

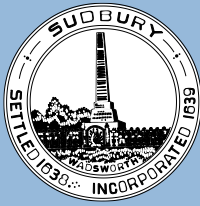
**SUDBURY BOARD OF SELECTMEN**  
**TUESDAY MAY 15, 2018**  
**7:00 PM, TOWN HALL - LOWER LEVEL**

Item #	Time	Action	Item
	7:00 PM		CALL TO ORDER
			Opening remarks by Chairman
			Reports from Town Manager
			Reports from Selectmen
			Citizen's comments on items not on agenda
<b>PUBLIC HEARING</b>			
1.	7:15 PM	<i>VOTE / SIGN</i>	As the Local Licensing Authority, vote on whether to approve the application of Green Cuisine, Inc, d/b/a Paani - Pure Indian Cuisine, 621A Boston Post Rd., Sudbury, for multiple amendments to its license to sell alcoholic beverages on the premises, under G.L.Ch. 138, s.12, Vimlesh Verma, Manager.
<b>TIMED ITEMS</b>			
2.	7:30 PM	<i>VOTE</i>	Interview candidate for appointment to the Commission on Disability. Following interview, vote whether or not to approve the Town Manager appointment of Patricia A. Guthy, 24 Pinewood Avenue, to the Commission on Disability for a term to expire 5/31/21.
<b>MISCELLANEOUS</b>			
3.		<i>VOTE / SIGN</i>	Vote to sign warrant for the June 12, 2018 Special Town Election which must be delivered and posted by June 5, 2018.
4.		<i>VOTE</i>	Vote to elect the Chair and Vice-Chair of the Board of Selectmen.
5.		<i>VOTE</i>	Discussion and appointment of subcommittee to review Selectmen's Policies.
6.		<i>VOTE</i>	Discussion and possible vote on Fairbank Task Force recommendations.
7.		<i>VOTE</i>	Vote to disband the Fairbank Community Center Task Force, and thank the members for their valuable contribution to the Town.
8.			Citizen's Comments (cont)

*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
9.			Discuss upcoming agenda items
<b>CONSENT CALENDAR</b>			
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 STORMWATER MANAGEMENT SYSTEM” granted by Eligius Homes Company, Inc., for stormwater system maintenance purposes upon the property shown as “Wigwam Hill, Definitive Subdivision of Land in Sudbury, Mass. Surveyed for Defense Housing Trust” by Charles A. Perkins Co., Inc., dated May 21, 1971 that is recorded with the Middlesex South Registry of Deeds as Plan No. 172 of 1980.
11.		<i>VOTE</i>	Vote to approve the regular session minutes of 3/6/18 and 3/20/18.
12.		<i>VOTE</i>	Vote to grant a Special Permit to the American Cancer Society, to Hold the “Bicycles Battling Cancer Ride” on Sunday June 10, 2018, from 7:30 A.M. through approximately 4:30 P.M., subject to Police Department safety requirements, Proof of Insurance Coverage and the assurance that any litter will be removed at the race’s conclusion.
13.		<i>VOTE</i>	Vote to approve for FY19 the attached list of annual or renewal DPW contracts awarded and previously approved for FY18 or to be awarded in FY19 on a Fiscal Year basis or Calendar Year basis by the Town Manager in accordance with procurement requirements and as reviewed by Town Counsel.
14.		<i>VOTE</i>	Vote to approve the FY19 Annual Support Agreement and License Agreement for Munis Software made by and between Tyler Technologies, Inc. and the Town, and further, to approve renewal for each of two subsequent one year terms at the discretion of the Town Manager.
15.		<i>VOTE</i>	Vote to approve the FY19 contract between the Town on behalf of the Goodnow Library (Participant) and Minuteman Library Network, Inc. for the purchase, installation and maintenance of telecommunications equipment provided to the Goodnow Library for participation in the Network, effective July 1, 2018, as requested by the Goodnow Library Director, said Agreement to be executed by the Town Manager.

*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, May 15, 2018

**PUBLIC HEARING****1: Paani Multiple Amendments to Alcohol License****REQUESTOR SECTION**

Date of request: May 2, 2018

Requestor: Green Cuisine, Inc. d/b/a Paani Pure Cuisine

Formal Title: As the Local Licensing Authority, vote on whether to approve the application of Green Cuisine, Inc, d/b/a Paani - Pure Indian Cuisine, 621A Boston Post Rd., Sudbury, for multiple amendments to its license to sell alcoholic beverages on the premises, under G.L.Ch. 138, s.12, Vimlesh Verma, Manager.

Recommendations/Suggested Motion/Vote: As the Local Licensing Authority, vote on whether to approve the application of Green Cuisine, Inc, d/b/a Paani - Pure Indian Cuisine, 621A Boston Post Rd., Sudbury, for multiple amendments to its license to sell alcoholic beverages on the premises, under G.L.Ch. 138, s.12, Vimlesh Verma, Manager. The premises are described as follows: 2,616 square foot restaurant with 3 entrances and 3 exits. The application is for a Change of Location (to Meadow Walk Sudbury, Building #5), Change of Category (from Wine & Malt to All Alcohol), Change of Corporate Name (from Green Cuisine, Inc to Paani Indian Cuisine LLC) and Change of Corporate Structure (from corporation to LLC). A copy of the application is available for inspection at the office of the Sudbury Board of Selectmen during regular business hours.

**Background Information:**

Please see application and license quotas attached. Complete lease and other documents available at the Selectmen's office upon request.

Financial impact expected:\$2150 License &amp; Application Fees

Approximate agenda time requested: 15 minutes

Representative(s) expected to attend meeting: Vimlesh Verma, Owner/Manager

**Review:**

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

05/15/2018 7:00 PM



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

RECEIVED  
 OF SELECTION  
 SUDBURY, MA

2018 APR 26 A 10: 51

**APPLICATION FOR MULTIPLE AMENDMENTS**

Please complete Name of Licensee and Application Contact sections completely, leaving no fields blank.

<b>NAME OF LICENSEE</b> (Business Contact)	Vimlesh Verma		
<b>ABCC License Number</b>	11409489	<b>City/Town of Licensee</b>	Sudbury

**APPLICATION CONTACT**

The application contact is required and is the person who will be contacted with any questions regarding this application.

<b>First Name:</b>	Vimlesh	<b>Middle:</b>		<b>Last Name:</b>	Verma
<b>Title:</b>	Owner		<b>Primary Phone:</b>		
<b>Email:</b>					

**AMENDMENT OPTIONS**

Please check off all of the amendments for which you are applying below. You will only be required to complete the sections of this amendment application that correspond to the amendments you check. Next to each amendment is the page that you will find the necessary application questions to complete. Please see the instructions page for additional required documents based on transaction.

If there are ANY financial considerations for the transactions for which you are applying, you must complete the financial section on page 2 of this application.

- ☐ Change in Business Contact Information - Page 2  
 This is only to change a mailing or business address (corporate headquarters, NOT premises address), phone number or email.
- ☐ Change of Manager - Page 3
- ☒ Alteration of Premises / Change of Location - Page 4
- ☐ Change of Beneficial Interest / Transfer or Issuance of Stock - Page 5
- ☐ Pledge of Collateral (License, Inventory, Beneficial Interest) - Page 6
- ☒ Change of Corporate Name - Page 6
- ☐ Change of DBA - Page 6
- ☒ Change of Corporate Structure (i.e. Corporation to LLC, Sole Proprietor to LLC) - Page 6
- ☒ Change of Category (i.e. Wine and Malts to All Alcohol) - Page 6
- ☐ Change of Class (i.e. Seasonal to Annual) - Page 6
- ☐ Change of Type (i.e. Restaurant to General on Premises) - Page 6



## APPLICATION FOR MULTIPLE AMENDMENTS

**FINANCIAL INFORMATION**

Complete this section if there are financial consideration for any of the amendments for which you are applying.

**Associated Costs**

A. Purchase Price for Building/Land	
B. Purchase Price for any Business Assets	
C. Costs of Renovations/Construction	
D. Purchase Price of Inventory	
E. Initial Start-Up Costs	
F. Other (Please specify)	
G. Total Cost (Add lines A-F)	

Please note, the total amount of **Cash Investment** (top right table) plus the total amount of **Financing** (bottom right table) must be equal to or greater than the **Total Cost** (line G above).

You are required to provide all documents relating to financing and/or loans you receive for this transaction

Please provide information about the sources of cash and/or financing for this transaction

**Source of Cash Investment**

Name of Contributor	Amount of Contribution
Total:	

**Source of Financing**

Name of Lender	Amount	Does the lender hold an interest in any MA alcoholic beverages licenses?	If yes, please provide ABCC license number of lender
Total:			

**BUSINESS CONTACT**

Complete this section **ONLY** if there are changes to the Licensee phone number, business address (corporate headquarters), or mailing address. If you are changing your premises location, you must also complete the premises section on page 4.

Primary Phone:		Fax Number:	
Alternative Phone:		Email:	

**Business Address (Corporate Headquarters)**

Street Number:		Street Name:	
City/Town:		State:	
Zip Code:		Country:	

**Mailing Address**

☐ Check here if your Mailing Address is the same as your Business Address

Street Number:		Street Name:	
City/Town:		State:	
Zip Code:		Country:	

## APPLICATION FOR MULTIPLE AMENDMENTS

**MANAGER CONTACT**

Complete this section if you are requesting a change of manager.

The Manager Contact is the individual who will have day-to-day, operational control over the liquor license.

Salutation  First Name  Middle Name  Last Name  Suffix

Social Security Number  Date of Birth

Primary Phone:  Email:

Mobile Phone:  Place of Employment

Alternative Phone:  Fax Number

**Citizenship / Residency / Background Information of Proposed Manager**

Are you a U.S. Citizen? ☒ Yes ☐ No

Have you ever been convicted of a state, federal, or military crime? ☐ Yes ☐ No  
If yes, attach an affidavit that lists your convictions with an explanation for each

Have you ever been Manager of Record of a license to sell alcoholic beverages? ☒ Yes ☐ No

If yes, please list the licenses for which you are the current or proposed manager:

Do you have direct, indirect, or financial interest in this license? ☒ Yes ☐ No

If yes, percentage of interest

If yes, please indicate type of Interest (check all that apply):

☒ Officer ☐ Sole Proprietor  
☐ Stockholder ☒ LLC Manager  
☐ LLC Member ☐ Director  
☐ Partner ☐ Landlord  
☐ Contractual ☐ Revenue Sharing  
☐ Management Agreement ☐ Other

Please indicate how many hours per week you intend to be on the licensed premises

**Employment Information of Proposed Manager**

Please provide your employment history for the *past 10 years*

Date(s)	Position	Employer	Address	Phone
2008	RE Broker	Coldwell Banker	Sudbury, MA	
2008-present	owner	Greene cuisine, DBA Paani	621A Boston Post Rd., Sudbury, MA 01771	978-443-8100

**Prior Disciplinary Action of Proposed Manager**

Have you ever been involved directly or indirectly in an alcoholic beverages license that was subject to disciplinary action? If yes, please complete the following:

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

PROPOSED MANAGER MUST COMPLETE A CORI REQUEST FORM

## APPLICATION FOR MULTIPLE AMENDMENTS

**PREMISES INFORMATION**

Please complete this section if you are altering your premises or changing your premises location.  
Please enter the address where the alcoholic beverages are sold.

**Premises Address**

Street Number:  Street Name:  Unit:   
 City/Town:  State:  Zip Code:   
 Country:

**Description of Premises**

Please provide a complete description of the premises, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage.

Floor Number	Square Footage	Number of Rooms
First	2,616 sf	

Patio/Deck/Outdoor Area Total Square Footage   
 Indoor Area Total Square Footage   
 Number of Entrances   
 Number of Exits   
 Proposed Seating Capacity   
 Proposed Occupancy

**Occupancy of Premises**

Please complete all fields in this section. Documentation showing proof of legal occupancy of the premises is required.

Please indicate by what right the applicant has to occupy the premises

Landlord Name

Lease Beginning Term

Landlord Phone

Lease Ending Term

Landlord Address

Rent per Month

Rent per Year

If leasing or renting the premises, a signed copy of the lease is required.

Please indicate if the terms of the lease include payments based on the sale of alcohol: ☒ Yes ☐ No





## AMENDMENT APPLICATION FOR:

Change of Corporate Name, Change of DBA, Change of Legal Structure, Change of Class, Change of Category

Please check the amendment that you are applying for and complete the corresponding section. Please refer to the requirements page for required documents.

**PLEDGE INFORMATION**

Are you seeking approval for a pledge? ☐ Yes ☒ No

To whom is the pledge is being made:

Please indicate what you are seeking to pledge (check all that apply)

Does the lender have a beneficial interest in this license? ☐ Yes ☐ No

☐ License ☐ Stock / Beneficial Interest ☐ Inventory

Does the lease require a pledge of this license? ☐ Yes ☐ No

☒ **Change of Corporate Name**

This is the License Entity  
Name or the Business Contact

Last-Approved Corporate Name:

Green Cuisine, Inc.

Requested New Corporate Name:

Paani Indian Cuisine LLC

☐ **Change of DBA**

Last-Approved DBA:

Requested New DBA:

☒ **Change of Corporate Structure**

LLC, Corporation, Sole  
Proprietor, etc

Last-Approved Corporate Structure

Corporation

Requested New Corporate Structure

LLC

☒ **Change of License Category**

All Alcohol, Wine and Malt,  
Wine Malt and Cordials

Last-Approved License Category

Wines & Malt Beverages with Cordials/Liquor

Requested New License Category

All Alcoholic Beverages

☐ **Change of License Class**

Seasonal or Annual

Last-Approved License Class

Annual

Requested New License Class

Annual

☐ **Change of License Type\***

i.e. Restaurant to Club

Package Store to Supermarket

Last-Approved License Type \*

**\$12 Restaurant**

Requested New License Type

**\$12 Restaurant**

\*CAN NOT change from an  
on-premise to an off-premises  
license type.\*

Attachment1.a: Paani Multiple Amendments Application\_BOS (2781 : Paani Multiple Amendments to Alcohol License)

**ADDITIONAL SPACE**

The following space is for any additional information you wish to supply or to clarify an answer you supplied in the application.

If referencing the application, please be sure to include the number of the question to which you are referring.



**APPLICANT'S STATEMENT**

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

of Paani Indian Cuisine LLC, hereby submit this application for Multiple Amedments  
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: 04/25/2018

Title:

Owner

Attachment 1.a: Paani Multiple Amendments Application\_BOS (2781 : Paani Multiple Amendments to Alcohol License)





**The Commonwealth of Massachusetts**  
**William Francis Galvin**

Minimum Fee: \$100.00

Secretary of the Commonwealth, Corporations Division  
 One Ashburton Place, 17th floor  
 Boston, MA 02108-1512  
 Telephone: (617) 727-9640

Special Filing Instructions

**Certificate of Amendment**

(General Laws, Chapter )

Identification Number: 001288932

The date of filing of the original certificate of organization: 8/31/2017

1.a. Exact name of the limited liability company: PAANI INDIAN CUISINE LLC

1.b. The exact name of the limited liability company as amended, is: PAANI INDIAN CUISINE LLC

**2a. Location of its principal office:**

No. and Street: 20 ADAMS ROAD  
 City or Town: SUDBURY State: MA Zip: 01776 Country: USA

3. As amended, the general character of business, and if the limited liability company is organized to render professional service, the service to be rendered:

4. The latest date of dissolution, if specified:

**5. Name and address of the Resident Agent:**

Name: VIMLESH VERMA  
 No. and Street: 20 ADAMS ROAD  
 City or Town: SUDBURY State: MA Zip: 01776 Country: USA

**6. The name and business address of each manager, if any:**

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
MANAGER	VIMLESH VERMA	20 ADAMS ROAD SUDBURY, MA 01776 UNI

7. The name and business address of the person(s) in addition to the manager(s), authorized to execute documents to be filed with the Corporations Division, and at least one person shall be named if there are no managers.

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code

8. The name and business address of the person(s) authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property:

Title	Individual Name	Address (no PO Box)
-------	-----------------	---------------------

	First, Middle, Last, Suffix	Address, City or Town, State, Zip Code
REAL PROPERTY	VIMLESH VERMA	20 ADAMS ROAD SUDBURY, MA 01776 UNI

**9. Additional matters:****10. State the amendments to the certificate:**

I AM DELETING THE NAME OF MANAGER -SURENDRA PAL VERMA FROM PAANI INDIAN CUISINE LLC

**11. The amendment certificate shall be effective when filed unless a later effective date is specified:**

**SIGNED UNDER THE PENALTIES OF PERJURY, this 20 Day of March, 2018,**  
VIMI VERMA , Signature of Authorized Signatory.

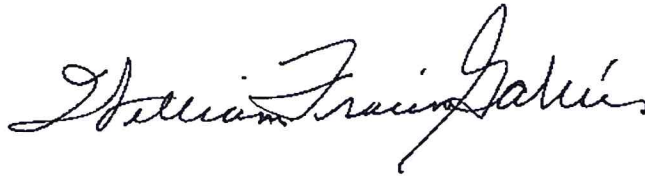
© 2001 - 2018 Commonwealth of Massachusetts  
 All Rights Reserved

## THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are

deemed to have been filed with me on:

March 20, 2018 11:28 AM



WILLIAM FRANCIS GALVIN

*Secretary of the Commonwealth*



Vote of the corporate Board:

At the meeting of the Manager/Members of Paani Indian Cuisine LLC dated on March 26, 2018, held at 20 Adams Rd., Sudbury, MA 01776, it was voted that the LLC apply to the Board of Selectman for the Town of Sudbury to change the ownership of the All Alcoholic License exercised on the premises located at the Paani- Pure Indian Cuisine, 530 Boston Post Rd., suite C, Sudbury Ma 01776.

"Voted: To authorize Vimlesh verma A.K.A. Vimi Verma, to sign the application to change the ownership of the license in the name of Paani Indian Cuisine LLC, to execute in its behalf any necessary papers, and to do all things relative to change in license."

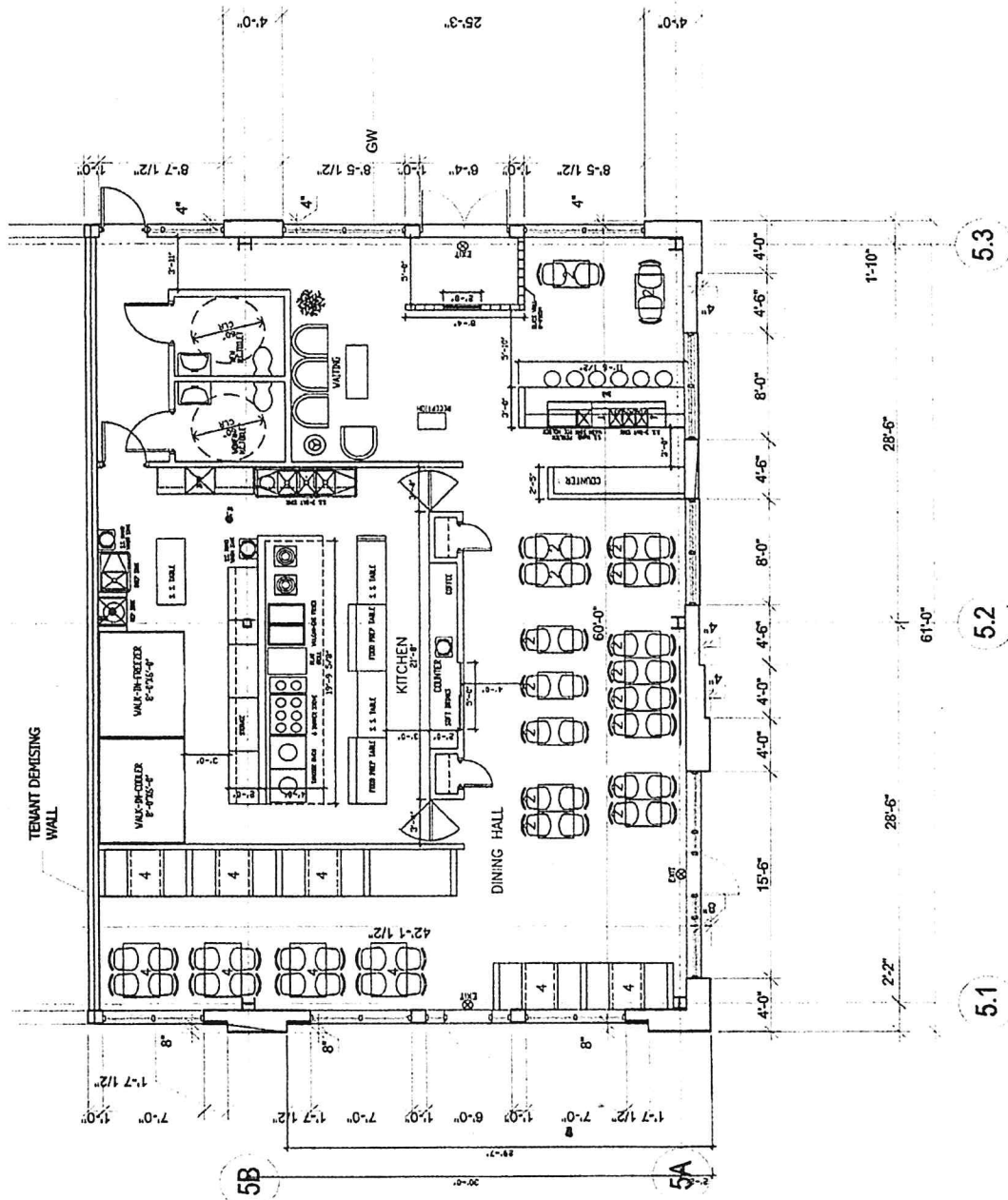
This is to certify Vimlesh Verma, A.K.A. Vimi Verma, of Sudbury, MA is still the manager or principal representative, with a full authority and control of the premises described in the license of the LLC and of the conduct of all business therein relative to alcoholic beverages as the licensee itself could in any way have and exercise if it were a natural person resident in the Commonwealth of Massachusetts and that a copy of this vote duly certified by the Manager of the LLC and delivered to said manager or principal representative shall constitute the written authority required by Sec. 26, Chap. 138 G.L.

This is to certify that a majority of the Manager/Members of the Paani Indian Cuisine a Limited Liability Company duly organized under the laws of Massachusetts, are residents of the Commonwealth of Massachusetts and citizens of the United States.

This LLC has not been dissolved.

  
Vimlesh N. Verma, Manager

# EXHIBIT G TENANT'S CONCEPT PLAN



**Paani Cuisine – Multiple Amendments (Change of Location, Change of Category, Change of Corporate Name and Change of Corporate Structure)**  
**Department Feedback**

**Board of Health Approval:**

From: Murphy, Bill  
 Sent: Wednesday, May 02, 2018 10:25 AM  
 Subject: RE: Multiple Amendments Application: Paani Cuisine

The Board of Health is in the process of permitting the new location. The new location provides additional space and updated equipment, both necessary for their continued operation.

The Board of Health **SUPPORTS THIS APPLICATION**.

-Bill

---

**Building Department Approval:**

From: Herweck, Mark  
 Sent: Thursday, April 26, 2018 4:21 PM  
 Subject: Re: Multiple Amendments Application: Paani Cuisine

I have **NO ISSUES** and will review plans with the building permit application.

---

**DPW Approval:**

From: Nason, Dan  
 Sent: Thursday, April 26, 2018 4:22 PM  
 Subject: RE: Multiple Amendments Application: Paani Cuisine

The DPW has **NO CONCERNS** relative to this application.

Regards,  
 Dan Nason

---

**Fire Department Approval:**

From: Whalen, John  
 Sent: Monday, April 30, 2018 1:25 PM  
 Subject: RE: Multiple Amendments Application: Paani Cuisine

Hello Leila,  
 The Fire Department has **NO ISSUES** with this application.  
 Thank you

---

**Police Department Approval:**

Attachment1.b: Department Approvals\_Paani\_Multiple Amendments (2781 : Paani Multiple Amendments to Alcohol License)

From: Nix, Scott  
Sent: Monday, April 30, 2018 9:39 AM  
Subject: RE: Multiple Amendments Application: Paani Cuisine

Leila,  
The Police Department **DOES NOT HAVE AN ISSUE** with the request. Thank you.

Respectfully,  
Scott Nix  
Chief of Police

---

**Town Counsel Review:**

From: Brian Riley  
Sent: Sunday, April 29, 2018 2:26 PM  
Subject: FW: Alcohol License Application: Paani Pure Indian Cuisine

Leila: I have reviewed the application filed by Vimlesh Verma in order to make four changes to his §12 liquor license (change of location, change of corporate structure, change of corporate name and change from wine and malt to all alcohol. In my opinion, the application has the required information. In general, the ABCC goes through the business and ownership aspects of the applicants with a fine tooth comb, and local licensing authorities do not really have to; as long as the lease appears to be complete for the new location, that is what the Board wants to verify.

While many sections are blank, that is not unusual for these types of changes. The ownership and Manager will remain the same and he is not using any outside financing, so none of those sections are applicable in this case. There is only one entry that I noticed that you may want to bring to the applicant's attention. On the "Application for Multiple Amendments" page, he has checked off "license" under the pledge information box. This is likely in error – since he is self-financing, he would not be pledging the license (this is when the licensed is pledged as security for a loan, usually to a bank). If he doesn't take off the check, it could hold things up at the ABCC. Otherwise **THIS APPLICATION LOOKS LIKE IT HAS THE INFORMATION NEEDED FOR THE BOARD OF SELECTMEN TO APPROVE IT.** If there are specific questions, please let me know.

Brian

Brian W. Riley, Esq.



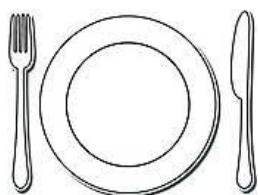
# Town of Sudbury

## Alcohol License Quota & Availability

### ALCOHOL LICENSEES

#### RESTAURANT/CLUB

##### Section 12



#### All Alcohol

Acapulcos  
American Legion Post #191  
Bosse Sports & Health Club  
Bullfinch's  
Conrad's  
Da Vinci Bistro  
El Basha  
Fugakyu Café  
Lavender Asian Cuisine  
Longfellow's Wayside Inn  
Lotus Blossom  
No. 29 Sudbury  
Oak Barrel Tavern  
Paani **PENDING**  
Soul of India  
Victory Cigar Bar

1- Available

2- Available

#### Wine & Malt

Chili Basil  
Franco's Trattoria  
Oishii Too Sushi Bar  
Rossini's

1- Available\* **PENDING**

\*Currently held by Paani.

Quota:	18	5
Total Issued:	16	5
Available:	2	1

#### PACKAGE STORE

##### Section 15



#### All Alcohol

Danny's  
Duck Soup  
Stony Brook  
Sudbury Wines, Spirits

**None Available**

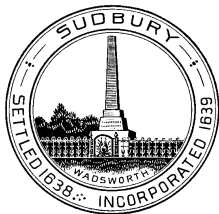
#### Wine & Malt

Sperry's Wine  
Sudbury Craft Beer  
Sudbury Farms

1- Available

2- Available

4	5
4	3
0	2



## TOWN OF SUDBURY

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

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

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

### LEGAL NOTICE TOWN OF SUDBURY

The Board of Selectmen, acting as the Licensing Authority of the Town of Sudbury, will hold a Public Hearing on Tuesday, May 15, 2018, at 7:15 p.m. in the Town Hall, 322 Concord Road, Sudbury, MA on the following application:

Application of Green Cuisine, Inc, d/b/a Paani- Pure Indian Cuisine, 621A Boston Post Rd., Sudbury, for multiple amendments to its license to sell alcoholic beverages on the premises, under G. L. Ch. 138, s.12, Vimlesh Verma, Manager. The premises are described as follows: 2,616 square foot restaurant with 3 entrances and 3 exits. The application is for a Change of Location, Change of Category (from Wine & Malts to All Alcohol), Change of Corporate Name and Change of Corporate Structure. A copy of the application is available for inspection at the office of the Sudbury Board of Selectmen during regular business hours.

### BOARD OF SELECTMEN

-----

For publication: *Sudbury Town Crier* May 3, 2018

Date: April 27, 2018

cc: Applicants  
 Building Department  
 Fire Department  
 Board of Health  
 Police Department

**SUDBURY BOARD OF SELECTMEN**

Tuesday, May 15, 2018

**TIMED ITEM****2: Interview candidate for Commission on Disability****REQUESTOR SECTION**

Date of request:

Requestor: Maryanne Bilodeau/Melissa Rodrigues

Formal Title: Interview candidate for appointment to the Commission on Disability. Following interview, vote whether or not to approve the Town Manager appointment of Patricia A. Guthy, 24 Pinewood Avenue, to the Commission on Disability for a term to expire 5/31/21.

Recommendations/Suggested Motion/Vote: 7:30 PM

Background Information:  
attached application

Financial impact expected:n/a

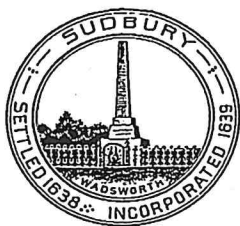
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

05/15/2018 7:00 PM



**TOWN OF SUDBURY**  
*Office of the Asst. Town Manager/HR Director*

Maryanne Bilodeau  
 Asst. Town Manager/HR Director

278 Old Sudbury Road  
 Sudbury, Massachusetts 01776  
 Tel: (978) 639-3386  
 Email: bilodeaum@sudbury.ma.us

To: Melissa Murphy-Rodrigues, Esq.  
 From: Maryanne Bilodeau MB  
 Re: Commission on Disability Appointment  
 Date: May 10, 2018

I met with Patricia Guthy to discuss her interest in becoming a member of the Commission on Disability. Patricia has lived in Sudbury for 45 years; has a BA in Political Science with a minor in Education; and spent many years as a Special Education Teacher.

She feels that there are many services for children through the school system; however, when they turn 22 the services aren't as plentiful as these students transition into the adult world. She would like to see this disabled population better recognized.

Since there is currently only one member on the Commission on Disability there was no vote taken supporting her appointment. Patricia is very passionate about becoming a member.

Patricia Guthy's application for appointment attached.

Attachment2.a: MB\_Memo\_Guthy (2758 : Interview candidate for Commission on Disability)

**TOWN OF SUDBURY  
APPLICATION FOR APPOINTMENT**

BOARD OF SELECTMEN  
278 OLD SUDBURY ROAD  
SUDBURY, MA 01776

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

Board or Committee Name: Commission on Disability

Name: Patricia A. Guthy

Address: 24 Pinewood Avenue

Home phone: [REDACTED]

Email Address: [REDACTED]

Work or Cell phone: [REDACTED]

Years lived in Sudbury: 45

Brief resume of background and pertinent experience:

Special Ed Teacher (Resource) - St Paul School Wellesley  
Special Ed Aide Curtis Middle School - Case Collaborative  
CED-Teacher For Disabled (Our Lady of Fatima)  
Corporate Human Resource Director (various organizations: Corporate  
Municipal experience (if applicable):

None

Educational background: Fordham University - B.A. - Political Science - minor E  
New York University - Management Certificate, Framingham State  
special education.

Reason for your interest in serving:

Disability populations' needs need to be recognized, studied & addressed  
They are an important segment in the community & can contribute with  
Times when you would be available (days, evenings, weekends): assistance.

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

No.

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

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

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

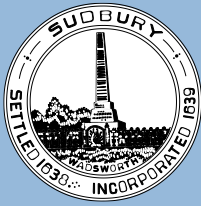
Signature

Patricia A. Guthy

Date

2-1-18

Attachment 2.b: Guthy\_appl (2758 : Interview candidate for Commission on Disability)



## SUDBURY BOARD OF SELECTMEN

Tuesday, May 15, 2018

3

### MISCELLANEOUS (UNTIMED)

#### 3: Sign STE warrant

##### REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Vote to sign warrant for the June 12, 2018 Special Town Election which must be delivered and posted by June 5, 2018.

Recommendations/Suggested Motion/Vote: Vote to sign warrant for the June 12, 2018 Special Town Election which must be delivered and posted by June 5, 2018.

Background Information:  
attached warrant

Financial impact expected:n/a

Approximate agenda time requested:

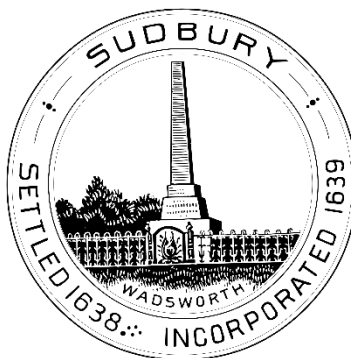
Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

05/15/2018 7:00 PM

# Town of Sudbury Massachusetts



## OFFICIAL WARRANT SPECIAL TOWN ELECTION

**Tuesday, June 12, 2018**  
Polls Open 7:00 A.M. to 8:00 P.M.

Precincts 1, 1A, 2 & 5 - Fairbank Community Center, 40 Fairbank Road  
Precincts 3 & 4 - Sudbury Town Hall, 322 Concord Road

---



## TOWN OF SUDBURY SPECIAL TOWN ELECTION WARRANT

Commonwealth of Massachusetts  
Middlesex, ss.

To the Constable of the Town of Sudbury:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Sudbury, qualified to vote in Town Elections, that voters residing in Precincts 1, 1A, 2 and 5 should meet at the Fairbank Community Center and voters residing in Precincts 3 and 4 should meet at the Town Hall in said Town on Tuesday, June 12 2018, between the hours of seven o'clock in the forenoon and eight o'clock in the evening, to cast their votes on the following ballot questions:

### BALLOT QUESTION NO. 1

*Shall the Town of Sudbury be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to purchase and equip rolling stock, vehicles, and equipment for the Department of Public Works, including all incidental and related expenses?*

YES \_\_\_\_\_ NO \_\_\_\_\_

**SUMMARY:** The 2018 Annual Town Meeting has voted its approval of Article 22 for the expenditure of funds to purchase and equip various vehicles requested by the Director and pertinent to the operations of the Department of Public Works.

This ballot question seeks to exclude from the Proposition 2 ½ levy limit the principal and interest to pay for this project. If this debt exclusion receives approval via this ballot, permanent bonding will be obtained upon completion of the purchases based on actual expenditures.

At the time of warrant signing, the total project cost has not been finalized; however, predicated upon an estimated total project cost of \$860 thousand, impact on the tax rate is: \$0.04 per \$1,000 assessed value at the highest point of the bonding period (based upon a 5-year bond at 3.0%). For example, the tax impact on the 2018 average home value of \$726,926 is estimated at \$32 in the first year of debt service, and would decline approximately \$1/year during the bonding period.

A “yes” vote on this question will authorize the Town to exclude from the levy limit the debt required to fund the vehicle and equipment purchases and expenditures connected thereto and a “no” vote will mean the purchases of vehicles and equipment cannot go forward.

**ARGUMENT FOR PASSAGE:** The systematic replacement and upgrading of DPW vehicles and equipment ensures safety and reliability for construction projects and more importantly for responses to storms (flooding, snow, hurricanes, etc.), road closures and other emergency situations. The replacement focus of unreliable and costly to repair vehicles and equipment improves efficiencies and meets the multi-disciplinary needs of the Department.

The dump truck with plow, side-mounted wing and small spreader insert is needed for multiple uses throughout all divisions (highway, drainage, cemetery, parks & grounds) and will improve efficiencies in snow removal operations. This type of vehicle is used to perform everyday tasks including moving materials and towing equipment.

The bucket truck will provide the tree division with the equipment it needs to fell trees throughout the Town, a service which is currently contracted. This purchase will allow the majority of regular tree maintenance and various emergencies to be handled internally and purchase would pay for itself in four years, potentially yielding over \$300,000 in savings over the life of the vehicle.

The addition of two street sweepers will enable the Town to eliminate contracted services and enable the Town to meet the Federal Stormwater Permit guidelines, potentially yielding a future savings of \$120,000/year.

The versatile mini-excavator would replace a 2005 backhoe in the cemetery division. Its easy maneuverability would eliminate headstone removal and replacement, and also be extremely beneficial to the highway and drainage division in sidewalk construction, and maintenance and installation of drains that are inaccessible by backhoe.

**ARGUMENT IN OPPOSITION:** Although passage of this debt exclusion would increase the tax rate over the five-year bonding period only, any increase in the Town's tax levy may cause financial hardship to residents, especially older residents. The purchase of the dump truck could be deferred. While the addition of two street sweepers might enable the Town to eliminate contracted services, it is not a requirement of the Federal Stormwater Permit guidelines that the streets be swept twice per year.

## BALLOT QUESTION NO. 2

*Shall the Town of Sudbury be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to construct, reconstruct, or make extraordinary repairs to replace the underground fuel storage and management systems at the DPW Facility located at 275 Old Lancaster Road, including all incidental and related expenses?*

YES \_\_\_\_\_ NO \_\_\_\_\_

**SUMMARY:** The 2018 Annual Town Meeting has voted its approval of Article 23 for the expenditure of funds to replace the underground fuel storage and management systems at the DPW as requested by the Director.

This ballot question seeks to exclude from the Proposition 2 ½ levy limit the principal and interest to pay for this project. If this debt exclusion receives approval via this ballot, permanent bonding will be obtained upon completion of the purchases based on actual expenditures.

At the time of warrant signing, the total project cost has not been finalized; however, predicated upon an estimated total project cost of \$1.5 million, impact on the tax rate is: \$0.04 per \$1,000 assessed value at the highest point of the bonding period (based upon a 10-year bond at 3.5%). For example, the tax impact on the 2018 average home value of \$726,926 is estimated at \$32 in the first year of debt service, and would decline approximately \$1/year during the bonding period.

A “yes” vote on this question will authorize the Town to exclude from the levy limit the debt required to fund the replacement of the underground fuel storage and management systems at the DPW and a “no” vote will mean the replacement cannot go forward.

**ARGUMENT FOR PASSAGE:** The current underground fuel storage and dispensing system is over 25 years old and at the end of its useful life. The fuel system at the Public Works Department provides approximately 45,000 gallons unleaded and approximately 30,000 gallons diesel annually to the entire DPW fleet, Police, Fire, Building, Facilities, BOH, Council on Aging, School Department (SPS and LS), Housing and the Water District. The existing aged fuel management system has been experiencing intermittent failures causing the need to seek alternate fuel sources including patronizing privately-owned fuel stations (at a substantial increase in costs per gallon). The current fuel management and tracking system is original to the installation and is considered very old in terms of technology. It does not interface with current, more robust and user-friendly systems, nor is it compatible with current automotive preventative maintenance software available for the DPW mechanics. Replacement parts and service companies have been scarce and it is difficult to find repair service companies that work on this system. The underground fuel storage tanks need replacement before they experience any leaks resulting in an environmental concern. Furthermore, the fuel management and tracking system needs to be replaced before parts and service personnel are no longer available for it. Either case would put the Town in a crisis situation and not able to support critical town services.

**ARGUMENT IN OPPOSITION:** Approval of this article at the ballot will severely and negatively impact lower income home owners and those living on retirement savings, particularly older residents. If this project could have been financed in phases with the underground tank removal first, the cost would have been spread out.

### BALLOT QUESTION NO. 3

*Shall the Town of Sudbury be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to repair the Stearns Mill Pond Dam in order to stabilize the dam and correct the safety deficiencies identified by the State, including design, permit and engineering fees therefor, and to fund the design and construction to replace the Dutton Road bridge downstream of the dam and over Hop Brook, including all incidental and related expenses?*

YES \_\_\_\_\_ NO \_\_\_\_\_

**SUMMARY:** The 2018 Annual Town Meeting has voted its approval of Article 24 for the expenditure of funds to design and repair of the Stearns Mill Pond Dam and to design and construct the replacement of the Dutton Road Bridge.

This ballot question seeks to exclude from the Proposition 2 ½ levy limit the principal and interest to pay for this project. If this debt exclusion receives approval via this ballot, permanent bonding will be obtained upon completion of the purchases based on actual expenditures.

At the time of warrant signing, the total project cost has not been finalized; however, predicated upon an estimated total project cost of \$1.85 million, impact on the tax rate is: \$0.04 per \$1,000 assessed value at the highest point of the bonding period (based upon a 20-year bond at 4.0%). For example, the tax impact on the 2018 average home value of \$726,926 is estimated at \$27 in the first year of debt service, and would decline approximately \$1/year during the bonding period.

A “yes” vote on this question will authorize the Town to exclude from the levy limit the debt required to fund the design, permitting, and engineering fees, and construction costs connected to the repair of the Stearns Mill Pond Dam and for design and construction of the Dutton Road bridge replacement. A “no” vote will mean neither project can go forward.

**ARGUMENT FOR PASSAGE:** The Stearns Mill Pond Dam is rated as a significant hazard dam by the Office of Dam Safety, Massachusetts Department of Conservation and Recreation, which issued a Notice of Noncompliance (NON) after inspection. A consultant hired by the Public Works Department performed additional inspections, including underwater dive and dye testing, to better understand the limits of what will be needed to stabilize the structure to remove the rating. In order to comply with the NON (and eliminate the risk of fines or penalties) and to improve the rating, the Town needs to perform a study and further analysis of the dam including hydrologic and hydraulic calculations, topographic survey, wetland delineation, and a remedial design. In order to comply with the NON timeline, design and permitting will commence in June with bidding in December 2018 for construction in August through October of 2019, when flows are lowest

The Dutton Road Bridge (which lies downstream of the Stearns Mill Pond Dam) provides one critical link for motorists traveling between Hudson Road to the north and Route 20 to the south. A recent culvert and bridge inspection identified severe deterioration and section loss to the corrugated metal pipes, sagging upper chord members, loose and dislodged masonry in various locations, heaved headwalls and deteriorated stringers along the downstream pedestrian bridge.

The design and construction of the bridge estimate is around \$1.1M but the work may qualify, if approved, for State grant reimbursement up to \$500,000 once the project is completed.

**ARGUMENT IN OPPOSITION:** The cost of this twenty-year bond to the taxpayers would severely impact many of the Town’s homeowners even if considered individually. Collectively with other bonding overlapping, new or currently in place, together with the taxation required to fund the financial articles passed at this Annual Town Meeting which also affect the tax rate, the financial impact of this article presents a real hardship.

Polls will open at seven o'clock in the forenoon and will be closed at eight o'clock in the evening.

And you are required to serve this Warrant by posting an attested copy thereof at the Town Hall at least seven days before the time appointed for such election.

Hereof fail not and make due return of the Warrant by your doing thereon to the Town Clerk, at or before the time of election aforesaid.

Given under our hands this 15th day of May, 2018.

SELECTMEN OF SUDBURY:

Robert C. Haarde

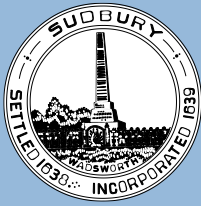
Leonard A. Simon

Patricia A. Brown

Daniel E. Carty

Janie Dretler

Attachment3.a: Special Election Warrant 6-12-18 (2779 : Sign STE warrant)



## SUDBURY BOARD OF SELECTMEN

Tuesday, May 15, 2018

4

### MISCELLANEOUS (UNTIMED)

#### 4: Board reorganization

##### REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Vote to elect the Chair and Vice-Chair of the Board of Selectmen.

Recommendations/Suggested Motion/Vote: Vote to elect the Chair and Vice-Chair of the Board of Selectmen.

Background Information:

Financial impact expected:n/a

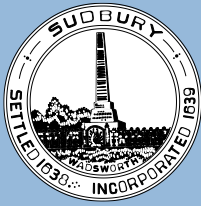
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

05/15/2018 7:00 PM



## SUDBURY BOARD OF SELECTMEN

Tuesday, May 15, 2018

5

### MISCELLANEOUS (UNTIMED)

#### 5: Selectmen Policies

##### REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Discussion and appointment of subcommittee to review Selectmen's Policies.

Recommendations/Suggested Motion/Vote: Discussion and appointment of subcommittee to review Selectmen's Policies.

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
Robert C. Haarde	Pending
Board of Selectmen	Pending

05/15/2018 7:00 PM



## *Selectmen Policies, Rules and Regulations*

It is recognized that in order to operate efficiently and as a unit, a board shall have a system of policies to direct its decisions and actions.

### *Section 1. Procedural*

#### **A. Code of Conduct of the Board of Selectmen**

**2. A member of the Board of Selectmen, in relation to his or her community should:**

- a. Realize that his or her basic function is to make policy, with administration delegated to the Town Manager.
- b. Realize that he or she is one of a team and should abide by, and carry out, all Board decisions.
- c. Be well informed concerning the duties of a Board member on both local and state levels.
- d. Remember that he or she represents the entire community at all times.
- e. Accept the role of a member is a means of unselfish service, not to benefit personally or politically from his or her Board activities.
- f. Abide by the ethics guidelines established by the State and not use the position of Selectmen to obtain inside information on matters that may benefit someone personally.

**3. A member of the Board of Selectmen, in his or her relations with the Town Manager, should:**

- a. Endeavor to establish sound, clearly defined policies that will direct and support the administration of or the benefit of the staff and residents of the community.
- b. Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
- c. Give the Town Manager full responsibility for discharging his or her disposition and solution.
- d. Not give instructions to or request assistance from Town department heads, but rather channel all such activities through the full Board and the Town Manager.

**4. A member of the Board of Selectmen, in his or her relations with fellow Board members, should:**

- a. Recognize that action at official legal meetings is binding and that he or she alone cannot bind the Board outside of such meetings.
- b. Not make statements or promises of how he or she will vote on matters that will come before the Board until he or she has had an opportunity to hear the pros and cons of the issue during a Board meeting.
- c. Uphold the intent of executive session and respect the privileged communication that exists in executive session.
- d. Refrain from communicating the position of the Board of Selectmen to such entities as reporters or state officials unless the full Board has previously agreed on both the position and the language of the statement conveying the statement.
- e. Treat with respect the rights of all members of the Board despite differences of opinion.

**5. A member of the Board of Selectmen, in his or her relations with Town staff, should:**

- a. Treat all staff as professionals, with clear, honest communication that respects the abilities, experience, and dignity of each individual.
- b. Limit contact to specific Town staff. Questions of Town staff and/or requests for additional background information should be directed only to the Town Manager, Town Counsel, Assistant

Town Manager, Administrative Assistant to the Board of Selectmen, or Department heads. The Town Manager should be copied on all requests or correspondence.

- c. Never publicly criticize an individual employee. Concerns about staff performance should only be made to the Town Manager through private conversation.
- d. Limit requests for staff support, and insure that all requests go through the Town Manager.
- e. Insure than any materials or information provided to a Selectmen from a staff member be made available to all Selectmen.

*First adopted by the Board of Selectmen May 10, 2000*

DRAFT

***2.Code of Conduct for Town of Sudbury Committees Whose Members are appointed by the Sudbury Board of Selectmen or the Sudbury Town Manager***

A member of any Committee who has accepted appointment by the Board of Selectmen or the Town Manager to a Committee position is expected to comply with the following code of conduct. Failure to adhere to this code will be considered by the Board and Town Manager when making re-appointment decisions.

1. Realize that your function is to follow the mission statement of the Committee.
2. Accept the role of a Committee member is a means of unselfish service, not to benefit personally or politically from his or her Committee activities.
3. Abide by the ethics guidelines established by the State.
4. Conflicts of interest: Refrain from participating as either a member of the Committee or as a member of the public in Committee matters in which you have a personal interest.
5. Abide by all policies established by the Board of Selectmen, including the email communications policy.
6. Realize that you are one of a team and should abide by all decisions of the Committee.
7. Be well informed concerning the duties and responsibilities of the Committee.
8. Remember that you represent the entire community at all times.
9. Request assistance from Town staff only through the staff person assigned to the Committee.
10. Not make statements or promises of how you will vote on matters that will come before the Committee until you have had an opportunity to hear the pros and cons of the issue during a public meeting of the Committee.
11. Refrain from communicating the position of the Committee to reporters or state officials unless the full Committee has previously agreed on both the position and the language of the statement conveying the statement.
12. Treat with respect and courtesy all members of the Committee despite differences of opinion.
13. Treat with respect and courtesy any member of the public, including anyone they have brought to represent them, who comes before the Committee for any reason, but particularly in matters related to regulatory issues.
14. Never publicly criticize an employee of the Town. Concerns about staff performance should only be made to the Town Manager through private conversation.
15. Insure that any materials or information provided to a Committee member from Town staff should be made available to all Committee members.
16. If circumstances change so that meeting attendance on a regular basis becomes difficult, the Committee member will offer his or her resignation to the Board, so that someone who can regularly attend meetings can be selected by the Board.

Adopted by the Board of Selectmen July 11, 2006; revised September 8, 2009.

### 3. *Meeting Policy*

1. An organizational meeting shall be held at the first meeting following Town Meeting.
  - a. Elect Chairman.  
The Chairman will approve the agenda for and conduct the Selectmen's meeting; coordinate the affairs of the Board with due concern that all members' views are heard and considered; and act as liaison to the Town Manager and the major departments under the Board of Selectmen.
  - b. Elect Vice-Chairman.  
The Vice-Chairman will assume the duties of the Chairman in his absence. The Vice-Chairman is tasked with organizing office hours, the town forum and the Board of Selectmen newsletter.
  - c. Elect Clerk (Town Manager unless voted otherwise).  
The Clerk will be responsible for (1) preparation for Selectmen's meetings and keeping complete and accurate minutes of Selectmen's meetings and ; and (2) is authorized to provide attested copies of Selectmen's votes and minutes as necessary.
2. Meetings shall start promptly at 7:00 p.m. on Tuesdays. Formal business session shall adjourn no later than 10:00 PM. Unfinished business will be postponed until the next meeting. Meetings will be held twice a month, unless the need for a special meeting arises or the Board votes to hold fewer meetings.
3. Actions and decisions shall be by motion, second and vote. If the vote is not unanimous, the minutes shall reflect the vote of each Selectmen.
4. For the meeting, the Town Manager shall:
  - a. Provide Selectmen with pertinent explanatory or review material in brief form with agenda, sent prior to meeting.
  - b. Have on hand, all back-up data and files appropriate to a scheduled item of discussion. In addition, he shall provide any data, analyses and recommendations as appropriate.
  - c. Draft motions in advance of meeting.
  - d. Report highlights from meeting minutes of other boards and committees.

(Amended 05/10/76, 04/23/84, 10/29/84, 11/08/84, 07/08/96)

#### 4. *Town Counsel Policy*

It is the intent of this policy to set forth general guidelines and expectations on the accessibility of Town Counsel to Town boards, commissions and committees, and employees, consistent with the Town of Sudbury general bylaws, the Town charter (the Board of Selectmen-Town Manager Act) and state law. It is not the intent of this policy to explicitly or implicitly deny anyone access to Town Counsel but rather to control and monitor accessibility to Town Counsel, thereby understanding and controlling the cost of legal services.

##### A. Boards, commissions and committees of the Town of Sudbury

1. Chairs of all boards, commissions or committees, other than the Board of Selectmen, shall have direct access to Town Counsel to obtain legal advice, including a request for a written opinion, or to request Town Counsel to attend a meeting of such board, committee or commission. Any member of a board, commission or committee may request a written opinion from Town Counsel, provided that said member obtains a majority vote of said board, committee or commission at a public meeting authorizing the request of such opinion. After obtaining a majority vote as set forth in the preceding sentence, said request shall be submitted to Town Counsel with a copy to the Town Manager for notification purposes.
2. Town Counsel will refer all requests for opinions received from individual members of boards, commissions or committee to the chair of said committee, who will schedule the request for a vote of the board, commission or committee on the matter of approving such a request at the next meeting of said committee, when feasible. Town Counsel will copy the Town Manager on all such requests.
3. Boards, commissions or committees may vote to authorize one member of the board, commission or committee to communicate directly with Town Counsel on a specific matter they have explicitly voted for that member to have responsibility for. For example, if a board appoints one member of the board to work on a policy item to be considered by the board, the board may include in their designation that this includes the ability to seek an opinion from Town Counsel as part of the work to be undertaken by that board member. Such vote of the board, commission, or committee must clearly reflect an authorization for the Town Counsel to speak directly with less than a quorum of the board, commission or committee on the specific matter. Such a vote must be filed with the Town Counsel and the Town Manager.
4. The chairs or vice-chairs of all boards, committees and commission shall have direct access to Town Counsel to request advice or assistance in preparation of the agenda for an upcoming meeting or for advice regarding chairing an upcoming meeting. They do not need to copy the Town Manager on such inquiries.
5. The chairs or vice-chairs of boards, committees or commission with the Town shall have direct access prospectively to Town Counsel to request opinions, advice or information concerning the **Open Meeting Law** codified at G.L. c. 39, section 23B or to receive guidance with respect to the rules governing responses to public records requests. They do not need to copy the Town Manager on such inquiries.
6. Officers of the Town, including all members of boards, commissions and committee requesting **Ethics Opinions** (Conflict of Interest Law) shall have direct access to Town Counsel. They do not need to copy the Town Manager on such inquiries.
7. The Moderator shall have direct access to Town Counsel to obtain legal advice, including a request for a written opinion, in relation to her/his duties as Moderator.



**B. Board of Selectmen**

1. The chair of the Board of Selectmen shall have direct access to Town Counsel to obtain legal advice, including a request for a written opinion, or to request Town Counsel to attend a meeting of the board. Any member of the Board of Selectmen shall have direct access to Town Counsel to obtain legal advice or request a written opinion. Such requests shall be submitted in writing to Town Counsel with a copy to the Town Manager and the chair of the Board of Selectmen for notification purposes. The chair of the Board shall ensure that other Board members are informed of such requests.
2. The chair of the Board of Selectmen shall have direct access to Town Counsel to request advice or assistance in preparation of the agenda for an upcoming meeting or for advice regarding chairing an upcoming meeting. The chair does not need to copy the Town Manager on such inquiries.
3. The chair or vice-chair of the Board of Selectmen shall have direct access prospectively to Town Counsel to request opinions, advice or information concerning the **Open Meeting Law** codified at G.L. c. 39, section 23B or to receive guidance with respect to the rules governing responses to public records requests. They do not need to copy the Town Manager on such inquiries.
4. All members of the Board of Selectmen requesting **Ethics Opinions** (Conflict of Interest Law) shall have direct access to Town Counsel. They do not need to copy the Town Manager on such inquiries.

**C. Town Manager and Town Employees**

1. The Town Manager shall have direct access to Town Counsel at all times in relation to her/his duties as Town Manager.
2. Department heads and division heads are encouraged to set up meetings with Town Counsel during regularly established Town Counsel office hours, via an email to Town Counsel with a cc to the Town Manager.
3. Department heads, division heads and other employees shall have email or phone access to Town Counsel as needed for general advice on issues concerning the operation of their offices, but must copy the Town Manager on the request to Town Counsel. If the request involves generation of a written opinion from Town Counsel, Town Manager shall be notified of that request before the opinion is written.
4. Employees of the Town requesting **Ethics Opinions** (Conflict of Interest Law) shall have direct access to Town Counsel. They do not need to copy the Town Manager on such inquiries.

**D. Town Meeting Issues**

1. Warrant articles for the Annual Town Meeting or Special Town Meetings sponsored by Town boards, committees, commissions or employees shall be drafted by the Town Counsel's office. Sponsors of warrant article(s), excluding petition articles, shall submit draft wording for articles or general background information that Town Counsel will use to write the article, and send it back to the sponsor for signature before submission to the Board of Selectmen's Office.

2. Sponsors of petition articles for Annual or Special Town Meeting may submit draft articles to Town Counsel for legal review and guidance. Town Counsel will not draft articles for petitioners, but will be available for legal review and guidance. To obtain such legal review, draft petition articles must be submitted to the Board of Selectmen's office at least five days before the January 31 due date for article submission. Staff in the Board of Selectmen's office shall forward the draft petition article to Town Counsel for review.
3. Town Counsel's office will write all motions for all articles for Annual or Special Town Meeting, working with the sponsors of all articles as needed in the judgment of Town Counsel.

**E. Confidentiality of Attorney-Client Communications**

The attorney-client privilege shields from the view of third parties all confidential communications between a client and its attorney undertaken for the purpose of obtaining legal advice. As a matter of policy, the Board of Selectmen hereby requires that the confidentiality of communications between town officials, departments, boards, and committees, and Town Counsel and Special Town Counsel be maintained and preserved. The scope of privileged communications includes communications from Town officials, departments, boards or employees seeking legal advice, as well as opinions and advice received from Town Counsel or Special Town Counsel, whether in formal written opinions, email, in person, or by telephone. The attorney-client privilege belongs to the Town of Sudbury, acting through its Board of Selectmen. The Board of Selectmen is the chief policy making body of the Town and is responsible, in conjunction with Town Counsel, for managing the legal affairs of the Town. Accordingly, only the Board of Selectmen, acting as a Board at a duly noticed meeting, is authorized to waive the attorney-client privilege on behalf of the Town. Should any town official, department, board, or committee believe that it is in the best interests of the Town to waive the attorney-client privilege with respect to any privileged attorney-client communication received from Town Counsel or Special Town Counsel, they should request to discuss the matter with the Board of Selectmen in executive session to obtain a vote by the Board of Selectmen as to whether or not said privileged communication may be released. No town official, department, board or committee is permitted on his or her or its own volition to release any confidential attorney-client communications to third parties or otherwise purport to waive the Town's attorney-client privilege.

( Approved 9/8/2015)

## **5. Policy on Remote Participation**

### **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 December 15, 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.

### **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 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.

- 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.
- 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. Remote participation shall be limited to one member per scheduled meeting.
- ix. Remote participants shall not operate a motor vehicle or otherwise jeopardize personal or public safety while participating in a meeting.

***(Approved 12/15/2015)***



## 6. APPOINTMENT POLICY

1. Expiration date for appointments is April 30th, or until his successor is appointed and qualified, with the exception of the following:
  - a. Historic Districts Commission, which, under G.L.Ch.40C, expire January 1st.
  - b. Election Officers are appointed annually between July 15th and August 15th, in accordance with G.L.Ch. 54, s.12.
  - c. Sudbury Cultural Council appointments may expire at varying times, depending upon date of appointment.
2. The Town Manager shall:
  - a. Present, at the first regular meeting following Town Election, a list of appointments to be made by the Board.
  - b. Notify incumbents and request their statement of availability regarding reappointment.
  - c. Notify the chairman of the appropriate board or committee requesting recommendation for reappointment or filling vacancies.
  - d. Actively seek volunteers for boards and committees and maintain a "Talent File" of same.
  - e. Provide Chairmen of boards and committees with names of candidates from the Talent File and request recommendations from pertinent boards or committees to fill vacancies.
3. Schedule interviews for potential new appointees.
  - a. Copies of applications shall be provided to the Selectmen and chairman of respective board or committee prior to interview.
  - b. Invite chairman to join Selectmen in conducting the interview relating to his board.
4. Annual appointments shall be completed as soon as possible.

(Amended 5/10/76, 8/23/99)

## **7. SELECTMEN'S LIAISON AND WORK ASSIGNMENTS**

As the executive board responsible for the overall leadership and coordination of town affairs, and in order to promote close cooperation among town groups, the Selectmen shall maintain close liaison with selected boards and committees, as well as the departments for which they are directly responsible.

This liaison function usually shall be performed by individual Selectmen as assigned.

The liaison and work assignments shall be made each year after board organization, as proposed by the Chairman and approved by the Board. The Chairman's assignments shall include Town Manager and Town Counsel.

The intent and scope of the liaison functions shall depend on the type of individual, board or committee assigned, as follows:

1. Official Appointed by Selectmen:

Advice and counsel; contact point for interpretation and explanation of board decisions; coordination of activities with Board and other town groups, as required; familiarity with objectives and activities; recommendations to Selectmen for changes.

2. Board or Committee Appointed by Selectmen:

Assistance to committee and coordination of activities, as requested; familiarity with objectives and activities; recommendations to Selectmen for changes.

3. Other Elected or Appointed Board, Committee or Official:

Coordination of activities, as required; familiarity with objectives and activities.

The Selectmen assigned to a liaison function shall keep the Board of Selectmen advised of significant developments and activities and specific Selectmen decisions or advice required or sought.

(Amended 5/10/76, 8/23/99)

## **8. Citizen Comment Procedure**

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

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

### **9. Sudbury Board of Selectmen's Office Hours**

The Board will begin offering monthly "Office Hours" where no more than two members of the Board will be at different sites in the Town. These office hours are not public meetings with an agenda, but rather a casual, open time for general discussions with Board members. The Board of Selectmen's Office Hours shall be posted on the Town's web site at least one week before each session.

DRAFT

## **10. EVALUATION PROCESS FOR THE TOWN MANAGER**

### **PREFACE**

The Sudbury Board of Selectmen is committed to an evaluation process that is positive, constructive, and measurable in assessing performance. The BOS seeks to provide sound and regular feedback to the Town Manager throughout the year. The purpose of the evaluation instrument is to formally appraise the Town Manager's performance on an annual basis. The BOS will assess the Town Manager's performance in management practices and in the accomplishment of goals. The evaluation process should be implemented with mutual respect for all involved, to assist the Town Manager in reviewing her effectiveness and to work toward the common goal of improving the Town of Sudbury.

### **PROCESS**

The evaluation shall consist of:

**SECTION 1:** A narrative self-evaluation completed by the Town Manager, addressing major areas of responsibility and progress in meeting the goals agreed upon by the BOS and the Town Manager.

**SECTION 2:** A composite evaluation based on a checklist of the Town Manager's major areas of responsibilities. Each Selectman will complete an individual checklist review form to evaluate each area. The composite evaluation scoring for each area will be an average of the Selectmen's individual ratings, with each Selectman's score weighted equally. The Town Manager Evaluation Subcommittee will provide a draft summary of the comments provided by the Selectmen for each area, to be approved by the BOS.

**SECTION 3:** A composite evaluation concerning the Town Manager's progress in meeting the goals agreed upon by the BOS and the Town Manager. Each Selectman will complete an individual narrative concerning the Town Manager's progress in meeting these goals. The Town Manager Evaluation Subcommittee will provide a draft summary of the comments provided by the Selectmen for each goal, to be approved by the BOS.



## PROCEDURE AND SCHEDULE

By **October 15** each year, the BOS will establish or update goals for the Town of Sudbury that may be annual or multi-year objectives, with a focus on the following calendar year. Within the context of these goals, the BOS and Town Manager together will outline specific annual goals, for the upcoming calendar year, to assist the Town Manager in identifying her role in implementing the Town goals. The BOS will establish a Town Manager Evaluation Subcommittee to draft these goals. The Town Manager's goals will be established by the end of **November**. The Town Manager also may establish administrative goals for the Town staff.

Throughout the year, individual Selectmen should identify any performance concerns or recommendations and discuss these directly with the Town Manager. Substantial concerns, including any that require corrective action, should be discussed by the BOS in an open session. In any event, the BOS will conduct an informal discussion concerning the Town Manager's performance in **July or August** each year.

To initiate the formal review process, the Town Manager will submit a narrative self-evaluation to the BOS by **March 1** each year, addressing the prior calendar year. Each Selectman will complete an individual Section 2 checklist form and a Section 3 goal narrative and submit these to the Town Manager Evaluation Subcommittee by **March 15**, evaluating the Town Manager's performance for the prior calendar year.

These individual evaluations, combined with information from the Town Manager's self-evaluation, will be compiled by the Subcommittee into a draft composite evaluation. The Subcommittee will then meet with the Town Manager to discuss the draft evaluation. The Subcommittee will submit the draft evaluation to the board by the first BOS meeting in **April**. The BOS will review and approve the evaluation by **April 30** to ensure that those members who have supervised the Town Manager during the preceding calendar year vote on the evaluation. All BOS discussion of the evaluation will occur in an Open Meeting and both individual and composite written evaluations will be available as public records.

The BOS will generally conduct the salary review for the Town Manager in **June** of each year.  
Approved 4/5/16

## Section 2. Board of Selectmen Financial Management Policies

### **Introduction**

The Town of Sudbury has an important responsibility to carefully account for public funds, to manage municipal finances wisely, and to plan and provide for the adequate funding of services desired by the public and as required by laws, rules, or regulations, including the provision and maintenance of public facilities and improvements. The budget and financial goals and policies set forth by the Board of Selectmen in this document are intended to establish guidelines for the continued financial strength and stability of the Town of Sudbury. The Town Manager, per charter, is responsible for the financial management of the town, including budgeting.

### **Goals**

Goals are broad, timeless statements of the financial position the Town seeks to attain. The financial goals for the Town of Sudbury are:

- To provide full value to the residents and business owners of Sudbury for each tax dollar by delivering quality services efficiently and on a cost-effective basis.
- To preserve our quality of life by providing and maintaining adequate financial resources necessary to sustain a sufficient level of municipal services, and to respond to changes in the economy, the priorities of governmental and non-governmental organizations, and other changes that may affect our financial well-being.
- To maintain our top level AAA credit rating
- To inform Town decision makers on management and policy matters which have significant fiscal importance.
- To set forth operating principles that balance the costs of government while supplying top rate services.
- To employ balanced and fair revenue policies that provide adequate funding for desired programs.
- To promote sound financial management by providing accurate and timely information on the Town's financial condition.
- To ensure the legal use of financial resources through an effective system of internal controls.

To achieve these goals, the Board of Selectmen adopts the following policies.

### **1. Operating Budget Policy**

Sound financial practice and the desire to maintain a strong credit rating dictate that our budgets be balanced, constantly monitored, and responsive to changes in service demands and available resources. With these concepts in mind, the Town of Sudbury has adopted the following budget policy:

- On or before December 1, cost centers shall submit a proposed preliminary budget to the Finance Director for review.
- On or before January 31 of each year, the Town Manager will prepare a comprehensive budget for the Town of Sudbury, covering all major cost centers, all spending plans and all anticipated revenues. This comprehensive budget will be submitted to the Finance Committee and to the Board of Selectmen. (Bylaws Article IV Section 5)

- **Balanced Budget.** The annual operating budgets will be appropriated on a balanced basis, where operating revenues (estimated revenues) are used to fund operating expenditures (appropriations).
  - Operating revenues include property taxes, motor vehicle excises, charges for services, interest earnings, license and permit fees, fines and forfeitures, regularly recurring governmental aid, and transfers in from other funds established for operating purposes.
  - Operating expenditures/expenses include salaries and wages, employee benefits, equipment and improvements, materials, supplies, and contractual costs.
- Nothing in this policy shall prohibit the use of operating revenues for capital expenditures/expenses
- The Town will avoid relying on Free Cash to fund on-going operating expenses.
- To the extent possible, one-time revenues that are not required by law or agreement to be expended for a particular purpose will only be used for capital purposes, augmenting of Town reserves or emergency expenditures/expense.
- The Town Manager will annually estimate the costs of the Town's obligations for providing benefits for Town and Sudbury Public School employees as part of the preparation of the annual operating budget.
- The operating budget will not be subsidized by the Stabilization Fund.

## **2. Revenue Policy**

Revenues determine the capacity of the Town to provide services. To ensure that revenues for the Town are balanced and capable of supporting desired levels of services, the Town of Sudbury has adopted the following revenue policy statements:

- The Town Manager and Finance Director are responsible for estimating revenues for the upcoming fiscal year. They will consult with other officials of the town as well as state officials and others with knowledge of state and local finance. (Town Charter)
  - Revenue forecasts for local receipts and state aid shall be conservative, using generally accepted forecasting techniques and appropriate data. Revenue deficits will be avoided at all costs.
  - The Town Manager and Finance Director will project revenues for the next three years as part of the three-year financial forecast.
  - Each year and whenever appropriate, existing revenues will be re-examined and possible new sources of revenues will be explored to ensure that we are maximizing our revenue potential. All fees are reviewed and periodically updated, as necessary
  - The Town will strive to be informed and aware of all grants and other aid that may be available to us. All potential grants and other aid shall be carefully examined for matching requirements (both dollar and level-of-effort) and restrictive covenants, to ensure that our participation in such grants will be beneficial and cost-effective.
  - Each year and whenever appropriate, intergovernmental revenues will be reviewed to determine their short and long-term stability, to minimize the impact of any adverse changes.
- Intergovernmental revenues shall be used as legally prescribed or otherwise set forth by policy.

- The Town will carefully and routinely monitor all amounts due the Town. An aggressive policy of collection will be followed for all receivables, including property taxes. A target of 98% property tax collection rate by fiscal year end will be achieved.
- Recreational user charges and fees will be set to recover approximately 100% of total direct costs generated by revolving fund recreation programs.
- Enterprise fund (Transfer Station, Atkinson Pool and Recreation Field Maintenance) user charges and fees will be set to recover all direct costs and associated with the activities of these funds as well as the indirect costs.

### **3. Expenditure Policy**

Expenditures are a rough measure of a local government's service output. While many expenditures can be controlled, emergencies, unfunded mandates, and unanticipated service demands may strain our ability to maintain a balanced budget. To ensure the proper control of expenditures and provide for a quick and effective response to adverse financial situations, the Town of Sudbury has adopted the following expenditure policy:

- Expenditures and purchase commitments will be made in a form and process that is legal, appropriate, funded, authorized and sufficiently documented.
- Expenditures and purchase commitments will be recorded in an accurate and timely fashion.
- The review and approval process for all vouchers shall be followed at all times. Properly completed claims must be prepared and submitted to the accounting department by the department responsible for originating the claim. A "properly completed claim" must include, but is not limited to, the vendor's name and address, date of claim, explanation, and accounts to be charged, department authorization signature and sufficient documentation. "Sufficient documentation" means that a person unfamiliar with the transaction could understand what was ordered, when, by whom, from what vendor, at what price, when the goods or services were delivered, who accepted delivery, and who authorized payment.
- The balances in appropriation accounts will be monitored regularly to ensure that the total of expenditures/expenses and purchase commitments do not exceed the authorized budget.
- Requests for competitive bids, proposals, formal and informal quotes, and other methods of seeking and encouraging vendor competition will be obtained as required by law and as otherwise established by the Town Manager or Town Counsel.
- Arrangements will be encouraged with other governments, private individuals, and firms, to contract out or cooperatively deliver services, in a manner that reduces cost and/or improves efficiency and effectiveness while maintaining service quality.
- All appropriations shall lapse at the close of the fiscal year to the extent that they shall not have been expended or encumbered.

### **4. Reserves and Risk Management Policy**

A municipality's fiscal policies should include a plan for maintaining reserves. Operating reserves (or fund balance) are a prudent fiscal management tool and an important credit factor in the analysis of financial flexibility. The Town of Sudbury will maintain a level of reserves that protect the Town from emergency conditions, contribute to sufficient liquidity to pay all Town expenses, without short-term

borrowing, and contribute to the high credit rating that the Town currently holds from Standard & Poor's (AAA). To provide for adequate levels of reserves to protect the Town's financial condition over the long-term, the Town of Sudbury has adopted the following financial reserves policy:

#### **Risk Management**

- The Town will maintain an effective risk management program that provides adequate coverage, minimizes losses, and reduces costs.
- The Town will annually work with the Town's insurance carrier to update all listings of Town owned assets and the value of such covered assets.

As the Town is self-insured for some of the benefits programs it offers, the Town will maintain adequate reserves for its Workers Compensation and Unemployment Compensation **B. Stabilization Fund**

- The Town of Sudbury shall maintain a Stabilization Fund to provide the reserves that are required to protect the financial condition of the Town.
- The Town will work toward the goal of maintaining in the Stabilization Fund an amount equal to five percent (5%) of the total projected General Fund operating revenues for the previous fiscal year.
- Interest earned on Stabilization Fund balances will be retained in the Stabilization Fund.
- Withdrawals from the Stabilization Fund will only be used for extraordinary events.
- Transfers shall be made at the Fall Town Meeting if free cash has been certified.

### **5. Capital Budgeting and Planning Policy**

Capital assets include land, improvements to land, buildings, building improvements, vehicles, machinery, equipment, works of art and historical treasures, infrastructure, construction in progress and all other tangible and intangible assets that are used in operations and have initial useful lives extending beyond a single reporting period. Infrastructure assets are long-lived capital assets that normally are stationary in nature and can be preserved for a significantly greater number of years than most capital assets. Examples of infrastructure assets owned by the Town of Sudbury include roads, bridges, culverts, dams and drainage systems. The Town of Sudbury has a capital planning and budget bylaw and process that require the following:

- Per Town Charter and Town By-Law, the Town Manager shall meet with Department Heads and compile a capital program and capital budget.
- The Town Manager will submit a capital program to the Board of Selectmen. The proposed program will detail each capital project, the estimated cost, description and funding source.
- The Town will update and adopt annually a five-year capital improvement plan ("CIP"), including the upcoming annual capital improvement budget ("CIB") and a four-year projection of capital needs and expenditures, which details the estimated cost, description and anticipated funding sources for capital projects.



- The first year of the five-year CIP will be the basis of formal fiscal year appropriation request during the annual budget process.
- Per the Town's capital bylaw, the Capital Improvement Budget and Plan will generally address capital purchases/projects/improvement with a value of more than \$50,000 and a useful life of over five (5) years.
- The Town will emphasize preventive maintenance as a cost-effective approach to infrastructure maintenance. Exhausted capital goods will be replaced as necessary.

Per Town By-Law, the Capital Improvement Advisory Committee shall consider the merits of each project over \$50,000 and make its recommendation to the Finance Committee, Board of Selectmen and Town Meeting.

### **6. Debt Management Policy**

Debt is an effective way to finance capital improvements or to even out short-term revenue flows. Properly managed debt preserves our credit rating, provides flexibility in current and future operating budgets, and provides us with long-term assets that maintain or improve our quality of life. To provide for the appropriate issuance and responsible use of debt, the Board of Selectmen of the Town of Sudbury have adopted the following debt management policies:

- Long-term debt will be issued only for objects or purposes authorized by state law under Chapter 44, section 7 and 8.
- Short-term debt may be issued to finance current operating expenditures only in the event of extreme financial emergency.
- Debt maturity will not exceed the lesser of: the useful life (as established by the Town Treasurer-Collector), or the period of probable usefulness (as defined in Massachusetts State Local Finance Law), of the object or purpose so financed, whichever is shorter.
- Debt limits established by law and policy will be calculated by the Town's Finance Director/Treasurer-Collector at least once each year and whenever otherwise requested or appropriate (see Section 9 for further details).
- The Town will maintain good communications with bond rating agencies, bond counsel, banks, financial advisors and others involved in debt issuance and management.
- The Town's annual Town Report, Town Manager's Budget Request and annual town meeting warrant will give comprehensive summaries of the debt obligations of the Town.
- The Town will attempt to maintain a long-term debt schedule so that at least 50 percent of outstanding principal will be paid within ten years.
- The Town will attempt to vote all significant debt questions (over \$500,000) exempt from the limits of Proposition 2 1/2.

### **7. Protection of Credit Rating Policy**

Maintenance of the highest-level credit rating possible is important to the continued financial health of Sudbury as it reduces the costs of issuing debt. Credit rating firms consider management practices to be very important factors. Several management practices can inadvertently jeopardize the financial health of a local government. To be proactive in assuring the Town of Sudbury does not engage in

these practices, the Board of Selectmen of the Town of Sudbury has adopted the following credit rating protection policies.

- The Town will not rely on reserves to sustain operating deficits. Use of such reserves will be limited to helping the Town deal with short-term or emerging financial stress, but then the Town will either reduce spending to within the limits of recurring revenues, or seek approval for additional revenues from the voters of the Town.
- The Town will not defer current costs to a future date. This includes costs such as pension costs or benefits costs. From time to time, the State offers municipalities the option of deferring payments to their pension system, or other costs, as a short-term way of balancing a fiscal year's budget. However, it is the intention of the Town of Sudbury not to rely on these options.
- The Town will analyze the full-life costs of multi-year decisions. For example, acquiring or construction of new buildings will be conducted with an assessment of the operating costs of the building. Lease agreements will be conducted with an assessment of future budgets and the ability to make annual payments. Labor agreements will be negotiated with an analysis of the full costs associated with the terms of the agreement.
- The Town will follow the policies as outlined in this policy statement.

#### **8. Free Cash Policy**

- To the extent the Town has certified free cash, the following guidelines should be adhered to:
- The Town should maintain a level of unallocated free cash equal to at least one-half of one percent (1/2%) of the current year's operating budget.
- Free cash should be used for capital projects, contributions to the OPEB trust and other reserves.
- Excess free cash should be used to replenish the general stabilization fund to the extent that the fund balance is below five percent (5%) of projected general fund operating revenues for the next fiscal year. This will help us maintain our reserves within DOR guidelines. A transfer to the stabilization fund is subject to a 2/3 vote at Town Meeting.
- To the extent there is surplus certified free cash remaining, the surplus may be used as voted on expenditures as voted by a majority at Town Meeting. However, use of free cash to fund shortfalls in the operating budget on an annual basis is generally discouraged.

*Section 3 Regulatory***1. Parade Policy**

- a. Except for a Military or Funeral Parade, no person shall form or conduct any parade in any public street, public sidewalk or public way within the Town without first obtaining a written permit from the Board of Selectmen.
- b. The Chief of Police, after conferring with the Fire Chief, will determine the appropriate public safety requirements for this parade and the cost of such special duty officers, if any required, will be borne by the applicant.
- c. The Town of Sudbury requires a Certificate of Insurance of no less than \$1,000,000, naming the Town as an additional insured.
- d. All cleanup from parade will be completed by the applicant within 8 hours after the stated ending time, or applicant will be billed for the Towns cost to clean up, depending on size of the parade.

(approved 5/31/11)

## 2. *Alcohol Rules and Regulations*

### **Overview:**

The following guidelines and regulations, developed by the Board of Selectmen, are designed to provide Liquor License holders in the Town of Sudbury with a clear understanding of the expectations of the Board of Selectmen as the Local Liquor Licensing Authority.

Licensees are required to adhere to the provisions of these regulations, as well as other Federal, State and local laws and regulations. If the Local Licensing Authority (LLA) or its designated representative determines that there exists satisfactory proof of such a violation(s), the Local Licensing Authority, or its designated representative, may take, after appropriate public meeting or hearing, disciplinary action, which may include oral warning, written warning, suspension of license, modification of license, non-renewal of license and/or revocation, depending upon the seriousness of the offense(s) and the judgment of the Local Licensing Authority.

Any situation not expressly covered by these regulations shall be addressed in accordance with the latest publication, guidelines or advisories of the Alcoholic Beverages Control Commission, as deemed appropriate by the LLA and adjudicated on a case-by-case basis by the Issuing Authority.

All regulatory considerations shall serve as guidelines to the Board of Selectmen in their deliberations regarding liquor license matters in accordance with Chapter 138 of the General Laws of the Commonwealth of Massachusetts and the Regulations of the Town of Sudbury.

The Board of Selectmen, as Local Licensing Authority, reserves the right to follow or deviate from these general guidelines, when in the judgment of the Board of Selectmen, it is warranted in the interest of public safety.

**General Considerations:**

The Board of Selectmen, also referred to in this document as the Local Licensing Authority (LLA), has designated in matters of administrative filings, paperwork, and correspondence, the Selectmen's office as its representative.

The Board of Selectmen also designates the Sudbury Police Department, Sudbury Fire Department, Sudbury Building Inspector, Sudbury Board of Health, and Town Manager to act as representatives regarding compliance of regulations.

Licensees should note that the LLA has directed that the Sudbury Police Department will, on regular occasion, and no less than once per year, conduct "*compliance checks*" of each establishment to ensure rules and regulations are adhered to. These include postings, licensure, and conduct of a licensee with regard to State and local regulations.

Violations of regulations will be reported to the LLA/Board of Selectmen by the appropriate town bodies and pursued in accordance with these guidelines. These compliance checks and the report of any violations should occur prior to the yearly licensing process.

The LLA considers first and foremost the protection of Sudbury residents, and in particular Sudbury youths. Violations which relate directly to over-serving or serving of minors, whether reported through inspection or as a result of a criminal or safety complaint, may be considered with more gravity than those reported as administrative in nature.

**Violations:**

- A. Upon written notice from the Chief of Police or other source that an infraction has allegedly occurred at a licensed establishment or other matters that the Chief of Police, or designated representatives of the LLA, deems should be brought to the attention of the Board, the Board will consider in open session whether or not a public hearing should be held.
- B. If it is determined that a public hearing will be held by vote of the LLA, the Selectmen's office shall send via certified mail or direct an agent to deliver a written notice to the applicant outlining the proposed hearing date/time. The licensee is obligated to acknowledge the receipt of same and confirm they will appear at the scheduled hearing.
- C. Any hearing will normally occur within the following two (2) scheduled meetings of the Board of Selectmen (LLA) after the vote of the LLA to conduct such hearing, unless the LLA determines there are extenuating circumstances necessitating a deviation from normal protocol.
- D. At the hearing, the LLA will first hear evidence from the Police Chief (or his/her designee) and his/her agents and/or witnesses or from other complaining party, as

may be appropriate. Then the licensee and/or the licensee's counsel will have an opportunity to present their response and evidence.

- E. After all testimony has been given, the LLA reserves the right to question all witnesses and parties and, if necessary, take under advisement all facts and vote either to render their decision, or continue the hearing to a subsequent meeting of the LLA.

**Disciplinary Remedies/General Approach:**

- A. In matter of a first offense, the LLA, or their designee, may issue a verbal warning or letter of reprimand to the owner, licensed manager or managing employee present. If the violation is deemed particularly egregious or a public safety issue, the LLA may consider whether a suspension, revocation or any other action, to include re-training, is warranted at that time, given the nature of the offense.
- B. In matter of a second offense in a period of sixty (60) months, the LLA may consider imposing a suspension of 1 to 3 days, which can be deferred for up to a period of twelve (12) months, provided that during the period of suspension of this penalty, which shall be from the date of said vote until the end of the suspension period, the licensee shall not have engaged in any other conduct prohibited by Chapter 138 or the regulations promulgated herein. In considering the type of violation and the fact this is deemed a second offense, the LLA may consider revocation or any other action, to include re-training, given the nature of the offense.
- C. In matter of a third violation within sixty (60) calendar months, the LLA may consider the issuance of a suspension for a period of 3 to 14 days, the suspension or any part thereof, may be deferred for a period up to twenty-four (24) months, provided that during the period of suspension of this penalty, which shall be from the date of said letter until the end of the suspension period, the licensee shall not have engaged in any other conduct prohibited by Chapter 138 or the regulations promulgated herein. In considering the type of violation and the fact this is deemed a third offense, the LLA may consider revocation or any other action, to include re-training, given the nature of the offense.
- D. Additional violations within the sixty (60) calendar month window will be dealt with in a progressive manner commensurate with the violation.
- E. Any failure to comply with the stipulations contained within the entire policy may be considered a violation by the LLA.



- F. When a violation has been deemed to have occurred, the licensee shall provide a written explanation to the LLA of how the violation occurred and a detailed plan as to corrective measures.
- G. If an establishment incurs a violation and then remains violation free for a period of 60 months, the next following violation may be considered as a First Offense.

**Other Causes for Revocation, Suspension & Modification/Inspections & Investigations:**

- A. All licensed premises shall be subject to inspection by the Police Department of the Town of Sudbury and other duly authorized representatives of the LLA.
- B. Failure or refusal of the licensee to furnish or disclose any information required by any provision of the General Laws or by any rule or regulation of the Alcoholic Beverages Control Commission or any rule or regulation of the LLA, may be considered by the LLA a violation of the rules and regulations of the LLA.
- C. Any person who hinders or delays a police officer or other authorized agent of the LLA in the performance of the agent's duties, who refuses to admit or locks out any such agent from any place which such agent is authorized to inspect, or who refuses to give a designated agent such information as may be required for the proper enforcement of the General Laws, Chapter 138, shall be punished by a fine of not less than fifty (\$50) and not more than two hundred dollars (\$200) or by imprisonment for not more than two (2) months or both.
- D. Failure to pay Town real estate and/or personal property taxes or State meals and/or sales taxes may be considered by the LLA to be in violation of the rules and regulations contained hereunder.

**Illegal Activity on the Licensed Premises:**

- A. Licensees shall make all reasonable and diligent efforts to ensure that illegal activities do not occur at the licenses premises. Such efforts may include, but are not limited to:
  - 1) Calling for police and medical assistance as necessary to protect patrons against injury, to evict unruly patrons, to uncover unlawful conduct, or to give medical assistance and providing police with requested information.
  - 2) Frequent monitoring of restrooms and other nonpublic areas of the premises for signs of drug activity or other illegalities.

- B. It is the affirmative responsibility of the Licensee to report any illegalities discovered on the premises.

**Renewals & Modifications:**

- A. The LLA reserves the right to obtain updated information about a renewal applicant/manager/owner at the time of renewal.
- B. Renewal or modifications of said licenses shall follow the separate fee schedule as established in the Selectmen's Policies and Procedures "Fee Schedule."

**Posting & Signs:**

- A. Licenses issued by the Board shall be posted in a conspicuous place easily seen by the public where they can be read without difficulty or assistance of employees.
- B. All other licenses, permits and certificates affecting the licensed premises shall be posted conspicuously; provided, however, that no such document shall be posted in such a way as to cover any part of the license issued by the Board.
- C. The posting or presentation of any photographs, signs, posters, drawings or other matter that is of an improper or objectionable nature in the public areas of the licensed premises is prohibited. The material presented must be suitable for view by members of the general public in the same manner as if it were located in other public areas such as public ways, public parks, government offices, or business offices.
- D. Failure to comply with any stipulations outlined in this section of the policy may be considered a violation.

**Entertainment at Premises:**

- A. No licensee may provide entertainment of any kind unless the licensee holds an entertainment license issued pursuant to the General Laws, Chapter 140, §183A.
- B. No entertainment at the licensed premises may be conducted in a manner such that the noise from the entertainment is creating a nuisance and can be heard beyond the boundaries of the premises.
- C. No dancing by patrons is permitted except upon proper licensing pursuant to General Laws, Chapter 140, §183A, and confined to a particular dance floor area which has been approved by the Local Licensing Authority and which is not inconsistent with the entertainment license requirements.

- D. No licensee may permit any electronic games to be on the premises unless such machines are properly licensed pursuant to General Law, Chapter 140, §177A.
- E. Licensees shall not permit any games to be played at the premises for money, alcoholic beverages, or for any other prize. Games may be played for money at certain fundraising activities which have been approved by the appropriate authority and for which the licensee holds other appropriate licenses.

**Hours of Operation:**

- A. The licensee and his/her employees may be upon the premises during the time the establishment is closed to the public only for the purpose of cleaning, making emergency repairs, providing security for the premises, or preparing food for the day's/next day's business or for opening/closing the business in an orderly manner.
- B. No alcoholic beverages shall be served except during those hours delineated on the license approved by the LLA, which establishes the outer parameters during which alcoholic beverages may be served.
- C. Not less than fifteen (15) minutes prior to the closing hour of the premises, the licensee or his employees shall advise all patrons of the time remaining to closing.
- D. At a time no later than the time designated as the closing hour on the Liquor License, all glasses, bottles and unconsumed drinks will be surrendered by patrons.
- E. Patrons shall not be allowed on the premises for more than fifteen (15) minutes beyond the closing time.
- F. Licensees shall ensure that their patrons leave the premises in an orderly manner. Licensees who have a clientele that regularly fails to leave the area in a quiet and orderly manner shall hire security personnel to supervise the leave-taking of the patrons at closing time.
- G. No patron shall be allowed to enter the premises during the time the establishment is required to be closed.
- H. The LLA, or its agents, may enter the premises during the hours it is open to the public and at such other times as any persons are upon the premises, for the purpose of inspecting the premises and enforcing these rules and regulations.

**Code - Fire/Health/Capacity:**

- A. No license shall be issued or shall be considered in good standing unless the licensed premises complies with all statutory requirements, including all applicable building codes, and fire, health, safety, trash and other government regulations and laws.
- B. All premises covered by the license shall be kept in a clean and sanitary condition.
- C. No outside area shall be used as a gathering place for patrons unless approved by the LLA and the ABCC, if alcohol is consumed.
- D. All public areas in licensed premises shall be lighted in a manner sufficient for the safety of the patrons and in a manner sufficient for the agents of the LLA to make observations at the premises without the need to identify themselves or seek assistance.

**Service of Suspension Orders:**

- A. When the Local Licensing Authority suspends the license or licenses of any licensee, it shall provide the licensee with an order of suspension for public display that must contain the words, "Closed per order of the Licensing Board for the Town of Sudbury." Such an order shall be publicly displayed by the licensee in the following manner. The order shall be readily seen from the street by being affixed to the door of the entrance to the premises or a window facing the street upon which the door opens.
- B. Depending on the severity of the violation, the LLA may vote to implement the suspension in two ways:
  - 1. The licensee may be allowed to remain open for service of food only and must comply with the other stipulations delineated for suspension of their license.
  - 2. The licensee will be required to close in their entirety, not being allowed to continue with the sale of food and must comply with the other stipulations delineated for suspension of their license.
- C. Suspension orders of the LLA shall remain affixed throughout the entire period of suspension. The removal, covering, defacement, obliteration of the order of suspension, or the failure to maintain the order of suspension in the manner and place required prior to the expiration of the suspension period shall be deemed the act of the licensee and shall be cause for further suspension, modification or revocation of the license.

- D. Suspension periods may not be used as a time to make renovations at the licensed premises unless such renovations have previously been approved by the appropriate governing Board.
- E. No members of the public may be on the premises at any time during suspension periods, with the exception that restaurants may be able to continue to service patrons without serving alcohol with the approval of the Local Licensing Authority.

**Other Business Responsibilities:**

- A. Licensees shall immediately notify the Local Licensing Authority of any proceedings brought against them (or by them) under the Bankruptcy Act, or of any other proceedings, in court or otherwise, which may affect the status of the license.
- B. The licensee is responsible for ensuring that all employees who work in the public areas of the premises read the Rules and Regulations of the LLA and ABCC, and comply with all rules and laws.
- C. There shall be no alcoholic beverages brought onto or transported from the premises of a licensed establishment except for deliveries for the operation of the business as controlled by the laws, rules and regulations of the Commonwealth of Massachusetts, or regulations of the Town of Sudbury or as allowed for under 204 CMR 2.18 Resealing of Partially Consumed Bottles of Wine.

**Employee Training:**

- A. Any licensee holding an All Alcoholic, or Beer and Wine License shall participate in a program designed to train employees who engage in either package sales or pouring in methods of observation and detection to avoid selling or serving to intoxicated persons and/or minors. This program will be based on the type of license issued.
- B. Listed below are programs currently available which meet the requirements of this policy:
  - 1) Techniques of Alcohol Management (T.A.M.), sponsored by the Mass. Package Store Association;
  - 2) Training for Intervention Procedures by Servers of Alcohol (TIPS), offered by Health Communications, and Alcohol Intervention Methods (AIM) Campbell/Trent;
  - 3) ServSave – recommended by the National Restaurant Association;

- 4) Any Insurance Industry approved and qualified program offered by a certified trainer and previously approved by the Board of Selectmen.
- C. All personnel shall be required to participate in a training program based on the type of license issued. Establishments shall comply with this policy by having all of its eligible employees trained and certified.
- D. All establishments must maintain a roster or certificate of trained personnel in an accessible place during operating hours. An updated roster shall be submitted with the annual application for renewal of the license. The roster shall include:
- |                                    |                       |
|------------------------------------|-----------------------|
| 1. Employee name                   | 5. Date valid         |
| 2. Employee date of birth          | 6. Date of expiration |
| 3. Employee social security number | 7. Date of hire       |
| 4. Type of training (license)      |                       |

All personnel shall be required to be re-certified once every three (3) years by an approved program, as noted above.

- E. Failure to comply with this policy may result in suspension or revocation of the license. Fines may also be levied against the license holder should any violation of this policy occur.

**Food Service:**

- A. Coinciding with the service of alcoholic beverages, licensees must serve food. Following the close of the full menu, licensees must provide, at a minimum, five (5) assorted items up until thirty (30) minutes before closing. The proposed assorted items will be submitted to the LLA for approval upon request for the original license or renewal. The LLA will approve said items with the understanding that chips, pretzels, popcorn or similar snacks will not suffice.
- B. Any deviation from the approved limited menu must be submitted to the LLA for approval.
- Last updated 2013



### **3. Sale of Kegs**

1. A deposit of \$50.00 is required when furnishing a keg of any size to any customer.
2. Before delivery to the customer, an appropriate, numbered band in a form approved by the Police Department must be placed on the handle of the keg.
3. Require positive identification and log the customer's name, address, date of birth and band number in a journal. The journal shall be available at all times for inspection by the Board of Selectmen and any Sudbury police officer.
4. Upon return of the keg, make a notation in the journal indicating whether it was returned with a band and the band number.
5. Inform all keg customers that, if the keg is returned WITHOUT the same numbered band intact, the \$50.00 deposit is forfeited.

(Approved 9/10/1990, Updated 7/1/1998)

#### 4. Fee Schedules

The Board of Selectmen is responsible for setting the fees for the issuance of certain permits, licenses and certificates. In doing so, the Board has the following objective: to set the amount of the fee so as to recover a reasonable approximation of the costs to the Town in processing the requested item. Further, the Selectmen require that staff annually review these fees and make recommendations to the Board before December 31 of each year if they believe an increase or decrease is warranted.

NOTE: The Town accepted Mass. General Laws Chapter 40, Section 22F in 1992, which allows statutory fee limits to be exceeded for the following permits with the exception of Alcoholic Beverages licenses, and state regulation of Alcoholic Beverages license fees have since been removed.

LICENSES	FEE ALLOWED BY STATUTE	FEE CHARGED BY TOWN	COMMENTS
Alcoholic Beverages:*			
Package Goods Store AA	Locally fixed	\$2,250	
Package Goods Store WM	Locally fixed	1,500	
Restaurant/Innholder AA	Locally fixed	3,500	
Restaurant/Innholder WM	Locally fixed	1,500	
Liqueurs	Locally fixed	300	
Club AA	Locally fixed	500	Veterans Post
Club WM	Locally fixed	200	
One-day AA	Locally fixed	35	
One-day WM	Locally fixed	25/day	
Auctioneer, resident		\$50/annual	
Must be resident for 6 mos. preceding appl., set by Permit Agent			
Auctioneer, non-resident		\$25/day	Fee set by Permit Agent
Automatic Amusement Devices*	\$20/machine, unless set by Town Meeting	\$20/machine Prorated	
Billiards*	\$2/minimum no maximum	\$25 + \$25 per table	Fee set by Selectmen collected by Clerk
Bowling*	\$2/minimum per alley	\$25 + \$25	Fee set by Selectmen collected by Clerk
Common Victualler*	\$25/maximum, \$50 unless set by Town Meeting		

Entertainment - Wkday. \$100/maximum\$50  
radio, TV, etc.

For live music, dancing,

Entertainment - Sunday \$400/maximum\$250  
\$20/single event \$20/single

For live music, dancing,  
radio, TV, etc. #

# Note: a Sunday Entertainment license for radio or TV is not necessary for  
an innholder, tavern or common victualler licensee having an alcoholic pouring license.

(STATE annual Sunday Entertainment fee

\$ 85/100 - payable to Dept. of Public Safety)

LICENSES	FEE ALLOWED BY STATUTE	FEE CHARGED BY TOWN	COMMENTS
----------	---------------------------	------------------------	----------

Hawkers & Peddlers & 22 max. \$52)	(G.L.c.101,s.17	\$50	
---------------------------------------	-----------------	------	--

Inflammable Storage* & Bylaw V.s.25)	(G.L.c.148, s.13	\$100	
---	------------------	-------	--

Motor Vehicle:\*

Class I \$100/maximum\$50	Mfg. Agent/used cars
Class II \$100/maximum\$50	Dealer/used cars
Class III\$100/maximum\$50	Dealer/junk cars

Outdoor Amusement - Wkdy.	\$100/maximum\$50
---------------------------	-------------------

Outdoor Amusement - Sun. \$20/single event	\$400/maximum\$250 20/single
---	---------------------------------

Taxi Drivers	\$20/operator	issued by Police Department
--------------	---------------	-----------------------------

Taxi/Limo Operation*	(G.L.c.40,s.22)	\$50
----------------------	-----------------	------

Transient Vendor	Tax Goods or fix fee	\$50
------------------	----------------------	------

### **5. Regulations for Temporary Business or Industrial Trailers**

The temporary business or industrial use of trailers for storage or office purposes under Section 2324 of the Sudbury Zoning Bylaw shall conform to the following requirements:

1. No trailer shall be put in place prior to the filing and approval of a request as follows:
  - a. Where the temporary use shall be for three months or less, the applicant shall file a request with the Building Inspector stating the name and address of the owner and lessee of the premises, the name of the company and a responsible official, the number, size and purpose of the proposed trailer(s), and the name and address of the owner/lessor of the trailer(s). A plan of the premises conforming to paragraph 5(b) shall also be filed. The Building Inspector may consider and approve the same with or without conditions or modifications, and shall notify the Selectmen's Office of such approval, or may, if he deems it appropriate in any case, refer the matter to the Board of Selectmen, stating his reasons for referral, and it shall then be handled under paragraph 1(b).
  - b. Where the temporary use shall exceed three months, the applicant shall file the request and plan described above with the Board of Selectmen who shall consider and approve the same at a regular meeting, with or without conditions or modifications. Such approval shall not authorize such use for a period exceeding twelve months.
2. The Building Inspector or Board of Selectmen shall consider the following factors in reviewing a request under these Regulations:
  - a. Whether the proposed placement is upon or obstructs access to parking areas, roadways, fire lanes, or building entrances/exits.
  - b. Where the proposed placement is visible from a public street, way or place, whether such placement is appropriate considering the intended use, or detrimental to the neighborhood.
  - c. Whether the proposed placement obstructs visibility affecting traffic flow or other safety considerations.
  - d. Whether the proposed time period, number or size of the trailers is reasonable in light of the intended use of the trailers.
  - e. Any other factor relating to the placement or use of the trailers which may affect the surrounding neighborhood or health or safety considerations.
3. The trailer(s) shall be removed from the premises prior to the expiration of the permitted time period unless an extension has been requested and received from the Board of Selectmen.
4. Request for an extension of time to permit the continued use or placement of trailer(s) shall be directed to the Board of Selectmen. Such request shall state the reasons for an extension and the additional time period desired.

5. A. A filing fee of \$50 is required under this procedure.
- B. The plan submitted under this procedure shall be clear and legible, and drawn to an appropriate scale so as to show all buildings, parking areas, setback distances, dimensions, roadways and the proposed location of the trailer(s) on the premises. It need not be reproducible or professionally prepared.
- C. The Selectmen may waive any one or more of the provisions of these regulations if, in their opinion, the application of the regulation would create a hardship or is not reasonable in the circumstances.

(Adopted 7/23/1983)

DRAFT

## **6. LICENSING OF OUTDOOR AMUSEMENTS POLICY**

In accordance with Chapter 140, Section 181 of the General Laws, it is required that any outdoor theatrical exhibition, public show, public amusement or exhibition, to be held in the Town of Sudbury obtain a license from the Board of Selectmen for such show or amusement, and that such show or amusement cannot be held in a residential area. Application for a license must be filed with the Board of Selectmen at least thirty days before the event and must indicate the name of the owner and the name and address of the firm involved, the sponsor, if any, the nature and extent of the show or amusement, the days and hours, amount of admission charge, and the exact location within the Town where the show or amusement is to be held.

It is the policy of the Board of Selectmen that, after May 1, 1971, no permit under the jurisdiction of the Selectmen shall be issued for the operation of a carnival or circus in the Town of Sudbury.

If food service is planned, notice shall be sent to the Board of Health allowing no less than two (2) weeks, prior to opening to the public, for inspection and issuance of a food service permit required by that Board.

(Adopted as amended 4/29/71, 5/10/76)



## **7. FLAG CODE**

All orders for the raising or lowering of the flag shall issue from the Board of Selectmen.

The flag may be lowered to half mast on notification of the death of any past or present Town official as a mark of respect to the memory of such official. The flag shall remain at half mast until after the funeral services.

In time of war, the flag shall be flown from the time of opening to the time of closing of public buildings, in accordance with such orders that are issued by the proper authority.

In time of peace, the flag shall be flown from the time of opening to the time of closing of public buildings, but not before sunrise or after sunset unless ordered by the proper authority and properly illuminated.

Unless so ordered, the flag shall not be flown in inclement weather.

On Memorial Day, the flag shall be flown at half mast at the Town Hall, and at such other public buildings that are open, from sunrise to noon (12:00 p.m.) and at full mast until sunset.

Upon notification from the Selectmen's office, the flags on all public buildings are to be flown at half mast from the time of arrival, in Sudbury, of the body of a deceased veteran brought back from overseas, until after the funeral services.

The flag shall be flown at half mast on such occasions of local, state or national significance as may from time to time be determined by the Board of Selectmen or the Town Manager upon receipt of a specific request and/or recommendation from a Board, Committee, Commission, the Veterans Graves Officer, or from a duly authorized representative(s).

Flag laws and regulations shall be adhered to wherever appropriate, as adopted by the United States Congress.

(Adopted 7/23/79, 8/23/99)

**8. TRAFFIC CONTROL SIGNS POLICY**

1. The Chief of Police is responsible for all matters relating to traffic control signs.
2. All requests for such signs will be submitted to the Chief of Police.
3. The Police Chief shall obtain approval from the Board of Selectmen as required when signs involve amendment to the Town of Sudbury Traffic Rules and Orders.
4. The Board of Selectmen shall solicit approval from the Massachusetts Highway Department for such signage and traffic regulations, as required by that agency.
5. The Town Clerk shall maintain the official record of the Town of Sudbury Traffic Rules and Orders. Amendments thereto shall be advertised in a newspaper with local circulation prior to their enforcement.
6. The Chief of Police will request such signs from the Department of Public Works.
7. The Department of Public Works shall erect and maintain such signs that the Chief of Police may request.

(Adopted 9/30/65, amended 5/10/76, 8/23/99)

## 9. POLICY FOR USE OF FACILITIES

### 1. Town Hall

#### a. General Meetings or Events

(1) Facilities may be used without rental fee, provided there is no charge to the public either by admission fee or sales, by:

- (a) Town, State or Federal departments.
- (b) Non-profit organizations whose functions are charitable, civic, or patriotic.
- (c) Community service groups, such as Scouts, youth recreational groups, etc.

(2) Facilities may be used with rental fee by:

- (a) Any organization charging admission or conducting sales.

(3) Rental fee Schedule – per date (each day):

Lower Town Hall	\$40
-----------------	------

(4) No use will be allowed if for private or personal financial gain.

(5) Reservations for all uses are subject to change on twenty-four (24) hour notice if a required official Town function conflicts, or upon orders of the Board of Selectmen.

(6) All reservations, including requirements for use of chairs, etc., will be made by the Town Manager. The group reserving the Hall will inform the Town Manager, at least twenty-four (24) hours in advance of all requirements for chairs, restrooms, or similar facilities. Custodial fees will be charged as necessary [see (7) below].

(7) Custodial charges will be made if it is determined by the Town Manager that an event requires custodial services and/or supervision. Such fees shall be determined by the Town Manager.

(8) During cold weather, users may be subject to a heating fee, to be determined by the Town Manager.

(9) The person signing Rental Application and Agreement is responsible for:

- (a) Restoring order and cleanliness of hall, including placement of all debris or waste materials in appropriate receptacles

Remove all decorations, put away chairs and tables user has put out, sweep area used, clean up any soda spills, etc., check bathrooms for cleanliness

- (b) Putting lights out when leaving
- (c) Locking door when leaving
- (d) Closing all windows when leaving
- (e) Turning heat down to 55 degrees when leaving (if not on automatic setback)
- (f) Lowering fire curtain on stage (if upper floor is utilized)
- (g) Returning key the following day

Note: Any clean-up not done by user will be charged to user, as verified by the Supervisor of Town Buildings.

(10) In case of an emergency, user is to notify the Fire Captain on duty at Central Fire Headquarters located on Hudson Road.

(11) Refreshments may be served in the Lower Town Hall, but not in the Upper Town Hall.

b. Stage Productions (Upper Town Hall)

(1) Regular productions with audience charge:

Rehearsals, tryouts	\$10.00 per date
Production dates	\$50.00 per date
(No charge for matinee if there is an evening performance.)	
Lower Town Hall	\$25
Police Paid Detail	Per collective bargaining agreement or contract.

(2) Workshop productions with token audience:

Rehearsals	\$10.00 per date
Production dates	\$25.00 per date
Lower Town Hall	\$10.00 per date
Police Paid Detail	Per collective bargaining agreement or contract.

(3) Workshop productions with no audience charge and limited public \$20.00 per date

(4) Dressing rooms shall be available for use for rehearsals and productions, and shall be cleaned by the user to the satisfaction of the Supervisor of Town Buildings following each rehearsal or production.

(5) All restrooms, dressing rooms and other facilities associated with the stage shall be available for use for dress rehearsals and productions, but must be cleaned after each use by the user to the satisfaction of the Supervisor of Town Buildings.

(6) All construction or other materials associated with stage productions shall be stored, at the conclusion of any work session, rehearsal or production, in such manner that the facility shall be available for other uses, except that sets and similar equipment installed for purposes of a production may be retained in place on stage throughout the course of the performance. Any construction work that can be done outside the premises should be. Construction and materials to be used must be approved by the Supervisor of Town Buildings.

(7) Any group utilizing the Town Hall for stage productions shall assign an individual, for each work session, rehearsal or production, who shall be responsible for compliance with procedure O.a.(9) above; the name of said responsible individual shall be given to the Town Manager's Office and the Building Department.

(8) Any group utilizing the Town Hall for stage productions shall notify the Town Manager at least twenty-four (24) hours in advance, of any changes in work session, rehearsal or production dates.

(Amended 9/20/76, 10/14/80, 7/10/89, 3/11/91, 8/23/99)

**10 SELECTMEN'S POLICIES AND PROCEDURES**  
**FEE SCHEDULE**

The Board of Selectmen is responsible for setting the fees for the issuance of certain permits, licenses and certificates. In doing so, the Board has the following objective: to set the amount of the fee so as to recover a reasonable approximation of the costs to the Town in processing the requested item. Further, the Selectmen require that staff annually review these fees and make recommendations to the Board before December 31 of each year if they believe an increase or decrease is warranted.

NOTE: The Town accepted Mass. General Laws Chapter 40, Section 22F in 1992, which allows statutory fee limits to be exceeded for the following permits with the exception of Alcoholic Beverages licenses, and state regulation of Alcoholic Beverages license fees have since been removed.

<u>LICENSES</u>	<u>FEE ALLOWED BY</u> <u>STATUTE</u>	<u>BY TOWN</u>	<u>FEE CHARGED</u>	<u>COMMENTS</u>
<u>Alcoholic Beverages.*</u>				
Package Goods Store AA	Locally fixed		\$2,250	
Package Goods Store WM	Locally fixed		1,500	
Restaurant/Innholder AA	Locally fixed		3,500	
Restaurant/Innholder WM	Locally fixed		1,500	
Liqueurs	Locally fixed	300		
Club AA	Locally fixed	500		Veterans Post
Club WM	Locally fixed	200		
One-day AA	Locally fixed	35		
One-day WM	Locally fixed	25/day		
Auctioneer, resident			\$50/annual preceding appl., set by Permit Agent	Must be resident for 6 mos.
Auctioneer, non-resident			\$25/day	Fee set by Permit Agent
Automatic Amusement Devices*	\$20/machine, unless set by Town Meeting		\$20/machine Prorated	
Billiards*	\$2/minimum no maximum	\$25 + \$25 per table		Fee set by Selectmen collected by Clerk
Bowling*	\$2/minimum per alley	\$25 + \$25		Fee set by Selectmen collected by Clerk



Common Victualler\* \$25/maximum, \$50  
unless set by Town Meeting

Entertainment -Wkday. \$100/maximum\$50 For live music, dancing,  
radio, TV, etc.

Entertainment - Sunday \$400/maximum\$250 For live music, dancing,  
\$20/single event \$20/single radio, TV, etc. #  
# Note: a Sunday Entertainment license for radio or TV is not necessary for  
an innholder, tavern or common victualler licensee having an alcoholic pouring license.

(STATE annual Sunday Entertainment fee \$ 85/100 - payable to Dept. of Public Safety)

<u>LICENSES</u>	<u>FEE ALLOWED BY</u> <u>STATUTE</u>	<u>FEE CHARGED</u>	<u>COMMENTS</u>
-----------------	---	--------------------	-----------------

Hawkers & Peddlers & 22 max. \$52)	(G.L.c.101,s.17	\$50	
---------------------------------------	-----------------	------	--

Inflammable Storage* & Bylaw V.s.25)	(G.L.c.148, s.13	\$100	
---	------------------	-------	--

Motor Vehicle:\*

Class I	\$100/maximum\$50	Mfg. Agent/used cars
Class II	\$100/maximum\$50	Dealer/used cars
Class III	\$100/maximum\$50	Dealer/junk cars

Outdoor Amusement - Wkdy. \$100/maximum\$50

Outdoor Amusement - Sun. \$400/maximum\$250  
\$20/single event 20/single

Taxi Drivers \$20/operator issued by Police Department

Taxi/Limo Operation\* (G.L.c.40,s.22) \$50

Transient Vendor Tax Goods or fix fee \$50

\* See below for application fees

<u>APPLICATIONS</u>	<u>FEE CHARGED BY TOWN</u>	<u>COMMENTS</u>
Alcoholic Beverages Licenses	\$150/new applications, transfers, changes in premises. \$ 75/revision (mgr. chg., etc.) \$ 25/renewal	For processing notice to abutters, advertising, mailing costs, etc.
Auto. Amuse. Devices	\$20	
Billiards	\$25	
Bowling	\$25	
Common Victualler	\$50	
Inflammable Storage	\$50	
Innkeeper	\$50	
Motor Vehicle	\$25	
Site Plans: Original	\$ 25/1000 s.f. of Gross Floor Area [ <u>\$500 Minimum Fee</u> ]	
Minor	\$ 300	
Modification	\$ 250 (with public hearing) OR \$100 (without public hearing)	
Extension	\$ 50	
Taxi Business	\$ 25	

## Section 4 Operational

### 1. Transfer Station

These rules and regulations govern the recycling and disposal of refuse at the Transfer Station area operated by the Town of Sudbury.

The Transfer Station is operated by the Board of Selectmen under the regulations established by it and the Board of Health and is intended to serve the residents of the Town of Sudbury only.

#### I. **DEFINITIONS** (As used in these Rules and Regulations)

- A. **Solid Waste:** Any unwanted or discarded solid material.
- B. **Refuse:** Putrescible or nonputrescible solid waste materials, consisting of combustible and non-combustible solid wastes including garbage and rubbish, but excluding sewage, construction and demolition wastes.
- C. **Recyclable:** Any waste material which may be processed or treated to be used again for which the Town of Sudbury provides recycling services.
- D. **Compost:** A mixture of decaying leaves and other nutritive matter which may be used to improve and fertilize soil.
- E. **Hazardous Waste:** A waste, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed.
- F. **Special Waste:** Any waste material which can be accepted for disposal or recycling at the Transfer Station but requires special pre-approval because of unusual disposal problems or because it requires special handling, including but not limited to residential demolition and construction debris, and sewage.

#### II. **OPERATION**

- A. In general, the operation of the Transfer Station will be in accordance with the "Rules and Regulations for the Recycling and Disposal of Solid Wastes at the Transfer Station" as established hereunder.
- B. Only waste materials originating in the Town of Sudbury shall be placed at the Transfer Station site, and such placement shall be in accordance with the regulations and directions for recycling and disposal of designated materials in designated areas.

C. The operation and supervision of the Transfer Station is under the direction of the Director of Public Works. The Board of Selectmen shall have the exclusive right to assess and collect reasonable fees for the issuance of permits, tickets, tokens, or licenses for use of the facility.

D. The owner, operator, or other person in charge of a vehicle transporting refuse to be deposited in the Transfer Station, as a condition of such use, shall present evidence and/or answer any reasonable questions concerning the place of origin of that material as the person in charge of the Transfer Station may request.

Failure to comply with these regulations or to furnish credible evidence when requested shall be sufficient cause for the Board of Selectmen or its authorized representative to revoke, suspend, or modify a license or permit for the use of the Transfer Station and/or enforce other authorized penalties as provided by these regulations.

E. The hours of operation shall be established for the convenience of the general public. Use of the facilities, except during designated hours of operation, is strictly prohibited. For current hours of operation, see Appendix A.

### III. **PERMITS & FEES**

#### A. **Residents**

1. A permit for residential refuse shall be issued at a cost of \$170.00 for one year. The charge for a second vehicle is \$20. The permit shall consist of decal to be affixed to the lower left (driver's side) corner of the windshield.

2. All vehicles (except town-owned equipment) using the Transfer Station for disposal of refuse not requiring a special permit (Section V) nor prohibited (Section VI) shall have a permit. Residents bringing recyclables shall be required to have a permit. However, certain recyclables may only be deposited upon payment of the fee set forth in Appendix B.

3. Residential permits are issued at the Highway Department offices, 275 Old Lancaster Road, during normal business hours (Monday - Friday, 8:00 a.m. to 3:30 p.m.), or at other locations and times as determined by the Selectmen.

4. Residential permits shall be issued to Sudbury residents only. To be eligible for a permit decal, applicants must prove by appropriate documentation that they are residents of the Town and that the vehicles they want to use for delivery or refuse are registered under their name or the name of a member of their immediate household.

5. The Transfer Station will only accept the Pay-As-You-Throw disposal bags. A five pack of 15-gallon bags costs \$6.00 ; a five pack of 30-gallon bag costs \$12.00. The bags must be purchased in packages of five and are available at the following retail stores:

Brooks Pharmacy (423 Boston Post Rd.)

CVS Pharmacy (501 Boston Post Rd.)

Shaw's (509 Boston Post Rd.)

Sudbury Farms (439 Boston Post Rd.)

Sudbury Lumber (28 Union Ave.)

Town Line Hardware (84 Boston Post Rd.)

6. Residents who want to use their company's vehicle for delivery of their household's refuse must prove by appropriate documentation that they are residents of the Town and that the vehicle is principally garaged in the Town.

7. If additional vehicles are to be provided with decals, the necessary application card may be obtained at the Highway Department offices. A separate application shall be required for each vehicle. Each additional decal shall be issued at a cost of \$20.00 per year.

8. If the decal is lost or damaged, a new decal may be obtained at the Highway Department offices. The original permanent record of the decal will be updated with the new decal number.

9. The decal must be removed upon sale of the vehicle. The buyer, provided he/she is a Sudbury resident, may apply for a new identification decal for the vehicle.

**B. Fee Waiver**

A waiver will be granted, upon request and the completion of a form for such purpose, of 50 percent of the Transfer Station fee for those individuals 65 years of age or older who demonstrate hardship, for those persons living in subsidized housing, and for those other persons with demonstrated hardship situations.

**C. Business**

Commercial disposal of solid waste and disposal of solid waste by local businesses is prohibited at the Transfer Station.

**D. Town Business and Vehicles**

1. Contractors employed by the Town, when operating on Town business, will be required to obtain permits, but no fee will be charged.

2. Town departments, operating Town-owned Equipment, may use the Transfer Station without permit or charge.

**E. Special Permits**

A special permit is required for all residents depositing special wastes at the Transfer Station. Special permits are issued at the Transfer Station during normal business hours. A special permit shall consist of a slip for each load and shall be surrendered to the Transfer Station operator at the time of depositing the waste material. Permits for multiple loads may be obtained in advance at the discretion of the Transfer Station Agent. For current Schedule of Fees, see Appendix B.

#### IV. UTILIZATION

A. All recyclable materials shall be placed in accordance with the regulations and directions for recycling of designated materials in the designated areas.

B. Refuse not recyclable, compostable, or requiring special permit shall be deposited in the appropriate designated area or as directed by the Transfer Station operator. Such refuse shall be free from other materials not allowed in the designated area. Refuse shall be bagged and tied securely so that items in the bag are not blown around.

C. Scavenging is prohibited. The Board of Selectmen or its authorized representative may designate items available to the public such as mulching materials, wood chips, or "put & take" and the areas where they are available.

#### V. MATERIALS REQUIRING SPECIAL HANDLING OR PERMITS

A. Materials from the remodeling or repair of an occupied residence or the construction of an addition thereto or the repair or construction of a garage or outbuilding on such premises may be disposed of by either residents or commercial haulers providing a special permit is obtained.

B. Disposal of wood (other than stumps, brush and cut logs which are prohibited, and other than wood which is fabricated into a product) requires a special permit and is further subject to the following:

1. Milled lumber shall be free of pieces of metal, refuse, or other foreign matter and shall be placed in the designated area. All lumber shall be cut into a maximum length of thirty-six (36") inches.

C. Tires from resident vehicles and refrigerators from residents may be disposed of in accordance with the provisions of Section III.A.1. and Appendix B.

D. Materials, which cannot be contained within a 35-gallon container or bagged in plastic, for example, metal lawn or wooden furniture, bedsprings and mattresses require a special permit.

E. Other materials or substances may be designated as requiring a special permit by the Board of Selectmen or its authorized representative if the placement of such materials or substances in the Transfer Station requires special handling.

#### VI. MATERIALS PROHIBITED AS REFUSE

The Transfer Station operator shall reject and prohibit the placement of materials, which are considered to be detrimental to the operation of the Transfer Station and materials and items that are listed on the recycle chart or fee schedule. Materials prohibited as refuse shall include, but are not limited to, the following:

- A. Any substance or object likely to damage, injure, destroy or obstruct the usefulness or operation of the Transfer Station.
- B. Any substance which may attack, damage, or alter by any means the equipment, employees, or citizens engaged in the use and operation of the Transfer Station.
- C. Wood – Treated and untreated wood including wood waste.\*
- D. Yard Waste – Deciduous and coniferous, seasonal clean ups (e.g. leaves, grass clippings, weeds, hedge clippings, garden material and brush.)\*
- E. Any quantities of gasoline, kerosene, alcohol, oil, tar, flammable or explosive gas or vapor or any material or substance which may generate or form a flammable, explosive, or combustible substance, fluid, gas, vapor or mixture.\*
- F. Any substance at a temperature above 100°F, or its burning point, or substance which, upon coming into contact with water, refuse or air will generate steam, vapor, fire, smoke, or toxic fumes.
- G. Poisons, cyanides, asbestos, or any other substance likely to generate poisonous substances that may interfere with, constitute a hazard to, or be dangerous to human beings, wildlife, or domestic animals.
- H. Containers filled with hazardous liquids.
- I. Any waste containing animal tissues, entrails, offal, blood or other types of pathological wastes, including formaldehyde.
- J. Any substance containing, or labeled as containing, radioactive wastes or explosive material.
- K. Any refuse likely to cause damage, injury, or loss to other persons or to the property of other persons who are lawfully entitled to use the Transfer Station for the discarding or recycling of their refuse, or to any person or equipment engaged in the treatment and disposal of such refuse for the Town of Sudbury.
- L. Any substance or material defined as hazardous waste. (From time to time the Town will accept certain hazardous waste material from Sudbury residents at a designated place in Town during designated "Hazardous Waste Collection Days.")
- M. Refuse or materials from the following:
  - 1. The development of a building lot or the construction of any building or addition to any building thereon (exception: see Section V, A).
  - 2. The development of a subdivision.
  - 3. The construction, reconstruction, remodeling, repair, demolition or development of a business, industrial or commercial property.



- N. Commercial quantities of pharmaceutical or medical wastes.
- O. Tree stumps, cut or chipped logs or brush, leaves and all yard waste from commercial or residential sources.\*
- P. Asphalt, pavement, brick and concrete.\*
- Q. Fluorescent lighting fixtures and appliances, including, but not limited to, washing machines, dryers, stoves, dishwashers, freezers, refrigerators, hot water heaters, microwave ovens, wall ovens, air conditioners and cathode ray tubes (CRTs).\*
- R. Metal – Ferrous and nonferrous.\*
- S. Lead batteries.\*
- T. Corrugated paper or cardboard and paperboard products.\*
- U. Automobile and truck tires.\*
- V. Glass bottles and jars.\*
- W. Post consumer recyclable aluminum, metal and glass containers.\*
- X. Tires.\*
- Y. Single polymer plastics and recyclable paper.\*

\*NOTE: Certain materials which are prohibited in this section from deposit as refuse may be collected in the Recycling or other areas at the Transfer Station. Please refer to the attached Recycling Chart and Fee Schedule

## VII. **PENALTIES**

### A. **Revocation of Permits**

The Board of Selectmen or its authorized representative may at any time cancel, suspend, revoke or modify permits or privileges issued hereunder for cause. The suspension, revocation or modification of an existing permit or privilege shall not entitle the person holding such a permit to a refund of all or a portion of the fee collected, if any, for the issuance of such permit or privilege.

### B. **Violation of Regulations**

The following schedule shall apply to violation of the rules and regulations governing the commercial use of the Transfer Station:

1st Violation      Written warning from the Transfer Station Operator plus a disposal cost of twice the regular fee.

2nd Violation Suspension of use of the Transfer Station for one month plus a disposal cost of twice the regular fee, but in no case less than \$100 over the regular fee.

The penalty for violations committed subsequent to the 2nd violation shall be determined by the Board of Selectmen on a case-by-case basis.

### C. Right to Hearing

Any person accused of violating these rules and regulations shall be notified of the alleged violation in writing via certified mail, return receipt requested, which shall set forth a date and time at which a hearing will be held before the Board of Selectmen or its designee in order to afford the person an opportunity to be heard in regard to the alleged violation, with or without counsel, as the person shall choose.

## VIII. SEVERABILITY

If any provision of these rules and regulations is, for any reason, declared to be unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions or sections of these rules and regulations.

These Rules and Regulations for the Recycling and Disposal of Solid Wastes at the Transfer Station will replace all prior rules and regulations and will become effective as of April 1, 2006.

Rev. 8/1/88

Rev. 10/17/88

Rev. 1/23/89, as amended 1/30/89

Rev. 5/1/89

Rev. 5/8/89

Rev. 4/23/90, fees effective 7/1/90

Rev. 12/3/90

Rev. 5/6/91, fees effective 7/1/91

Rev. 11/25/91, effective 1/1/92

Rev. 5/26/92, fees effective 7/1/92

Rev. 8/31/92, effective 12/31/92

Rev. 4/14/93, refrigerator fee effective 5/13/93

Rev. 2/8/93 & 3/31/93, fees effective 7/1/93

Rev. 11/7/94, effective 12/31/94

Rev. 12/20/99; effective 1/01/00

Rev. 8/13/03; effective 7/1/03

Rev. 3/16/06; effective 4/1/06

## **APPENDIX A**

### **HOURS OF TRANSFER STATION OPERATION**

OPEN

Tuesday, Thursday and Saturday 8:00 a.m. to 3:00 p.m.

CLOSED

Sunday, Monday, Wednesday, Friday

### **TRANSFER STATION SPECIAL PERMIT SCHEDULE**

Fee 1/2 Cu. Yd.: \$16.00

1 Cu. Yd. \$32.00

### **FEES FOR RECYCLABLE MATERIALS FROM RESIDENTS**

#### Fee for Each

Air conditioners \$20.00

Carpeting (approx. 9x12) 32.00

Computer Monitors 20.00

Couch (upholstered furniture) 16.00 to 32.00

Gas grills 5.00

Lawnmower 5.00

Mattresses

Twin, double, queen & king 16.00

Twin mattress & box spring 16.00

Double, queen & king (mattress & box) 32.00

Paint — Waterbase 4.00 per gal.

Refrigerators \$20.00

Ceramic 16.00

Stoves/Ovens 5.00

Television sets 20.00

Tires from Vehicles

Automobile 2.00

Truck 10.00

(All tires must be off the rim.)

Toilets 16.00

Washing machines/dryers 5.00

Water heaters 5.00

DRAFT

## 2. CITATIONS AND PROCLAMATIONS

a) Citations - Any member of the Board of Selectmen shall have a citation issued as a congratulatory message to any person or business in Sudbury 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 Sudbury 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 Sudbury

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 Sudbury 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 e-mailed. 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 as 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

### 3. *Memorial Bench Program*

- a. Memorial benches may be purchased through the Town of Sudbury for a fee of \$1,400. This fee covers the cost of a granite bench with a brass plaque or engraving, installation and perpetual care of the bench. Plaques may be inscribed with up to two lines of text.
- b. Installation of the benches will be completed by the Department of Public Works in a location deemed appropriate by the DPW director, Park and Recreation Director, Town Manager and Board of Selectmen. Perpetual care of the benches will include cleaning and repair of any bench as necessary.
- c. All requests for Memorial Benches shall be made to the Town Manager and should include the requested inscription. Bench requests may take as long as 8 weeks to be installed and remain the property of the Town of Sudbury.

(September 8, 2009)

#### **4. PURCHASE CONTRACTS**

The Town Manager is authorized to enter into purchasing contracts under \$25,000, without the approval of the Board of Selectmen on purchases defined in Section 10(d) of the Town Charter.

The Town Manager is authorized to approve, without specific vote of the Board, those contracts \$25,000 and over which are renewals of contracts, with current vendors, previously approved by the Board.

The Town Manager shall provide a list of such awards to the Board of Selectmen on an annual basis in January.

(Adopted 8/9/99, 6/10/02, 8/16/16)



#### **4. Community Event Signs on Town Property**

From time to time, community groups request to put signs on Town property to let residents know of upcoming events. Such signs need prior approval from the appropriate Town officials, as described below.

I. Signboards at Fire Stations 2 and 3. The community Fire Station signboards at Route 117 and Route 20 are available for Sudbury Boards & Committees as well as non-profit organizations to publicize upcoming events. They may be reserved for one week. Groups wishing to reserve the signboards must complete a Fire Station Sign Use Application:

<http://sudbury.ma.us/departments/Selectmen/doc9177/SignRentalApplication.pdf>

II. Featherland Park, Concord Road. Up to two A frame type signs may be placed in the designated area for up to two weeks prior to an event by groups sponsoring events related to recreational activities in the Town, or by Town or School (SPS or L-S) booster groups. Permission for placing such signs shall be monitored by the Town of Sudbury Recreation Department.

III. Fire Headquarters, Hudson Road. Use of this site shall be at the discretion of the Sudbury Fire Chief, and shall be limited to Sudbury town boards or staff, or nonprofits wishing to publicize upcoming community events.

IV. Police Station, Boston Post Road. Use of this site shall be at the discretion of the Sudbury Police Chief, and shall be limited to Sudbury town boards or staff, or nonprofits wishing to publicize upcoming community events.

Any signs placed on Town property which does not meet these requirements may be removed by the Town and thrown away.

DRAFT



SUDBURY BOARD OF SELECTMEN  
Tuesday, May 15, 2018

6

**MISCELLANEOUS (UNTIMED)**

**6: Fairbank Task Force recommendations**

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Discussion and possible vote on Fairbank Task Force recommendations.

Recommendations/Suggested Motion/Vote: Discussion and possible vote on Fairbank Task Force recommendations.

Background Information:

Financial impact expected:

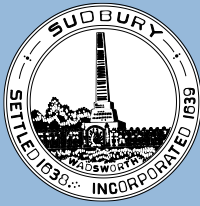
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

05/15/2018 7:00 PM



SUDBURY BOARD OF SELECTMEN  
Tuesday, May 15, 2018

7

**MISCELLANEOUS (UNTIMED)**

**7: Disband Fairbank Task Force**

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Vote to disband the Fairbank Community Center Task Force, and thank the members for their valuable contribution to the Town.

Recommendations/Suggested Motion/Vote: Vote to disband the Fairbank Community Center Task Force, and thank the members for their valuable contribution to the Town.

Background Information:

Financial impact expected:n/a

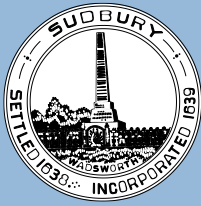
Approximate agenda time requested:

Representative(s) expected to attend meeting: Pat Brown, Chair of Fairbank Task Force

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

05/15/2018 7:00 PM



## SUDBURY BOARD OF SELECTMEN

Tuesday, May 15, 2018

8

### MISCELLANEOUS (UNTIMED)

#### 8: Citizen's Comments (cont)

##### REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Citizen's Comments (cont)

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

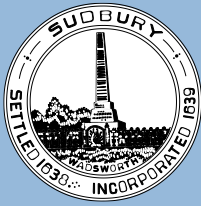
Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

05/15/2018 7:00 PM



## SUDBURY BOARD OF SELECTMEN

Tuesday, May 15, 2018

9

### MISCELLANEOUS (UNTIMED)

#### 9: Discuss upcoming agenda items

##### REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Discuss upcoming agenda items

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

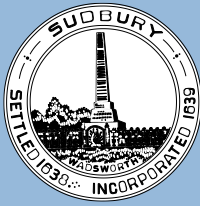
Approximate agenda time requested:

Representative(s) expected to attend meeting:

##### Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

05/15/2018 7:00 PM



## SUDBURY BOARD OF SELECTMEN

Tuesday, May 15, 2018

**CONSENT CALENDAR ITEM****10: Easement acceptance****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 STORMWATER MANAGEMENT SYSTEM" granted by Eligius Homes Company, Inc., for stormwater system maintenance purposes upon the property shown as "Wigwam Hill, Definitive Subdivision of Land in Sudbury, Mass. Surveyed for Defense Housing Trust" by Charles A. Perkins Co., Inc., dated May 21, 1971 that is recorded with the Middlesex South Registry of Deeds as Plan No. 172 of 1980.

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 STORMWATER MANAGEMENT SYSTEM" granted by Eligius Homes Company, Inc., for stormwater system maintenance purposes upon the property shown as "Wigwam Hill, Definitive Subdivision of Land in Sudbury, Mass. Surveyed for Defense Housing Trust" by Charles A. Perkins Co., Inc., dated May 21, 1971 that is recorded with the Middlesex South Registry of Deeds as Plan No. 172 of 1980.

**Background Information:**

See memorandum attached dated 5/10/18 relative to the stormwater management system and Stormwater Management Permit at the above referenced property.

Financial impact expected:n/a

Approximate agenda time requested:

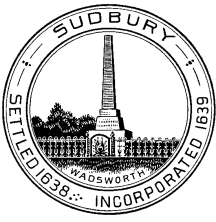
Representative(s) expected to attend meeting:

**Review:**

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

05/15/2018 7:00 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  
RE: Request for Acceptance of Easement for 10 Kato Summit Stormwater Management for May 15, 2018 BOS Meeting  
DATE: May 10, 2018

On November 9, 2016, the Planning Board issued a Decision to grant the Eligius Homes Company, Inc. (Owner) a Stormwater Management 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 covenant requiring maintenance of the stormwater management system in accordance with Best Management Practices and 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 maintain the system and the Town needs to do so. The Town will provide a template for the covenant. 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.

As such, through the attached covenant, the Owner (and future successor) 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 to perform such maintenance and charge and assess the Owner for the cost.

Town Counsel recommended the Owner grant an easement to the Town to better protect the Town in the event it elects to remedy a failed stormwater system. The grant of easement provides the explicit right of the Town to enter upon private property to conduct inspections and to perform any required work.

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

Cc: Dan Nason, DPW Director

Attachment 10.a: Memo BOS Easement - 10 Kato Summit (2752 : Easement acceptance)

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 18th day of April, 2018 by Eligius Homes Company, Inc., a duly organized and existing Massachusetts corporation having a usual place of business at 329A Boston Post Road, Sudbury, Massachusetts (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 applied to the Sudbury Planning Board for approval of the construction of a single family home and related improvements at the property situated on the southeasterly side of Kato Summit and shown as Lot 12 on a plan of land entitled, “Wigwam Hill, Definitive Subdivision of Land in Sudbury, Mass. Surveyed for Defense Housing Trust” dated February 1971, revised May 21, 1971, by Charles A. Perkins Co., Inc.,” which plan is recorded with the Middlesex South District Registry of Deeds as Plan No. 172 of 1980, to which plan reference is made for a more particular description of said lot (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 “Decision, Stormwater Management Permit, Lot 12, 10 Kato Summit, Sudbury, MA” dated November 9, 2016 and recorded with said Registry of Deeds at Book 70619, Page 160 (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, a roof drain drywell, drainage swale and rain garden, 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, 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 and/or its successors and assigns 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 and the Stormwater Operations and Maintenance Manual entitled "Stormwater Operation and Maintenance Plan, Lot 12 Kato Summit, Sudbury, MA", submitted by Eligius Homes Company, Inc and dated September 22, 2016, 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 Town 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 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 day period, then the Town 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 Town within said thirty day period (or such other additional timeframe imposed by the Town), 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 Town 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 Town 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. The Town 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, the Town agrees to carry and keep in effect, at the Town'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. The Town shall also cause any party performing work on the Town'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 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 days after written request therefor, the Town shall execute and deliver to the then Owner an estoppel certificate stating that to the best of the Town'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 Town to disclose correct and/or relevant information included in any such estoppel certificate, but the Town 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 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 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 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 with said Registry of Deeds.


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

[End of text. Signatures on next page.]



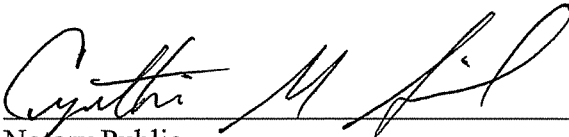
IN WITNESS WHEREOF, ELIGIUS HOMES COMPANY, INC. has caused these presents to be executed and its seal affixed hereto Peter T. Karassik, its President and Treasurer, this 18th day of April, 2018.

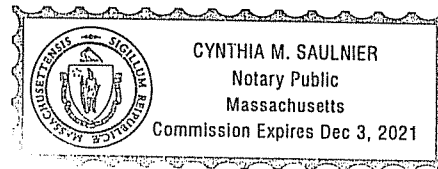
ELIGIUS HOMES COMPANY, INC.  
by:

  
Peter T. Karassik, President & Treasurer

COMMONWEALTH OF MASSACHUSETTS  
Middlesex, ss.

On this 18th day of April, 2018, before me, the undersigned notary public, personally appeared Peter T. Karassik, proved to me through satisfactory evidence of identification, which was one of the following (check applicable box): ☒ a driver's license; ☐ a valid passport; ☐ personally known to be the person whose name is signed on the preceding or attached document; or ☐ other \_\_\_\_\_, and acknowledged to me that she signed it voluntarily for its stated purpose as President and Treasurer of ELIGIUS HOMES COMPANY, INC., a corporation.

  
Notary Public  
My Commission Expires: 12/03/2021  
SEAL



ACCEPTANCE OF EASEMENT

On this     day of     , 2018, 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

\_\_\_\_\_  
Robert C. Haarde, Chairman

\_\_\_\_\_  
Leonard A. Simon, Vice Chairman

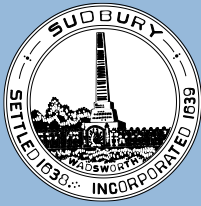
\_\_\_\_\_  
Patricia Brown, Member

\_\_\_\_\_  
Daniel E. Carty, Member

\_\_\_\_\_  
Janie Dretler, Member

Attachment10.c: STORMWATER\_COVENANT - new BOS Signature Sheet (2752 : Easement acceptance)





## SUDBURY BOARD OF SELECTMEN

Tuesday, May 15, 2018

**CONSENT CALENDAR ITEM****11: Minutes approval**REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Vote to approve the regular session minutes of 3/6/18 and 3/20/18.

Recommendations/Suggested Motion/Vote: Vote to approve the regular session minutes of 3/6/18 and 3/20/18.

Background Information:  
attached drafts

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
Robert C. Haarde	Pending
Board of Selectmen	Pending

05/15/2018 7:00 PM



## SUDBURY BOARD OF SELECTMEN

Tuesday, May 15, 2018

**CONSENT CALENDAR ITEM****12: 2018 Bicycles Battling Cancer Ride****REQUESTOR SECTION**

Date of request:

Requestor: Mark Walter, American Cancer Society

Formal Title: Vote to grant a Special Permit to the American Cancer Society, to Hold the "Bicycles Battling Cancer Ride" on Sunday June 10, 2018, from 7:30 A.M. through approximately 4:30 P.M., subject to Police Department safety requirements, Proof of Insurance Coverage and the assurance that any litter will be removed at the race's conclusion.

Recommendations/Suggested Motion/Vote: Vote to grant a Special Permit to the American Cancer Society, to Hold the "Bicycles Battling Cancer Ride" on Sunday June 10, 2018, from 7:30 A.M. through approximately 4:30 P.M., subject to Police Department safety requirements, Proof of Insurance Coverage and the assurance that any litter will be removed at the race's conclusion.

Background Information:

See attached application and department feedback

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
Robert C. Haarde	Pending
Board of Selectmen	Pending

05/15/2018 7:00 PM

**From:** Mark Walter  
**Sent:** Thursday, April 05, 2018 5:21 PM  
**To:** Selectmen's Office  
**Subject:** 2018 Bicycles Battling Cancer and Sudbury

Hi Patty,

I'm once again working with the American Cancer Society to help coordinate the annual Bicycles Battling Cancer ride which takes place this year on Sunday, June 10, 2018 and I'm writing to ask for your approval for this charity ride to come through Sudbury. You helped coordinate approval of the ride last year with the Sudbury Selectmen and I'm hopeful we receive the town's support again this year.

Bicycles Battling Cancer is an outdoor cycling fundraiser that offers 30, 50, 70, and 100 mile route options to participants. The ride starts and ends in Marlborough, MA. The 30 mile ride is the last 30 miles of the 100 mile ride. The 50 (new for 2018) and 70 mile rides do not come through Sudbury. You can view the 100 mile ride here: <https://ridewithgps.com/routes/21235255>

I have attached two documents. The first includes a completed application for a Charitable Walk/Relay Permit on a Public Way. This doc also includes a map of the ride route through Sudbury. I estimate 175-250 cyclists will ride through Sudbury between 11am and 3:30pm. Note this is not a race and cyclists will be told to obey the rules of the road and ride single file.

The second doc is a our proof in insurance.

Our plan is to mark the course a few days before the event with paper arrow stickers and/or spray chalk. These markings are biodegradable and will wash away in about a week. Course markings are essential to effectively and safely guide riders along the course.

Please let me know if you require any additional information to assess and approve the ride.

Thank you.

--

Mark Walter

Attachment12.a: BBC 2018 Application\_BOS (2784 : 2018 Bicycles Battling Cancer Ride)



## 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: BOSadmin@sudbury.ma.us

### APPLICATION FOR A CHARITABLE WALK/RELAY PERMIT ON A PUBLIC WAY

Written permission to conduct a fundraising walk or relay race in any public street, public sidewalk or public way within the Town must be obtained from the Board of Selectmen prior to the event. The Chief of Police will determine the appropriate public safety requirements for this event and the cost of such special duty officers, if any required, will be borne by the applicant. The Town of Sudbury requires a Certificate of Insurance of no less than \$1,000,000, naming the Town as an additional insured. All cleanup from the event will be completed by the applicant within 8 hours after the stated ending time or applicant will be billed for the Town's cost to clean up. Application processing can take up to four weeks as approval from the Police, Building and Park & Recreation departments may be required prior to Board of Selectmen approval. Processing begins after all required materials are received, so please plan accordingly.

Organization Name American Cancer Society  
Event Name Bicycles Battling Cancer  
Organization Address 30 Speen Street, Framingham, MA 01701  
Name of contact person in charge Mark Walter  
Telephone Number [REDACTED]  
Email address [REDACTED]

Date of event 6-10-18 Rain Date —  
Starting time 7:30 AM Ending time 4:30 PM

Route of the race/relay and portion of the road requested to be used (please indicate on map and attach to this application) Hudson Rd → Dutton Rd → Wayside Jun Rd

Anticipated number of participants 175-250

Assembly area (enclose written permission of owner if private property to be used for assembly) \_\_\_\_\_

Start & finish is at the Hillside School in Marlborough

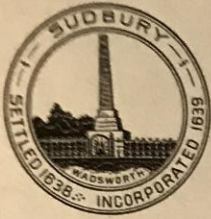
Organization that proceeds will go to American Cancer Society

Any other important information This is the 10th year of this event and the course through Sudbury is the same as 2017. Also

This is a charity ride, not a race  
The undersigned applicant agrees that the applicant and event participants will conform to applicable laws, by-laws and regulations as well as any special requirement that may be made as a condition of the granting of permission pursuant to this application. I/we agree to hold the Town of Sudbury harmless from any and all liability and will defend the Town of Sudbury in connection therewith.

Signature of Applicant Mark Walter Date 4/5/18





## TOWN OF SUDBURY

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

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

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

### CONTINUED: APPLICATION FOR A CHARITABLE WALK/RELAY PERMIT...

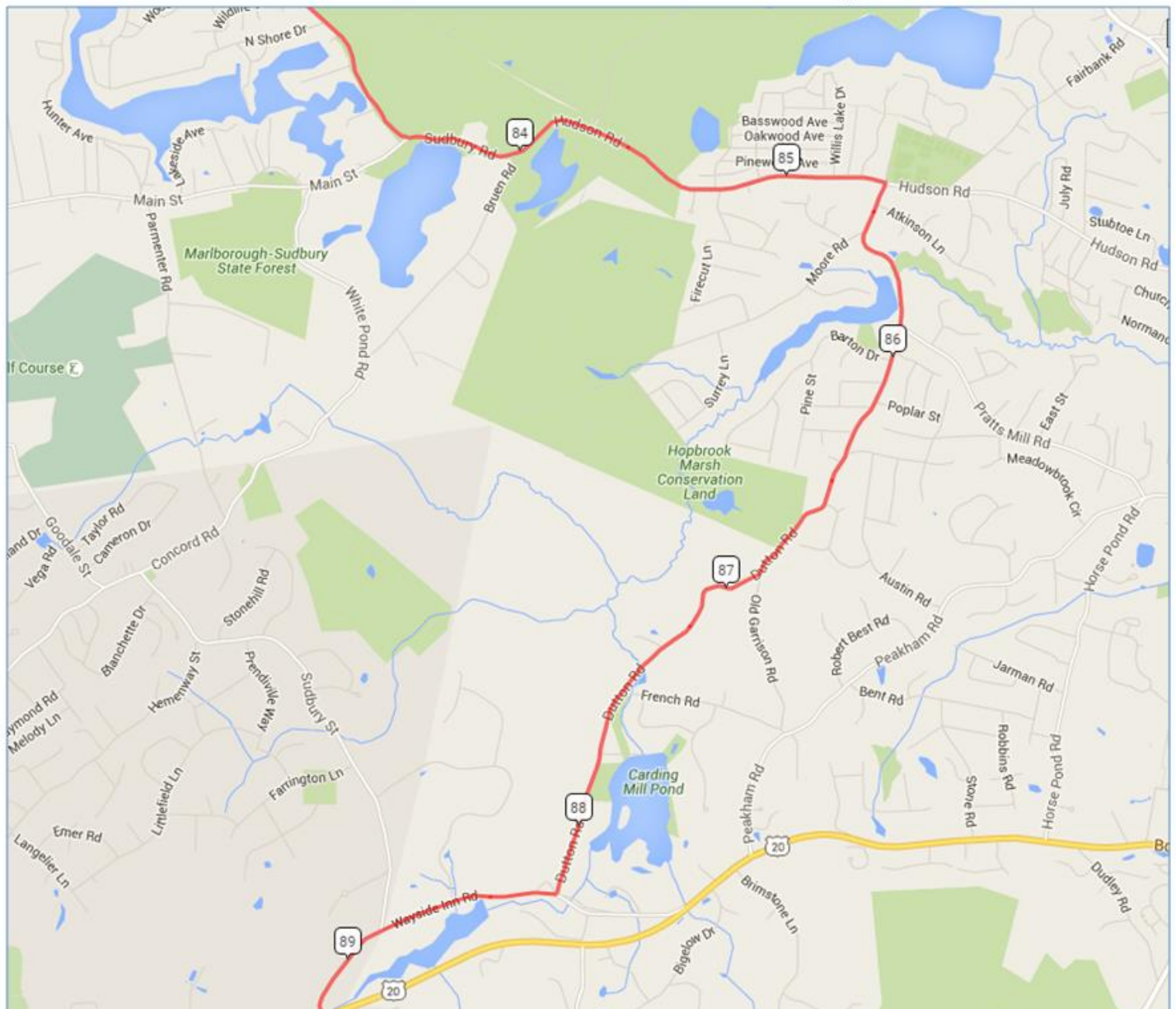
#### Application Checklist:

- ☒ Application Form
- ☒ Map of Route
- ☒ Evidence of Certificate of Insurance (please see details above)

Please submit completed application and materials to:

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

## BICYCLES BATTLING CANCER RIDE: SUDBURY



## American Cancer Society – Bicycles Battling Cancer Ride June 10, 2018

### DPW

From: Nason, Dan  
Sent: Wednesday, May 09, 2018 3:39 PM  
Subject: **ACCEPTED**: American Cancer Society - Bicycles Battling Cancer 2018  
When: Sunday, June 10, 2018 7:30 AM-4:30 PM (UTC-05:00) Eastern Time (US & Canada).

The DPW has no issues with this event assuming there is no involvement needed by the DPW (signs, barricades, barrels, etc.)

---

### FIRE DEPARTMENT

From: Whalen, John  
Sent: Wednesday, May 09, 2018 4:00 PM  
To: Frank, Leila <FrankL@sudbury.ma.us>; Choate, Timothy <ChoateT@sudbury.ma.us>  
Subject: RE: Bicycles Battling Cancer Ride

Hello Leila,

The Fire Department has **NO ISSUES** with this event.

John M. Whalen  
Fire Chief

---

### PARK & RECREATION

From: McNamara, Kayla  
Sent: Monday, April 30, 2018 5:28 PM  
To: Sudbury Community Events  
Subject: **ACCEPTED**: American Cancer Society - Bicycles Battling Cancer 2018  
When: Sunday, June 10, 2018 7:30 AM-4:30 PM (UTC-05:00) Eastern Time (US & Canada).

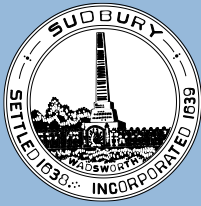
---

### POLICE DEPARTMENT

From: Nix, Scott  
Sent: Tuesday, May 01, 2018 7:25 AM  
Subject: **ACCEPTED**: American Cancer Society - Bicycles Battling Cancer 2018  
When: Sunday, June 10, 2018 7:30 AM-4:30 PM (UTC-05:00) Eastern Time (US & Canada).

Leila,  
The police department **DOES NOT HAVE AN ISSUE** with the continuing event. Thank you.  
Respectfully,  
Scott Nix





## SUDBURY BOARD OF SELECTMEN

Tuesday, May 15, 2018

**CONSENT CALENDAR ITEM****13: DPW annual contracts renewal**REQUESTOR SECTION

Date of request:

Requestor: Dan Nason, DPW Director

Formal Title: Vote to approve for FY19 the attached list of annual or renewal DPW contracts awarded and previously approved for FY18 or to be awarded in FY19 on a Fiscal Year basis or Calendar Year basis by the Town Manager in accordance with procurement requirements and as reviewed by Town Counsel.

Recommendations/Suggested Motion/Vote: Vote to approve for FY19 the attached list of annual or renewal DPW contracts awarded and previously approved for FY18 or to be awarded in FY19 on a Fiscal Year basis or Calendar Year basis by the Town Manager in accordance with procurement requirements and as reviewed by Town Counsel.

Background Information:  
see attached list

Financial impact expected: budgeted

Approximate agenda time requested:

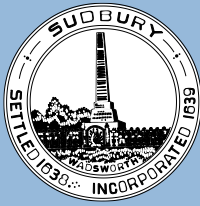
Representative(s) expected to attend meeting:

## Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

05/15/2018 7:00 PM

<u>Contract No.</u>	<u>Contract Name</u>	<u>Period</u>
2019-BIP-1	Bituminous Concrete Type 1 In Place	FY19 (3 yr.)
2019-PRES-1	Roadway Preservation	FY19 (3 yr.)
2019-ER-1	Street Sweeping	Cal. 19 (3 yr.)
2019-CM-1	Cemetery Mowing/lawn/landscape	Cal. 19 (3 yr.)
2019-TB-1	Town Buildings Mowing/lawn Maint.	Cal. 19 (3 yr.)
2019-G-1	Gasoline	State Contract
2019-DF-1	Diesel Fuel	State Contract
2019-M-1	Borrow Materials	FY19 (3rd yr. of 3)
2019-T-1	Trees & Stumps: Removal & Disposal	FY19
2019-BM-1	Bituminous Materials	Cal. 19
2019-SLM-1	Street Light Maintenance	Cal. 19 (3yr)
2019-TLP-1	Traffic Line Painting	Cal. 19 (3 yr.)
2019-SALT-1 2019-SWD-1 2019-GCCS-1	Winter Salt Solid Waste Disposal Granite Curbing & Cement Sidewalk	State Contract / Collaborative Bid FY19 (3rd yr.) FY19
2019-FSM-1	Field Stone Masonry	Cal. 19



## SUDBURY BOARD OF SELECTMEN

Tuesday, May 15, 2018

**CONSENT CALENDAR ITEM****14: Munis agreement****REQUESTOR SECTION**

Date of request:

Requestor: Christine Nihan, Town Accountant

Formal Title: Vote to approve the FY19 Annual Support Agreement and License Agreement for Munis Software made by and between Tyler Technologies, Inc. and the Town, and further, to approve renewal for each of two subsequent one year terms at the discretion of the Town Manager.

Recommendations/Suggested Motion/Vote: Vote to approve the FY19 Annual Support Agreement and License Agreement for Munis Software made by and between Tyler Technologies, Inc. and the Town, and further, to approve renewal for each of two subsequent one year terms at the discretion of the Town Manager.

**Background Information:**

This vote seeks approval of the 2018 commencement of a renewable MUNIS annual support and license agreement for the Town and Schools current licensed software based on the terms and conditions of the original 1995 agreement. It is a sole source procurement which has been previously approved. The \$97,883.19 cost is shared equally between the Town and Schools.

Financial impact expected: budgeted item

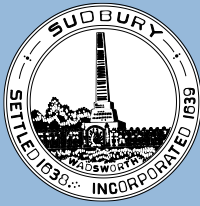
Approximate agenda time requested:

Representative(s) expected to attend meeting:

**Review:**

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

05/15/2018 7:00 PM



## SUDBURY BOARD OF SELECTMEN

Tuesday, May 15, 2018

**CONSENT CALENDAR ITEM****15: MLN agreement**REQUESTOR SECTION

Date of request:

Requestor: Anna Roughsedge, Goodnow Library Office Coordinator

Formal Title: Vote to approve the FY19 contract between the Town on behalf of the Goodnow Library (Participant) and Minuteman Library Network, Inc. for the purchase, installation and maintenance of telecommunications equipment provided to the Goodnow Library for participation in the Network, effective July 1, 2018, as requested by the Goodnow Library Director, said Agreement to be executed by the Town Manager.

Recommendations/Suggested Motion/Vote: Vote: To approve the FY19 contract between the Town on behalf of the Goodnow Library (Participant) and Minuteman Library Network, Inc. for the purchase, installation and maintenance of telecommunications equipment provided to the Goodnow Library for participation in the Network, effective July 1, 2018, as requested by the Goodnow Library Director, said Agreement to be executed by the Town Manager.

## Background Information:

This contract continues services provided under previous agreements for purchase and maintenance of telecommunications equipment for participating libraries in the Minuteman Library Network.

---

Financial impact expected: budgeted share of network costs \$40,000

Approximate agenda time requested:

Representative(s) expected to attend meeting:

## Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Barbara Saint Andre	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

05/15/2018 7:00 PM

## AGREEMENT

Agreement made as of this 1<sup>st</sup> day of July, 2018, by and between the Board/Town/City/Chief Financial Officer/President/Designee of Sudbury, MA ("PARTICIPANT"), and Minuteman Library Network, Incorporated ("MINUTEMAN"), a Massachusetts non-profit corporation which is a multi-type library cooperative. In consideration of the undertakings of the PARTICIPANT Goodnow Library (sometimes hereinafter called a "Participating Library") and MINUTEMAN, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the undersigned, it is herein agreed by PARTICIPANT and MINUTEMAN as follows:

1. MINUTEMAN shall provide for the purchase, installation, and maintenance of hardware and software, to be located at the MLN Central Site, 10 Strathmore Road, Natick, Massachusetts 01760 (hereinafter called "CENTRAL SITE")
2. Minuteman shall purchase, install, and maintain at each library and branches telecommunications equipment, as may be necessary for a library's participation in the automated network system. Participating Libraries shall be responsible for insuring all telecommunication equipment provided by Minuteman in their buildings. Participating libraries shall purchase their own PCs to be connected to the Minuteman Wide Area Network (WAN). Libraries will support and maintain hardware and operating systems at adequate levels required for connection to the MINUTEMAN system. Participating libraries shall purchase their own labels, library cards, and such other supplies as may be necessary for participation in the MINUTEMAN system. Supplies purchased under this paragraph for use with the MINUTEMAN system shall meet all specifications as shall be established under the operating rules of MINUTEMAN.
3. MINUTEMAN shall provide computer and office facilities, personnel and operating services necessary to run the Network. MINUTEMAN shall use its best efforts to make the system available to the Participating Libraries whenever any participant is scheduled to use the system.

MINUTEMAN shall not be held responsible or liable for time lost during periods of routine system maintenance, equipment or system failure, except that it shall do everything reasonably within its power to ensure that problems are corrected as soon as possible. MINUTEMAN shall use its best efforts to cause copies to be made of all software and files daily and to make appropriate arrangements to store said software and files safely at least once per week.

4. MINUTEMAN shall annually make a determination of Network costs to be shared by Participating Libraries during the next fiscal year, which shall run from July 1 until June 30 of the following calendar year.



5. All Participating Libraries shall share in the annual Network operating costs, based on the following formula:

- Acquisitions - 28.5% - using the average number of items added in the last three fiscal years
- FTE - 2% - using the numbers reported to the MBLC and NCES
- Population - 2% - using data from the MA Department of Revenue (2012)
- Simultaneous users - 17.5% - submitted by member libraries; number of simultaneous Sierra user sessions
- Circulation - 18.3% - using the average number of circulations in the last three fiscal years
- Shared equally - 31.7% - dividing the percentage by 42
- Each library charged the actual cost of its Comcast/FIOS Internet connection
- 5% resource sharing credit

PARTICIPANT reserves 14 simultaneous users which reflect number of staff connections to the Integrated Library System-Sierra for the period ending June 30, 2019.

6. Participating Libraries may withdraw from the MINUTEMAN system by terminating membership in MINUTEMAN in accordance with the MINUTEMAN bylaws. All costs and other charges due to MINUTEMAN shall be computed and paid up to the official date of termination.

Participating Libraries retain ownership of their database records and may receive copies in machine-readable form. MINUTEMAN shall make available, upon written request, a suitable copy of the patron and bibliographic entries of the requesting member in the common shared database. The requesting member shall pay all costs incurred by MINUTEMAN in the recovery, copying and transmittal of those records.

Libraries which withdraw from MINUTEMAN forego all monetary interest in Minuteman assets, including Central Site hardware or software, at the time of termination, notwithstanding any provision for general dissolution of the Corporation as provided by the Minuteman bylaws.

7. MINUTEMAN agrees to protect the confidentiality of circulation and patron records, and further agrees not to make such records available outside of the MINUTEMAN system except if such records are subpoenaed by a governmental authority or with the consent of the Participating Library or Libraries contributing the records. Nothing in this paragraph shall be construed to prohibit MINUTEMAN from contracting with other parties to perform record-processing or data conversion, nor

shall this paragraph prohibit MINUTEMAN from merging or interfacing its database with any other for the purpose of providing better library service.

Participating Libraries agree to maintain the confidentiality of system software, together with all materials and knowledge related thereto, and agrees not to disclose the system software in any form to any person or entity other than to employees of the Participating Library having a need to obtain such disclosure in the ordinary course of their employment. Participating Libraries agree to maintain confidentiality of all patron records and transactions, including names, addresses, contact information, and borrowing history, except if such records are subpoenaed by a governmental authority.

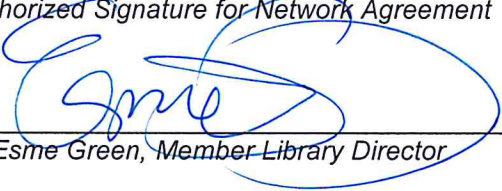
8. The obligations of Participating Libraries hereunder with regard to the expenditure of money in each fiscal year shall be subject to and contingent upon the availability of appropriated funds through either Town Meeting or City Council action, Reserve Fund Transfer, or other funding procedure. The MINUTEMAN budget shall be presented and approved not later than the January Membership meeting preceding the July 1<sup>st</sup> fiscal year commencement. Payment and signed Network Agreement of any Participating Library hereunder shall be due August 1<sup>st</sup> of the fiscal year for which services are provided. Failure of a Participating Library to return the signed Network Agreement and to make full payment by September 29, 2018 without adequate explanation to the Board of Directors will result in the loss of training and consulting privileges until both are received. Payment and Network Agreement more than 90 days (October 31) late without prior approval of the Board of Directors will be cause for termination of services and potentially, termination of membership to the Participating Library.
9. PARTICIPANT'S share of Network costs for the period ending June 30, 2019, as determined under paragraph 5 is **\$40,000.00**
10. Nothing in this Agreement shall be construed as creating any liability on the part of any party hereto for any defect or failure in services or equipment owned, operated or provided by MINUTEMAN or the Participating Library.
11. The Participant agrees to the bylaws of MINUTEMAN and the obligations and responsibilities stated therein, including but not limited to; regular attendance at all Membership meetings and full participation in resource sharing. The Board of Directors will review situations in which a Participating Library fails to meet these obligations and requirements, and will recommend appropriate action to Membership.



12. This Agreement embodies the entire understanding and agreement between parties, and no inducement, promise, term, condition or obligation is made or entered into by either party if not set forth herein or incorporated herein by reference. The Agreement may be amended by an instrument signed by both parties and no other mode of amendment shall be effective.
13. This Agreement must be signed and returned to the Minuteman Library Network, 10 Strathmore Road, Natick, MA 01760, by August 1, 2018.

WITNESS our respective hands and seals as of this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Authorized Signature for Network Agreement

  
\_\_\_\_\_  
Esme Green, Member Library Director

  
\_\_\_\_\_  
President, Minuteman Library Network, Inc.

  
\_\_\_\_\_  
Library Trustee/Dean

Attachment 15.a: MLN Agreement (2796 : MLN agreement)