



SUDBURY BOARD OF SELECTMEN
TUESDAY NOVEMBER 27, 2018
6:00 PM, LINCOLN SUDBURY REGIONAL HIGH SCHOOL

Item #	Time	Action	Item
	6:00 PM		CALL TO ORDER
			Opening remarks by Chairman
			Reports from Town Manager
			Reports from Selectmen
			Citizen's comments on items not on agenda
PUBLIC HEARING			
1.	6:15 PM	<i>VOTE</i>	Tax Classification Hearing - In accordance with General Laws Ch. 40, sec. 56, as amended, to determine the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2019 tax rate. In attendance will be the Board of Assessors (Joshua M. Fox, Esq, Trevor A. Haydon, Chair; Liam J. Vesely), Cynthia Gerry, Director of Assessing, and presenting will be Harald Scheid, Principal Regional Assessor.
MISCELLANEOUS			
2.		<i>VOTE / SIGN</i>	Discussion and vote whether to approve and sign the term sheet of the Quarry North Development Agreement.
3.		<i>VOTE</i>	Discussion and vote whether to approve an increase in the annual senior property tax workoff amount from \$1100 to \$1200 per year, as requested by Debra Galloway, COA Director.
4.		<i>VOTE / SIGN</i>	As the Licensing Authority for the Town of Sudbury, discussion and vote whether to approve a new Common Victualler License for Max and Leos Artisan Pizza, 470 North Road, as requested in an application dated October 30, 2018, subject to conditions put forth by the Fire Department and Building Department.
5.			Citizens' comments (cont)
6.			Discuss upcoming agenda items
CONSENT CALENDAR			

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

Item #	Time	Action	Item
7.		<i>VOTE / SIGN</i>	Discussion and vote whether to execute the Memorandum of Understanding for Non-Emergency Law Enforcement Response between the Town of Sudbury, Massachusetts Police Department and the United States Department of the Interior, U.S. Fish and Wildlife Service, National Wildlife Refuge System.
8.		<i>VOTE</i>	Discussion and vote whether to approve the regular session minutes of 10/9/18.
9.		<i>VOTE</i>	Discussion and vote whether to accept a \$50 donation to support the Park and Recreation Fall Festival/5K, which will be deposited in the Program Contributions and Donations Account (191448/483100), as requested by Kayla Wright, Director of Parks, Recreation & Aquatics, in a memo dated November 9, 2018.
10.		<i>VOTE</i>	Discussion and vote whether to approve award of contract by the Town Manager for rubbish and recyclables removal and disposal services to the lowest eligible and responsible bidder as determined by Town Counsel for the period January 1, 2019 – June 30, 2020, and any successive periods at the option of 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, November 27, 2018

1

PUBLIC HEARING

1: Tax Classification Hearing

REQUESTOR SECTION

Date of request:

Requestor: Cynthia Gerry, Director of Assessing

Formal Title: Tax Classification Hearing - In accordance with General Laws Ch. 40, sec. 56, as amended, to determine the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2019 tax rate. In attendance will be the Board of Assessors (Joshua M. Fox, Esq, Trevor A. Haydon, Chair; Liam J. Vesely), Cynthia Gerry, Director of Assessing, and presenting will be Harald Scheid, Principal Regional Assessor.

Recommendations/Suggested Motion/Vote: Tax Classification Hearing - In accordance with General Laws Ch. 40, sec. 56, as amended, to determine the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2019 tax rate. In attendance will be the Board of Assessors (Joshua M. Fox, Esq., Trevor A. Haydon, chair; Liam J. Vesely), Cynthia Gerry, Director of Assessing, and presenting will be Harald Scheid, Principal Regional Assessor.

Background Information:

See attached.

Board of Assessors provided their report on Tuesday , 11/27/18.

Financial impact expected:

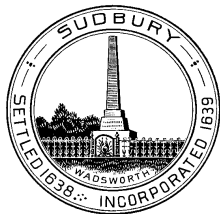
Approximate agenda time requested: 20 minutes

Representative(s) expected to attend meeting: Cynthia Gerry, Board of Assessors, and Harald Scheid

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Jonathan Silverstein	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

11/27/2018 6:00 PM



TOWN OF SUDBURY

Office of Selectmen
www.sudbury.ma.us

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

Email: selectmen@sudbury.ma.us

TOWN OF SUDBURY PUBLIC HEARING ATTENTION: TAXPAYERS

In accordance with General Laws Ch. 40, sec. 56, as amended, the Sudbury Board of Selectmen will hold a public hearing on Tuesday, November 27, 2018, at 6:15 p.m. at Lincoln-Sudbury Regional High School, Conference Room A, 390 Lincoln Road, Sudbury, to determine what percentage of the local tax levy will be borne by each class of real and personal property relative to setting the Fiscal Year 2019 tax rate.

The first policy decision of the Board of Selectmen will be to determine the Residential Factor, which means the percentage of the tax levy to be borne by residential property. The Residential Factor determines how different tax rates for residential, commercial and industrial properties will be established.

A Residential Factor of 1 means that the local tax rate will be a single rate uniformly applied to all properties. The other options to be considered are whether or not to allow a residential property exemption, a small commercial exemption, and a discussion of the open space exemption. In addition to the above, there will be some discussion regarding Sudbury's senior residential tax exemption with respect to the program's estimated total cost and impact on the residential tax rate for Fiscal Year 2019.

At this public hearing, the Board of Assessors will provide all information and data relevant to helping the Selectmen make a determination of a single or multiple tax rates and the fiscal effect of the available alternatives to taxpayers. Taxpayers may present oral or written information on their views prior to or at the public hearing.

SUDBURY BOARD OF SELECTMEN

Robert C. Haarde, Chairman
 Daniel E. Carty, Vice-Chairman
 Patricia A. Brown
 Janie Dretler
 Leonard A. Simon

cc: Board of Assessors
 Finance Director
 Town Accountant
 Chamber of Commerce

Finance Committee
 Council on Aging Director
 Assistant Town Manager
 Town Clerk

Publication: *Sudbury Town Crier* 11/15, 11/22



Fiscal Year 2019

Tax Classification Hearing

November 27, 2018

Sudbury Board of Assessors

Trevor A. Haydon, Chairman

Liam J. Vesely, Member

Joshua M. Fox, Member

Cynthia Gerry, Director of Assessing

Harald M. Scheid, Consulting Assessor

Introduction

Each year, prior to the mailing of 3rd quarter tax billings, the Board of Selectmen holds a public hearing to determine the percentage of the town's property tax levy to be borne by each major property class. This responsibility and procedure are described in Chapter 40, Section 56 of the Massachusetts General Laws.

The steps in completing the Classification Hearing are outlined below. Also provided is information about the levy, property assessments, and recommendations made by the Board of Assessors.

Steps in Setting Tax Rates

Pre-classification Hearing Steps

- Step 1: Determination of the property tax levy (Budget Process)
- Step 2: Determine assessed valuations (Assessors)
- Step 3: Tabulate assessed valuations by class (Assessors)
- Step 4: Obtain DOR value certification (Assessors)
- Step 5: Obtain certification of new growth revenues (Assessors)

Classification Hearing Steps

- Step 6: Classification hearing presentation (Assessors & Selectmen)
- Step 7: Review and discuss tax shift options (Selectmen)
- Step 8: Voting a tax shift factor (Selectmen)

Post Classification Hearing Steps

- Step 9: Sign the LA-5 Classification Form (Selectmen)
- Step 10: Send annual recap to DOR for tax rate approval (Assessors)
- Step 11: Obtain DOR approval of tax rates (DOR)

Terminology

The following are definitions of the terms frequently used in the discussion of tax rates.

Levy: The tax levy (or levy) is the amount of property taxes to be raised. The levy amount is determined by the budget process. The total amount of the approved budget less revenues from other sources like motor vehicle excise, municipal fees, and state aid is the amount to be raised through property taxation. In Sudbury, the levy to be raised is \$86,387,203. This represents a 3.68% increase over last year's levy of \$83,323,444.

Levy Ceiling: The levy ceiling is 2.5 percent of the full value of the town and represent the maximum property tax revenues that can be raised under Proposition 2 ½. Based on the Sudbury's total valuation of \$4,728,363,583 the Town cannot levy taxes in excess of \$118,209,090.

New Growth Revenue: Property taxes derived from newly taxable properties like new construction, additions, renovations, subdivisions, and personal property. The Department of Revenue has certified Sudbury's new growth for fiscal year 2019 at \$1,401,700.

Levy Limit: Also referred to as the "maximum allowable levy", the levy limit is calculated by adding 2.5 percent of the previous year's levy limit, plus new growth revenue, and proposition 2 ½ overrides, capital expenditure exclusions, and debt exclusions. The certified maximum allowable levy for fiscal year 2019 is \$86,600,617.

Excess Levy Capacity: Excess levy capacity is the difference between the levy and the levy limit. Sudbury's excess levy capacity is an estimated \$214,449.

The Fiscal Year 2019 Levy Limit and Amount to be Raised

The following is a calculation of Sudbury's estimated levy for fiscal year 2019.

Fiscal year 2018 levy limit	\$81,276,640
Levy increase allowed under Prop. 2 ½	2,031,916
New growth revenue	1,401,700
Debt excluded under Prop. 2 ½	1,890,361
Fiscal year 2019 levy limit	86,600,617
Levy to be raised (rounded by tax rate)	\$86,386,168
Excess levy capacity	\$214,449

Valuations by Class Before Tax Shift

<u>Major Property Class</u>	<u>Valuation</u>	<u>Percent</u>	<u>Res vs CIP%</u>
Residential	4,396,808,625	92.9880%	92.9880%
Commercial	189,613,218	4.0101%	
Industrial	30,823,000	0.6519%	7.0120%
Personal Property	111,118,740	2.3500%	
TOTAL	4,728,363,583	100.0000%	

Shifting the Tax Burden

Municipalities with a large commercial/industrial tax base often see fit to shift the tax burden to help maintain lower residential taxes. Sudbury, though having a relative small commercial tax base, has chosen to adopt a split tax rate.

The goal of recent classification hearings has been to adopt residential and commercial tax rates that yield relatively uniform tax increases in both sectors. Though the commercial, industrial, and personal property (CIP) sector makes up approximately 7 percent of the taxable valuation base, adoption of the classification shift factor (highlighted below) will result in this sector paying about 9 percent of Sudbury's property taxes.

With both residential and commercial/industrial class property valuations rising about 2 percent, a CIP shift factor of 1.33 will make each major property class responsible for approximately the same percent tax burden as last year. If the Selectmen desire to continue making the tax burden proportional as they have done in the past, the Board of Assessors suggests that the Board of Selectmen consider adopting a CPI shift factor of 1.33 with a corresponding residential shift factor of 0.9751.

Tax Rates and Options

Sudbury's uniform, single tax rate without applying shift factors is \$18.27 per thousand.

There are any number of tax rate options the Board of Selectmen might chose. Several that might be considered are as follows:

Option	CIP Shift	Res. Shift	CIP Tax Rate	Res. Tax Rate
Single Tax Rate	1.0000	1.0000	18.27	18.27
10% Shift	1.1000	0.9925	20.10	18.13
20% Shift	1.2000	0.9849	21.92	17.99
30% Shift	1.3000	0.9774	23.75	17.86
33% Shift	1.3300	0.9751	24.30	17.82
40% Shift	1.4000	0.9698	25.58	17.72
50% Shift (maximum allowed)	1.5000	0.9623	27.40	17.58

Based on the balanced CIP/Res. increase scenario above, the Board of Assessors point out that a CIP shift factor of 1.33 with the corresponding residential shift factor of 0.9751 will result in approximately the same tax burden as last year for both the Residential and CIP classes

<u>Property Class</u>	<u>FY2019</u>	<u>FY2018</u>
Residential	17.82	17.93
Commercial	24.30	24.30
Industrial	24.30	24.30
Personal Property	24.30	24.30

Note that the fiscal year 2019 tax rates are an estimate and may change upon Department of Revenue review. Sudbury's means-tested exemption is projected to add about 9-10 cents to the residential tax rate.

Tax Impacts

With a few exceptions, fiscal year 2019 residential valuations have increased approximately 2 percent.

The average residential tax bill calculation will change as follows:

FY 2018 Average Single Family Valuation:	\$726,900
Taxes at \$17.93 per thousand	\$13,033
FY2019 Average Single Family Valuation:	\$745,700
Taxes at \$17.82 per thousand	\$13,288
Average Tax Increase	\$255
Percentage Increase	1.96%

Note – the above estimates do not take into account a small residential tax rate increase of approximately 9-10 cents to fund Sudbury's means-tested exemption.

Voting a Tax Shift Factor

The Sudbury Board of Selectmen votes in accordance with M.G.L., Ch. 40, Sec. 56, as amended, the percentage of local tax levy which will be borne by each class of real and personal property, relative to setting the Fiscal Year 2019 tax rates and sets the Residential Factor at 0.9751(**or other**) with a corresponding CIP shift of 1.33 (**or other**), pending certification of the Town's annual tax recap by the Massachusetts Department of Revenue.

Residential Exemption

Adopting the Residential Exemption would allow the Selectmen to exempt from qualified residential properties a percentage of the average assessed value for the class. The exemption can be as high as twenty (20%) percent of the average assessed value for the residential property class. To compensate for the reduction, the residential tax rate would need to be increased. The residential exemption has the effect of shifting the tax burden from the lower valued properties to higher value properties. In the past the Board has voted not to adopt the Residential Exemption described in this section. Because Sudbury's Means Tested Senior Exemption Program uses a special form of the State Residential Exemption, it may not be possible to also adopt the Residential Exemption described here. However, a vote is still needed and the description below is included for completeness.

In FY 2018 fifteen Massachusetts cities and towns have adopted the Residential Exemption. Historically, the exemption has been adopted in those communities with a high percentage of apartments and other investment property or seasonal homes. In general terms, the

exemption shifts real estate taxes onto Class I properties that are not occupied by the property owner as the owner's principal residence or are held for investment.

Assuming the maximum exemption allowance, the FY19 exemption value would be \$140,128 for qualifying properties. It would apply to owner occupied residential properties. A study documented in the November 2011 Residential Exemption Report indicated that about 83% of Sudbury's residential property owners would meet the statutory requirements to qualify for the exemption. A small percent of homeowners and all residential land owners would not receive the benefit.

Although some owner occupied properties would receive an exemption of up to 20%, the tax rate for the entire residential class would increase. As a result, while some properties would receive a tax reduction under the Residential Exemption option, we estimate the FY19 tax bill would rise even for qualified properties with assessments above a breakeven assessment of about \$745,000 (single family residential) and \$565,000 for residential condominiums). In addition, all residential vacant land parcels, and all non-owner occupied residential properties will also be subject to a significant tax increase.

Small Commercial Exemption

An exemption of up to 10% of the property valuation can be granted to commercial properties (not industrial) having one or more businesses employing 10 or fewer employees. Implementing this exemption requires increasing the CIP tax rate to offset lost revenues from qualifying properties.

For fiscal year 2019, 36 properties in the Town have been identified as meeting qualifying standards. Sudbury's nominal commercial class for FY19 hosts 189 accounts. In addition, there are 8 mixed use/part commercial, 50-chapter land, and 19 industrial properties all of which would be subject to an increased tax rate generated by the adoption of a small commercial exemption. The class 3 value reduction for those qualifying properties if a 10% small commercial exemption is adopted is \$1,039,630 approximated at twelve cents (for purposes of illustration we used a factor of 1.33 in our analysis). The average tax savings for the 36 accounts is approximately \$701/ account.

Considerations:

- a) The qualifying 36 taxpayers will receive a measurable tax benefit. Other small businesses (not qualifying) will bear the increased burden along with larger commercial and industrial properties.
- b) 26 of the qualifying 36 accounts are commercial condominiums. However, within the same condominium complexes 66 units will not make the cut for different reasons. The properties are otherwise quite similar in size, use, and assessment.
- c) Many of the small businesses appearing on the Department of Unemployment Assistance (DET) list as qualifying will not benefit from the exemption, as they are tenants in larger commercial properties with assessed values exceeding the allowable \$1,000,000 cap.

Based on the foregoing, we can conclude the following:

- The vast majority of Sudbury's small businesses will not stand to benefit by adoption of this exemption, as they are tenants in strip malls, and other large commercial buildings.
- They in fact will be penalized with the increased tax rate. Mill Village is a good example of this. The property consists of 30+ small businesses, all of whom would be subject to the increase. Another example are the tenants at the Cummings building on Rte. 117.
- As evidenced by the small number of eligible accounts the lion's share of Sudbury's small business community will not benefit from this exemption.

Open Space Exemption

A maximum value exemption of 25% may be applied under the Open Space Exemption, where the classification of open space land has been adopted by the Town. Sudbury has no properties classified as open space, but makes available the 3 chapter classifications – Chapter 61 Forestry, Chapter 61A Agriculture, and 61B Recreation which offer significant valuation and tax reductions.

The Open Space exemption cannot presently be implemented, and therefore the Board of Assessors advises against adoption.

VOTING THE EXEMPTIONS

The Selectmen cannot consider an **Open Space Discount** as the Town does not utilize the Class 2 Open Space Option, therefore the Open Space Discount cannot be considered and a vote is not justified.

Example Vote(s) on Residential and/or Small Commercial Exemption Options:

1. This language including negative and affirmative options speaks to the Residential Exemption only:

Motion: [Not] to adopt a Residential Exemption for Fiscal Year 2019, or

Motion: [To] adopt a Residential Exemption for Fiscal Year 2019 of ____% of the **Average of all Residential Value** for those eligible residential properties, which will shift the burden within the Residential Class.

2. This language including negative and affirmative options speaks to the Small Commercial only:

Motion: [Not] adopt the Small Commercial Exemption for Fiscal Year 2019, or

Motion: [To] adopt the Small Commercial Exemption for Fiscal Year 2019 of ____% of the **Assessed Value of the eligible properties occupied by business (as) on the DET list valued at less than \$1 million**, which will shift the burden within the Commercial & Industrial Classes.

ADDENDUM

SUDBURY'S MEANS TESTED SENIOR TAX EXEMPTION

Finally, we are asking this evening that the SelectBoard vote on the cap which will be used to fund the Sudbury Senior Means Tested Exemption Program for FY 2019. Section 3 of Chapter 169 of the Acts of 2012, specifies that the total cap on the exemptions granted by the act shall be set annually by the board of selectmen, within a range of .5 to 1 per cent of the residential property tax levy for the town of Sudbury. The vote is traditionally taken following the mandatory Classification Hearing votes.

Massachusetts Chapter 169 of the Acts of 2012 established, and Chapter 10 of the Acts of 2016 renewed a pilot program in Sudbury for granting certain qualified senior residents a measure property tax relief. FY19 is the sixth year of the program. The exemption is similar to the Residential Tax Exemption in that it shifts the tax burden from qualified residential property owners to other residential property owners. For FY14, the statute limited the total exemptions granted under the pilot program to a dollar cap equal to 0.5% of the residential levy (after any CIP shift). For FY 18 the Select Board voted to increase the cap to 0.55%.

For FY19, Selectmen have the option, if needed, to increase this percentage up to and including 1.0%.

Applications are required, and the Assessors administer this program for all applicants deemed qualified by the Board of Assessors. For FY19, the Assessors received 116 applications and the Board of Assessors identified 112 applicants tentatively qualified to receive the exemption. In order for the Assessors to complete the necessary calculations, the Board of Selectmen must first vote the Residential Factor and CIP shift values for FY19 in the Classification Hearing. That vote will determine a tentative residential tax rate, which will then be used in the calculations and result in an increase in the tentative residential tax rate.

For FY19, the indicated need seems to point to a cap on the percentage of residential tax levy required to fund the program to be slightly less than last year's 0.55% cap. Our calculations indicate a sufficient cap this year would be.53%.

The Act also provides an alternative to increasing the cap, whereby the income threshold may be adjusted above the nominal 10.0% until the need is reduced to fall within the cap.

Suggested Motion:

Vote in accordance with Chapter 169 of the Acts of 2012, the total FY19 cap on the exemptions granted by the Means Tested Senior Tax Exemption shall be 9% of the residential property tax levy.

**SUDBURY BOARD OF SELECTMEN**

Tuesday, November 27, 2018

MISCELLANEOUS (UNTIMED)**2: QN Development Agreement****REQUESTOR SECTION**

Date of request:

Requestor: Town Manager Rodrigues

Formal Title: Discussion and vote whether to approve and sign the term sheet of the Quarry North Development Agreement.

Recommendations/Suggested Motion/Vote: Discussion and vote whether to approve and sign the term sheet of the Quarry North Development Agreement.

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Jonathan Silverstein	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

11/27/2018 6:00 PM



SUDBURY BOARD OF SELECTMEN
Tuesday, November 27, 2018

3

MISCELLANEOUS (UNTIMED)

3: Senior Tax Work-off Program

REQUESTOR SECTION

Date of request:

Requestor: Deb Galloway, COA director

Formal Title: Discussion and vote whether to approve an increase in the annual senior property tax workoff amount from \$1100 to \$1200 per year, as requested by Debra Galloway, COA Director.

Recommendations/Suggested Motion/Vote: Discussion and vote whether to approve an increase in the annual senior property tax workoff amount from \$1100 to \$1200 per year, as requested by Debra Galloway, COA Director.

Background Information:

Attached memo from Council on Aging

Financial impact expected:N/A

Approximate agenda time requested: 10 minutes

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Jonathan Silverstein	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

11/27/2018 6:00 PM



SUDBURY SENIOR CENTER

COUNCIL ON AGING

Town of Sudbury, Massachusetts

40 Fairbank Road • Sudbury, Massachusetts • 01776-1681
 Phone: (978) 443-3055 • Fax: (978) 443-6009 • E-mail: senior@sudbury.ma.us

MEMORANDUM

TO: Town of Sudbury Selectmen
 Sudbury Board of Assessors

FROM: Sudbury Council on Aging

DATE: November 13, 2018

RE: Sudbury Property Tax Work-off Program

At the Sudbury Council on Aging meeting on November 13, 2018 at the Sudbury Senior Center, the Council on Aging Board voted unanimously to request a change to the maximum amount of the tax abatement available to participants in the Property Tax Work-off Program from \$1,100 per year to \$1,200 per year; and to authorize Debra Galloway, Director of the Sudbury Senior Center, to submit this memo to the Town of Sudbury Selectmen's Office.

The Sudbury Property Tax Work-off Program offers residents 60 years of age and older, as well as veterans of any age, an opportunity to apply to work for Sudbury Town Departments during the calendar year and to receive a credit on their property taxes for that work in the following year. The Council on Aging asks that the Board of Selectmen increase the annual maximum abatement allowance to \$1,200 which will accommodate 100 work hours at new State minimum wage rate of \$12.00 per hour (as of January 1, 2019). This request is made subject to the Board of Assessors estimation that there is sufficient funding in the overlay account for your consideration of our request.

The funding for the property tax credit generated by this local option abatement program is budgeted and paid for through the Town's Abatement/Exemption Overlay Account¹. The current program allocation is \$60,000 for 60 slots for seniors and \$8,000 for 8 slots for veterans (2018) and would, with approval of the requested increase be raised to \$72,000 for seniors and \$9,600 for veterans beginning January 1, 2019.

¹ The Town also pays for mandated OBRA and FICA amounts for each participant; these costs are recorded elsewhere as operating expenditures rather than reductions (write-offs) to tax revenues.

**SUDBURY BOARD OF SELECTMEN**

Tuesday, November 27, 2018

MISCELLANEOUS (UNTIMED)**4: Max and Leos Common Victualler License Application****REQUESTOR SECTION**

Date of request:

Requestor: Max and Leos Artisan Pizza

Formal Title: As the Licensing Authority for the Town of Sudbury, discussion and vote whether to approve a new Common Victualler License for Max and Leos Artisan Pizza, 470 North Road, as requested in an application dated October 30, 2018, subject to conditions put forth by the Fire Department and Building Department.

Recommendations/Suggested Motion/Vote: As the Licensing Authority for the Town of Sudbury, discussion and vote whether to approve a new Common Victualler License for Max and Leos Artisan Pizza, 470 North Road, as requested in an application dated October 30, 2018, subject to conditions put forth by the Fire Department and Building Department.

Background Information:

Application and department approvals attached.

Financial impact expected:\$50 Common Victualler License Fee

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Jonathan Silverstein	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

11/27/2018 6:00 PM



Town of Sudbury

Office of Selectmen
www.sudbury.ma.us

RECEIVED
BOARD OF SELECTMEN
SUDBURY, MA
Flynn Building
278 Old Sudbury Rd
Sudbury, MA 01776-3381
978-639-3381
Fax: 978-443-0756
Email: selectmen@sudbury.ma.us

APPLICATION FOR COMMON VICTUALLER & ENTERTAINMENT LICENSE

Please complete this application form and return to the Selectmen's Office, along with all required materials listed below. Please review your plans with the Building Inspector, Health Director and Fire Chief before submitting your application.

TO THE LICENSING AUTHORITY
SUDBURY, MASSACHUSETTS

Name of applicant: Max G. Candidus

Address of applicant: 325 Washington Street, Newton, MA 02458

Phone: [REDACTED]

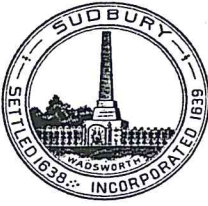
Email: [REDACTED]

Business Name: Macky Brown Enterprises, LLC(d/b/a Max and Leos ,Artisan Pizza)

Business Address: 470 North Road, Sudbury, MA 01776

Please enclose the following documents with your application:

- ☒ Completed Tax Attestation (form attached)
- ☒ Evidence of compliance with the Worker's Compensation Act requirement to provide workers' compensation insurance for employees. (A copy of the policy or a certificate of insurance is satisfactory.)
- ☒ Background information relative to the corporation. If applicable, articles of incorporation, including, names of principals of corporation, number of restaurants owned, etc. See attached Certificate of Organization
- ☒ Floor plan: detailing plan of rooms, their use, restroom locations, exits, seating arrangements, as well as showing cooking and service area (seating capacity must be obtained from the Building Inspector). On file with Office of the Building Inspector
- ☒ Whether any changes in the premises, structural or expansion, are planned.
Yes: Plans on file with Office of the Building Inspector
- ☒ A dated letter from the present business owner stating the effective date of new ownership. See attached Deed to the Applicant recorded 5/18/18



Town of Sudbury

Office of Selectmen
www.sudbury.ma.us

Flynn Building
278 Old Sudbury Rd
Sudbury, MA 01776-1843
978-639-3381
Fax: 978-443-0756
Email: selectmen@sudbury.ma.us

- ☐ A copy of the lease agreement between the property owner and the business owner.
- ☒ Application Fee: Common Victualler License = \$50
Entertainment License = \$50 (if applicable)
Provide one check payable to *Town of Sudbury*.

APPLICATION FOR ENTERTAINMENT LICENSE

Entertainment licenses are required for live entertainment (not tv and radio) that occurs Monday – Saturday. A separate license is required for entertainment on Sunday.

TYPE OF ENTERTAINMENT: _____ N/A _____

DAYS & HOURS OF ENTERTAINMENT: _____

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

10-29-18
Date

Manager
Applicant Signature

Please submit completed application and materials to:
Board of Selectmen, 278 Old Sudbury Rd, Sudbury, MA 01776


CERTIFICATE OF TAXES/TAX ATTESTATION

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

274-941-537
Social Security Number, or
Federal Identification Number

October 29, 2018
Date

Macky Brown Enterprises, LLC
Signature of Individual, or
Corporation Name

By: 
Corporate Officer & Title (if applicable)
Max G. Candidus

AFFIX CORPORATE SEAL

Max and Leos – Common Victualler License Department Feedback

Department	Staff	Approve/Deny	Comments
Building Department	Mark Herweck	Approve	Certificate of Occupancy is pending.
Fire Department	Asst. Chief Choate	Approve	They have pulled the appropriate permits for their fire alarm and kitchen suppression system and the rough inspection found no issues. I stopped by there this morning, met the owners, and did a walk through. The expected final Fire Dept. inspection is about two weeks out. The Fire Dept. does not have any issues with them.
Health Department	Dan Nason	Approve	The Board of Health does not have any issues with this application.
Police Department	Chief Nix	Approve	The police department does not have an issue with the application. Thank you.



SUDBURY BOARD OF SELECTMEN

Tuesday, November 27, 2018

MISCELLANEOUS (UNTIMED)**5: Citizens' comments (cont)**REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Citizens' comments (cont)

Recommendations/Suggested Motion/Vote: Citizens' comments (cont.)

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Jonathan Silverstein	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

11/27/2018 6:00 PM



SUDBURY BOARD OF SELECTMEN
Tuesday, November 27, 2018

6

MISCELLANEOUS (UNTIMED)

6: 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:n/a

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Jonathan Silverstein	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

11/27/2018 6:00 PM

POTENTIAL UPCOMING AGENDA ITEMS/MEETINGS

MEETING	DESCRIPTION
Dec. 4	Prepare for Special Town Meeting
Dec. 11, 7:30 PM	Special Town Meeting at LSRHS Auditorium re: Melone/Quarry North
Date to be determined	Annual License Renewals (2019)
	Update on BOS Policies
	Update on Town Hall renovation
	Discussion on Sewataro property
	Route 20 improvement – Complete Streets Project
	Route 20 empty corner lot – former gas station
	Capital Planning discussion
	HOME program
	Update on traffic policy (Chief Nix)
	Update on crosswalks (Chief Nix/Dan Nason)
	Discussion and potential vote on next steps regarding CSX Rail Trail acquisition
STANDING ITEM FOR ALL MEETINGS	BOS requests for future agenda items at end of meeting
	Citizens Comments, continued (if necessary)

**SUDBURY BOARD OF SELECTMEN**

Tuesday, November 27, 2018

CONSENT CALENDAR ITEM**7: MOU for non-emergency law enforcement****REQUESTOR SECTION**

Date of request:

Requestor: Police Chief Scott Nix

Formal Title: Discussion and vote whether to execute the Memorandum of Understanding for Non-Emergency Law Enforcement Response between the Town of Sudbury, Massachusetts Police Department and the United States Department of the Interior, U.S. Fish and Wildlife Service, National Wildlife Refuge System.

Recommendations/Suggested Motion/Vote: Discussion and vote whether to execute the Memorandum of Understanding for Non-Emergency Law Enforcement Response between the Town of Sudbury, Massachusetts Police Department and the United States Department of the Interior, U.S. Fish and Wildlife Service, National Wildlife Refuge System.

Background Information:

This Memorandum of Understanding for Non-Emergency Law Enforcement response between the Sudbury Police Department and the U.S. Fish and Wildlife Service will provide law enforcement aid and assistance across jurisdictional lines and increase the mutual ability to preserve the safety and welfare of law enforcement personnel and the public by providing a framework for law enforcement assistance and cooperation. This Memorandum has been reviewed and revised by Town Counsel with the cooperation of the Dept. of Interior's legal counsel.

Financial impact expected:none

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Jonathan Silverstein	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

11/27/2018 6:00 PM

MEMORANDUM OF UNDERSTANDING
for
NON-EMERGENCY LAW ENFORCEMENT RESPONSE
between the
TOWN of SUDBURY, MASSACHUSETTS POLICE DEPARTMENT
and the
UNITED STATES DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
NATIONAL WILDLIFE REFUGE SYSTEM

THIS MEMORANDUM OF UNDERSTANDING is entered into by the Town of Sudbury, Massachusetts Police Department (hereinafter referred to as the Sudbury Police Department), and the U.S. Department of the Interior, U.S. Fish & Wildlife Service (Service), National Wildlife Refuge System (NWRS), hereinafter collectively referred to as the Parties, to provide for cooperation in the use of personnel and equipment for the common purpose of protecting the lives, property, and resources of the public they serve.

I. PURPOSE AND AUTHORITY:

Whereas - National Wildlife Refuge System (16 U.S.C. § 668dd): The Secretary of the Interior, through the U.S. Fish & Wildlife Service, administers various lands and waters within the State of Massachusetts which are part of the Service's National Wildlife Refuge System.

Whereas - Cooperation with the State and Local Governments Regarding Migratory Birds (16 U.S.C. §§ 715 *et seq.*): The Migratory Bird Conservation Act authorizes the Secretary of the Interior to cooperate with the State and local governments in law enforcement activities.

Whereas - Cooperation with States for Law Enforcement (16 U.S.C. § 742f): The Fish and Wildlife Improvement Act of 1978 authorizes the Secretary of the Interior to enter law-enforcement cooperative agreements with State or other Federal agencies.

Whereas - the United States Congress has given the Secretary of the Interior the authority to enforce certain laws dealing with public protection and conservation of fish, wildlife, and other natural resources and this authority has been delegated to the Director of the Service and to certain qualified individuals.

Whereas - the Secretary of the Interior has also determined that in cases where a specific need for law enforcement assistance and investigative support has been identified or where a law enforcement emergency or a violation in progress exists, it would be mutually beneficial, economical, and advantageous, and in the public interest to cooperate with State and local law enforcement agencies.

Whereas - the Service is responsible for public safety on Service managed lands and facilities

and recognizes the continued need to support working relationships and assist neighboring law-enforcement agencies through agreements.

Whereas - The Sudbury Police Department and the Service have determined that providing law enforcement aid and assistance across jurisdictional lines will increase their mutual ability to preserve the safety and welfare of law enforcement personnel and the public.

II. AGREEMENT

Federal Wildlife Officers of the Service's NWRS, while performing their duties, routinely travel outside the jurisdictional boundary of Service lands and enter the jurisdiction of the Sudbury Police Department. Officers of the Sudbury Police Department while in the performance of their duties routinely enter Service lands. This Agreement serves to provide a framework for law enforcement assistance and cooperation between the Sudbury Police Department and the Service's NWRS.

A. NWRS Law Enforcement assistance off Service lands

1. When a Federal Wildlife Officer, present within the jurisdiction of the Sudbury Police Department, observes a violation of State law, and the violation is a threat to the safety of the officer, wildlife or the public at large, the Federal Wildlife Officer may perform an investigative stop, detain and identify suspect(s) while taking the necessary precautions to secure the scene including the use of force that is objectively reasonable as defined by Service Policy.
2. A Federal Wildlife Officer may only initiate an investigative stop for a violation of state law within the jurisdiction of the Sudbury Police Department for those reasons in the preceding paragraph.
3. While a Federal Wildlife Officer is off Service lands and is performing an investigative stop for a violation of State law committed in their presence within the jurisdiction of the Sudbury Police Department, the Federal Wildlife Officer will be considered to be acting within the scope of his/her employment.
4. If a Federal Wildlife Officer performs an investigative stop within the jurisdiction of the Sudbury Police Department the Federal Wildlife Officer must notify a representative of the Sudbury Police Department and seek guidance from the Sudbury Police Department as soon as practical or operate under a predetermined procedure defined at the local level.
5. A Federal Wildlife Officer who performs an investigative stop within the jurisdiction of the Sudbury Police Department will notify their supervisor and Federal Wildlife Zone Officer as soon as practical.
6. A Federal Wildlife Officer may assist the Sudbury Police Department in enforcement operations or investigations off Service lands within the jurisdiction of the Sudbury Police Department provided the Federal Wildlife Officer has obtained approval of his/her supervisor, and has notified his/her Federal Wildlife Zone Officer. Such enforcement operations could be but are not limited to, checkpoints, wildlife protection operations and local arrest and search warrant services.
7. This agreement applies to all Federal Wildlife Officers and all Officers of the Sudbury Police Department

B. The Sudbury Police Department law enforcement assistance on Service lands.

1. When a Sudbury Police Department Officer, performing his/her duties on Service lands observes a violation of Federal law and the violation is a threat to the safety of the officer, wildlife or the public at large, the Sudbury Police Department Officer may perform an investigative stop, detain and identify suspect(s) while taking the necessary precautions to secure the scene including the use of force in accordance with the Sudbury Police Department use of force policy.
2. A Sudbury Police Officer may only initiate an investigative stop for a violation of Federal law on Service lands for those reasons in the preceding paragraph.
3. While a Sudbury Police Department Officer is on Service lands and is performing an investigative stop for an observed violation of Federal law, the Sudbury Police Department Officer will be deemed to be acting within the scope of his/her employment.
4. If a Sudbury Police Department Officer performs an investigative stop on Service lands for a violation of Federal law, the Sudbury Police Department Officer must notify a designated NWRS law enforcement representative and seek guidance from the representative as soon as practical or operate under a predetermined procedure defined at the local level.
5. Sudbury Police Department Officers may assist in Service Law Enforcement operations or investigations on Service lands, provided the Sudbury Police Department Officer has obtained approval of his/her supervisor. Such enforcement operations could be but are not limited to, checkpoints, wildlife protection operations and Federal arrest and search warrant services.

C. Actions to be taken by the Parties

1. The Service and the Sudbury Police Department will make their officers available, upon request, to appear as witnesses in connection with any action brought with which they have an involvement.
2. The Sudbury Police Department and the Service will share copies of all applicable laws, regulations and policies.
3. Whenever practical, the Service will provide the Sudbury Police Department law enforcement training and information sharing meetings.
4. Whenever practical, the Sudbury Police Department will provide the Service with law enforcement training and information sharing meetings.
5. In the event that a Federal Wildlife Officer makes an arrest on Service property, the Sudbury Police Department will allow the officer to utilize their facilities for the processing (i.e. photographing, fingerprinting, chemical breath test, etc.), and holding of suspects/prisoners up to 48 hours.

III. PROPERTY MANAGEMENT AND DISPOSITION

No direct funding is required by this Agreement and no property, real or personal, shall be

acquired, managed or disposed of hereto. The law enforcement agency or each party will maintain its own personnel and equipment, and each will be responsible for all costs for emergency or routine assistance if it occurs as a result of an incident.

IV. REQUIRED CLAUSES

1. All immunities from liability enjoyed under state law by Sudbury Police Department officers within their own jurisdiction shall extend to their actions under this Agreement outside its jurisdiction and Sudbury Police Department officers shall maintain any rights of indemnification granted by state law for any claims arising out of the actions taken within the scope of their employment.

2. Each party will be responsible for ensuring their officers are current with required training according to agency policy.

3. During any approved joint training such as, but not limited to, firearms requalification, each party will be responsible for its own personnel.

4. During the performance of this agreement, the parties agree to abide by the terms of Executive Order 11246 on non-discrimination and will not discriminate against any person because of race, color, religion, sex or national origin. The parties will take affirmative action to ensure that applicants are employed without regard to their race, color, religion, sex or national origin.

5. No member or delegate to Congress, or resident Commissioner, shall be admitted to any share or part of this agreement, or to any benefit that may arise there from, but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.

6. Notwithstanding any provision herein, nothing contained in this Agreement shall be construed as binding the Service to expend in any one fiscal year any sum in excess of appropriations made by Congress, and available for the purposes of this Agreement for that fiscal year, or as involving the United States in any contract or other obligation for the further expenditure of money in excess of such appropriations.

7. The provisions contained herein constitute the entire agreement between the parties.

V. AMENDMENT, EFFECTIVE DATE, AND TERMINATION

1. This Agreement shall become effective on the date of the last signature to the Agreement, provided it has been signed by both parties, and shall continue in effect until terminated.

2. The Agreement may only be revised or amended by consent of both parties. Such revisions or amendments shall not be effective until reduced to writing and signed by both parties.

3. This Agreement may be terminated by either party upon giving thirty (30) days advance written notice.

VI. MEMORANDUM OF UNDERSTANDING

EXECUTED by the Parties hereto, each respective entity acting by and through its duly authorized official as required by law, on multiple counterparts each of which shall be deemed to be an original, on the date specified on the multiple counterpart executed by such entity.

National Wildlife Refuge System

U.S. Fish and Wildlife Service

Department of the Interior

Linh Phu, Project Leader
Eastern Massachusetts NWR Complex

Date

Steven Steniger,
Federal Wildlife Zone Officer

Date

Scott Kahn
Regional Chief, NWRS-Region 5

Date

**TOWN OF SUDBURY,
By its Board of Selectmen**

Robert C. Haarde, Chair

Date

Daniel E. Carty, Vice Chair

Date

Patricia A. Brown

Date

Janie Dretler

Date

Leonard A. Simon

Date

Sudbury Police Department

Scott Nix, Chief of Police

Date



CONSENT CALENDAR ITEM

8: Minutes approval

REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Discussion and vote whether to approve the regular session minutes of 10/9/18.

Recommendations/Suggested Motion/Vote: Discussion and vote whether to approve the regular session minutes of 10/9/18.

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
Jonathan Silverstein	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

11/27/2018 6:00 PM

**SUDBURY BOARD OF SELECTMEN**

Tuesday, November 27, 2018

CONSENT CALENDAR ITEM**9: Park and Rec Donation Fall Festival****REQUESTOR SECTION**

Date of request:

Requested by: Patty Golden

Formal Title: Discussion and vote whether to accept a \$50 donation to support the Park and Recreation Fall Festival/5K, which will be deposited in the Program Contributions and Donations Account (191448/483100), as requested by Kayla Wright, Director of Parks, Recreation & Aquatics, in a memo dated November 9, 2018.

Recommendations/Suggested Motion/Vote: Discussion and vote whether to accept a \$50 donation to support the Park and Recreation Fall Festival/5K, which will be deposited in the Program Contributions and Donations Account (191448/483100), as requested by Kayla Wright, Director of Parks, Recreation & Aquatics, in a memo dated November 9, 2018.

Background Information:
attached memo

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Town Counsel	Pending
Jonathan Silverstein	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

11/27/2018 6:00 PM



Town of Sudbury

Park & Recreation Department

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

McNamarak@sudbury.ma.us

Memorandum

TO: Patty Golden
FROM: Kayla Wright
RE: Donations
DATE: November 9, 2018

To the Board of Selectmen:

Please accept the following donation to support the Park and Recreation Fall Festival/5K. This donation will be deposited in the Program Contributions and Donations Account 191448/483100.

Margaret Nelson

\$50.00

I have enclosed a copy of the check. The total donation is \$50.

Please let me know when this donation is approved and I will deposit the check.

Thank you,

Kayla McNamara
Director of Parks, Recreation & Aquatics
40 Fairbank Road
Sudbury, MA 01776-1843
978-639-3259

RECEIVED
BOARD OF SELECTMEN
SUDBURY, MA
2018 NOV 15 A 10:41

Attachment9.a: park and rec donation (3038 : Park and Rec Donation Fall Festival)



SUDBURY BOARD OF SELECTMEN

Tuesday, November 27, 2018

CONSENT CALENDAR ITEM**10: Rubbish and Recycleables Removal Bid****REQUESTOR SECTION**

Date of request:

Requestor: Town Counsel office

Formal Title: Discussion and vote whether to approve award of contract by the Town Manager for rubbish and recyclables removal and disposal services to the lowest eligible and responsible bidder as determined by Town Counsel for the period January 1, 2019 – June 30, 2020, and any successive periods at the option of the Town Manager.

Recommendations/Suggested Motion/Vote: Discussion and vote whether to approve award of contract by the Town Manager for rubbish and recyclables removal and disposal services to the lowest eligible and responsible bidder as determined by Town Counsel for the period January 1, 2019 - June 30, 2020, and any successive periods at the option of the Town Manager.

Background Information:

Rubbish and Recyclables Removal Bid for Town and School buildings for 18-month initial period (1/1/19 - 6/30/20) with option to renew for FY21 and FY22. This will enable consolidation of all Town building rubbish and recyclables contracting and invoicing to be placed under the Facilities Department and allow a transition to a fiscal year basis.

Financial impact expected: budgeted

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:

Patty Golden	Pending
Melissa Murphy-Rodrigues	Pending
Jonathan Silverstein	Pending
Robert C. Haarde	Pending
Board of Selectmen	Pending

11/27/2018 6:00 PM