shall be in addition to, and not in limitation of, any other rights and remedies available to the Town. The Town shall have the option to enforce said obligations, but does not have the obligation to do so. The actual expenses incurred by the Town in abating or remedying any violation hereof and in enforcing the duties of the Owner hereunder shall be paid by the Owner within thirty (30) days after delivery of written notice to Owner by the Town accompanied by reasonable evidence of such expenses, and, if not paid within the time allowed, the Town may recover its costs by means of a municipal lien and/or betterment assessments on the Property in accordance with G.L. Chapter 80 and/or other applicable law. Any election by the Town as to the manner and timing of its right to enforce these covenants or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

6. Within twenty (20) days after written request therefor, DPW shall execute and deliver to the then Owner an estoppel certificate stating that to the best of the DPW's knowledge as of the date of the certificate whether any default has occurred under this Restriction by the Owner, and if there are known defaults, specifying the nature thereof. Notwithstanding anything contained herein to the contrary, the issuance of an estoppel certificate shall in no event subject the Town to any liability whatsoever, notwithstanding the negligent or otherwise inadvertent failure of the DPW to disclose correct and/or relevant information included in any such estoppel certificate, but the DPW shall be estopped from claiming or enforcing hereunder any then-existing default not set forth in such certificate, the same, if any, being waived upon the issuance of any such certificate.

7. No amendment, release or rescission of this Restriction shall be effective without the written approval of the Town.

8. This Restriction shall run with the land and shall bind and inure to the benefit of the owners of the Property and their respective successors and assigns.

9. The covenants and obligations contained herein are for the benefit of and enforceable by the Town in perpetuity. The Owner acknowledges that said covenants, as they are held by the Town, constitute perpetual restrictions held by a governmental body, as those terms are defined in G.L. c. 184, §26, and are thus not subject to G.L. c. 184, §§27-30, and, in any event, shall be enforceable for a term of at least 99 years.

10. The Owner, its successors and assigns, solely during the period of its and their respective ownership of the Land, shall defend, indemnify and hold the Town harmless from any and all claims, damages, losses, costs and liabilities, including, without limitation, reasonable attorneys' fees, relating to the Stormwater System and/or the Owner's actions taken or the Owner's failure to take action as may be required under this Restriction, excluding in any event from the foregoing indemnity, any matter arising from the negligence or willful misconduct of the Town.

11. The Owner agrees to record this Restriction with the Middlesex South District Registry of Deeds within twenty (20) business days after the date hereof, but the failure to do so shall not affect the validity hereof. The Owner further agrees to provide the Town with a copy of the recorded Restriction within seven (7) business days after its recording.

12. All notices required or permitted hereunder shall be in writing and addressed to the parties as set forth above or at such other addresses as the parties may designate from time to

time by notice given in accordance with the terms hereof. Notices may be given by hand delivery, or by recognized overnight delivery service, including the U.S. Postal Service, and shall be deemed given upon receipt in hand, or one (1) business day after deposit with such overnight delivery service, as applicable.

13. The Owner agrees to obtain from any mortgagee having a mortgage on the Land as of the date hereof a subordination to this Restriction, stating that such mortgages shall be subject to this Restriction. Such subordinations shall be obtained and recorded promptly.

14. The recitals stated in the preamble of this Restriction are incorporated herein in their entirety.

[End of text. Signatures on next page.]

Executed under seal as of this ____ day of January, 2017.

Chabad Center of Sudbury, Inc.

By _____
 Name: Yisroel Freeman
 Title: President

And

By _____
 Name: Rochel Shayna Freeman
 Title: Treasurer

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this ____ day of January, 2017, before me, the undersigned notary public, personally appeared the above-named Yisroel Freeman as President and Rochel Shayna Freeman as Treasurer, of Chabad Center of Sudbury, Inc., proved to me through satisfactory evidence of identification, which were _____, to be the persons whose names are signed on the preceding document, and acknowledged to me that they signed it voluntarily for its stated purpose, in such capacity as aforesaid.

 Notary Public
 My commission expires:

ACCEPTANCE OF EASEMENT

On this day of , 2017, the Town of Sudbury, acting by and through its Board of Selectmen pursuant to the provisions of G.L. c. 83, §4, Article XII s. 3 of the Sudbury General Bylaws, and any other enabling authority, hereby accepts the foregoing Grant of Easement.

TOWN OF SUDBURY,

By Its Board of Selectmen

Susan N. Iuliano, Chairman

Charles C. Woodard, Vice Chairman

Patricia Brown, Member

Robert C. Haarde, Member

Leonard A. Simon, Member

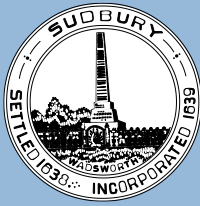
COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this ____ day of _____, 2017, before me, the undersigned notary public, personally appeared _____, member(s) of the Sudbury Board of Selectmen, proved to me through satisfactory evidence of identification which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that s/he/they signed it voluntarily for its stated purpose on behalf of the Town of Sudbury.

 Notary Public
 My commission expires:

Attachment 10.b: CHABAD STORMWATER COVENANT 2017.rev1 (2179 : Easement acceptance - 100 Horse Pond Rd)

**SUDBURY BOARD OF SELECTMEN**

Tuesday, January 24, 2017

CONSENT CALENDAR ITEM**11: Sudbury Foundation Donation to COA****REQUESTOR SECTION**

Date of request:

Requestor: Marilyn Martino, Sudbury Foundation

Formal Title: Vote to accept, on behalf of the Town, a grant of \$18,000 from the Sudbury Foundation, as requested by Marilyn Martino, Executive Director, in a memo dated December 31, 2016, to enable the Council on Aging to continue to fund the Senior Volunteer Coordinator position, said funds to be expended under the direction of the Town Manager.

Recommendations/Suggested Motion/Vote: Vote to accept, on behalf of the Town, a grant of \$18,000 from the Sudbury Foundation, as requested by Marilyn Martino, Executive Director, in a memo dated December 31, 2016, to enable the Council on Aging to continue to fund the Senior Volunteer Coordinator position, said funds to be expended under the direction of the Town Manager.

Background Information:
See attached

Financial impact expected: additional \$18,000 to cover Senior Volunteer Coordinator position

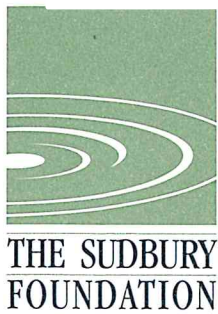
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

| | |
|--------------------------|---------|
| Patty Golden | Pending |
| Melissa Murphy-Rodrigues | Pending |
| Town Counsel | Pending |
| Barbara Saint Andre | Pending |
| Susan N. Iuliano | Pending |
| Board of Selectmen | Pending |

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Trustees

Miner A. Crary
 Susan Iuliano
 Stephen M. Richmond
 Jill M. Stansky
 Bank of America, N.A.

Trustee Emeritus

Richard H. Davison

Staff

Marilyn Martino
 Executive Director
 Tricia Brunner
 Operations Manager

RECEIVED
 BOARD OF SELECTMEN
 SUDBURY, MA

2017 JAN -9 A 9:08

December 31, 2016

Ms. Melissa Murphy-Rodrigues
 Town Manager
 Town of Sudbury – Council on Aging
 278 Old Sudbury Road
 Sudbury, MA 01776

Dear Melissa:

On behalf of the Sudbury Foundation, I am delighted to enclose a grant check for \$18,000 to fund the Council on Aging's Senior Volunteer Coordinator position ably manned by Ed Gottmann.

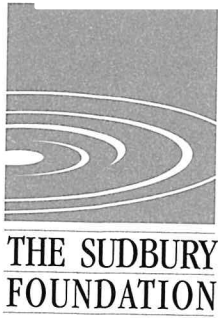
Also enclosed is an acknowledgment form describing the conditions of a Sudbury Foundation grant. These include submission of financial and programmatic reports within a year of the grant award. Please sign and return one copy of the Acknowledgement Form at your convenience.

Warm regards,

Marilyn Martino
 Executive Director

enclosure

cc: Debra Galloway, Senior Center Director



Grant Acknowledgment

Organization: Town of Sudbury - Council on Aging

Grant Amount: \$18,000

Date: December 23, 2016

Purpose: To encourage residents to support their neighbors through continued funding of the Senior Volunteer Coordinator position at the Fairbank Senior Center.

We hereby acknowledge receipt from the Sudbury Foundation of the grant described above.

As a condition of the grant award, the Trustees request a financial statement and programmatic report describing the way in which the funds were spent and giving an appraisal of the results achieved. Applicants receiving support for a special or one-year project should submit their reports to the Foundation upon completion of the project or within one year of receiving the grant award, whichever comes first. In some cases, the Foundation may request a Year Two report as well. Recipients of multi-year grants are required to submit annual reports.

The Foundation should be notified immediately of significant changes in the management of the organization, the project manager or the project itself.

It is understood that any portion of this grant not needed for the designated purpose will be repaid to the Foundation unless permission to do otherwise is expressly given by the Trustees.

In all public statements, the Trustees request that you acknowledge this grant as a gift from the Sudbury Foundation.

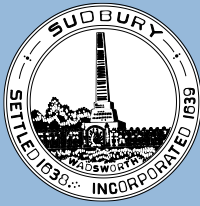
The Sudbury Foundation was established in 1952 by Sudbury residents Herbert and Esther Atkinson. The Foundation is guided by the Atkinsons' generosity and commitment to the people and places that brought meaning to their lives. The Foundation operates a local scholarship program and three geographically-focused nonprofit grantmaking programs.

Please sign and return one copy of this acknowledgment form to 326 Concord Road, Sudbury, MA 01776. A second copy has been provided for your records.

Signature: _____

Title: _____

Date: _____



SUDBURY BOARD OF SELECTMEN

Tuesday, January 24, 2017

CONSENT CALENDAR ITEM**12: National Grid Energy Rebate**REQUESTOR SECTION

Date of request:

Requestor: James Kelly, Facilities Director

Formal Title: Vote to accept, on behalf of the Town, a \$8,168 rebate check from National Grid, on behalf of Boston Gas Company, to be deposited into the Excelon/Select Utility Gift/Donation Account, (as requested by James Kelly, Combined Facilities Director, in a memo dated January 4, 2017), said funds to be accepted toward future energy initiatives in Town buildings under the direction of the Combined Facilities Director.

Recommendations/Suggested Motion/Vote: Vote to accept, on behalf of the Town, a \$8,168 rebate check from National Grid, on behalf of Boston Gas Company, to be deposited into the Excelon/Select Utility Gift/Donation Account, (as requested by James Kelly, Combined Facilities Director, in a memo dated January 4, 2017), said funds to be accepted toward future energy initiatives in Town buildings under the direction of the Combined Facilities Director.

Background Information:

Attached memo

Financial impact expected:

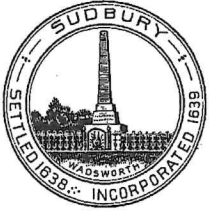
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

| | |
|--------------------------|---------|
| Patty Golden | Pending |
| Melissa Murphy-Rodrigues | Pending |
| Town Counsel | Pending |
| Barbara Saint Andre | Pending |
| Susan N. Iuliano | Pending |
| Board of Selectmen | Pending |

01/24/2017 7:30 PM



Town of Sudbury

Facilities Department

275 Old Lancaster Road
Sudbury, MA 01776
978-440-5466; Fax 978-440-5404
facilities@sudbury.ma.us

James F. Kelly, Facilities Director

TO: Melissa Murphy-Rodrigues, Town Manager

FROM: James Kelly, Facilities Director

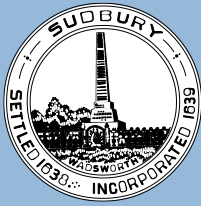
RE: National Grid Energy Incentive Rebate

DATE: January 4, 2017

I would like to request the Selectmen accept an energy efficiency incentive check from National Grid, on behalf of Boston Gas Company, in the amount of \$8,168. This check has been issued to the Town of Sudbury to recognize the energy efficient measures that were included during the construction of the new police station.

I am requesting that this incentive be accepted for future energy initiatives in town buildings selected by the Combined Facilities Director and be deposited in the Exelon/Select Utility Gift/Donation Account.

cc: Dennis Keohane, Finance Director
Christine Nihan, Town Accountant



SUDBURY BOARD OF SELECTMEN

Tuesday, January 24, 2017

CONSENT CALENDAR ITEM**13: Minutes approval**REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Vote to approve the regular session minutes of 1/10/17.

Recommendations/Suggested Motion/Vote: Vote to approve the regular session minutes of 1/10/17.

Background Information:
attached draft

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 |
| Susan N. Iuliano | Pending |
| Board of Selectmen | Pending |

01/24/2017 7:30 PM